



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Thursday, December 12, 2024
Department A – Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at, Courtroom #11 (Fresno hearings only), (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called, and all parties will need to appear at the hearing unless otherwise ordered. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

1. [23-11001](#)-A-13 **IN RE: RUTHANN SNYDER**
[WLG-2](#)

MOTION TO MODIFY PLAN
11-5-2024 [\[42\]](#)

RUTHANN SNYDER/MV
NICHOLAS WAJDA/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

2. [24-10006](#)-A-13 **IN RE: JOSE SANCHEZ**
[LGT-2](#)

CONTINUED MOTION TO DISMISS CASE
10-7-2024 [\[53\]](#)

LILIAN TSANG/MV
SCOTT LYONS/ATTY. FOR DBT.
RESPONSIVE PLEADING

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

On October 7, 2024, the chapter 13 trustee ("Trustee") moved to dismiss under 11 U.S.C. § 1307(c)(1) and (c)(6) for failure to make all payments due under the plan. Doc. #53. Plan payments were delinquent in the amount of \$17,559.60 as of October 7, 2024, with an additional \$7,043.70 due on October 25, 2024. Id. The debtor responded on October 30, 2024, stating that the debtor had filed a first modified plan to cure the plan payment default and set a motion to confirm that plan for hearing on December 12, 2024. Doc. ##57-63. That motion has been granted by final ruling, matter #3 below.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. It appears that confirmation of the debtor's first modified plan satisfies all outstanding grounds for Trustee's motion to dismiss, so there is no "cause" for dismissal under 11 U.S.C. § 1307(c)(1) or (c)(6).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

3. [24-10006](#)-A-13 **IN RE: JOSE SANCHEZ**
[SL-1](#)

MOTION TO MODIFY PLAN
10-30-2024 [\[57\]](#)

JOSE SANCHEZ/MV
SCOTT LYONS/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

MOTION TO DISMISS CASE
11-20-2024 [\[25\]](#)

LILIAN TSANG/MV

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Unless the trustee's motion is withdrawn at the hearing the court intends to grant the motion to dismiss on the grounds stated in the motion.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

This matter was set for hearing on at least 14-days' notice prior to the hearing date pursuant to LBR 9014-1(f)(2) and will proceed as scheduled. Unless opposition is presented at the hearing, the court intends to enter the respondent's default and grant the motion. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors. Doc. #25. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) set a plan for hearing with notice to creditors; (3) file correct form for Chapter 13 Plan; and (4) file complete or accurate schedules. Doc. #25.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors because the debtor failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4).

Because the debtor has failed to appear at the meeting of creditors, dismissal rather than conversion is appropriate.

Accordingly, pending opposition being raised at the hearing, the motion will be GRANTED, and the case dismissed.

MOTION TO DISMISS CASE
11-5-2024 [\[30\]](#)

LILIAN TSANG/MV

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) and (c)(4) for unreasonable delay by debtor that is prejudicial to creditors. Doc. #30. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) set a hearing to confirm the debtor's a plan as required by the Order Extending Time to File Missing Documents; (2) provide Trustee with required documents; (3) cooperate with Trustee as required in 11 U.S.C. § 521(a)(3)(4); (4) file a complete plan (page 6 of the filed plan is missing); (5) file Schedule I 8a Statement of Monthly Net Income; (6) file accurate schedules and/or statements; and (7) commence making payments due under the plan. Doc. #30. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors because the debtor failed to provide Trustee with all of the documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

Based on the filed schedules and the motion for relief from stay filed by Mechanics Bank and considering applicable exemption law, it appears to be minimal, if any, equity in the debtor's assets. Doc. ##18, 22. Therefore,

dismissal, rather than conversion to chapter 7, is in the best interests of creditors and the estate.

Accordingly, the motion will be GRANTED, and the case dismissed.

6. [24-12711](#)-A-13 **IN RE: ARNULFO GONZALEZ**
[SKI-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
10-30-2024 [\[22\]](#)

MECHANICS BANK/MV
SHERYL ITH/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

The court is granting the trustee's Motion to Dismiss [LGT-1] above, therefore this motion for relief from the automatic [SKI-1] is DENIED AS MOOT.

7. [23-12314](#)-A-13 **IN RE: DELILA RUCH**
[AP-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY, MOTION/APPLICATION FOR RELIEF
FROM CO-DEBTOR STAY
10-30-2024 [\[55\]](#)

WILMINGTON SAVINGS FUND SOCIETY, FSB/MV
PETER BUNTING/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

NO RULING.

8. [24-12321](#)-A-13 **IN RE: DOROTHY MCKINLEY**
[LGT-1](#)

MOTION TO DISMISS CASE
11-8-2024 [\[21\]](#)

MARK ZIMMERMAN/ATTY. FOR DBT.
DISMISSED 11/20/24

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied as moot.

ORDER: The court will issue an order.

An order dismissing this case was entered on November 20, 2024. Doc. #32. Therefore, this motion will be DENIED AS MOOT.

9. [24-12127](#)-A-13 **IN RE: ISAAC PICHE**
[PLG-1](#)

MOTION TO CONFIRM PLAN
10-24-2024 [\[26\]](#)

ISAAC PICHE/MV
STEVEN ALPERT/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

10. [23-10943](#)-A-13 **IN RE: DE QIANG/AMY FENG**
[WLG-4](#)

MOTION TO MODIFY PLAN
10-22-2024 [\[113\]](#)

AMY FENG/MV
MICHAEL REID/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of

the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

11. [24-12049](#)-A-13 **IN RE: PAUL KHATCHADOURIAN**
[TCS-1](#)

MOTION TO CONFIRM PLAN
11-7-2024 [\[16\]](#)

PAUL KHATCHADOURIAN/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

12. [24-12359](#)-A-13 **IN RE: JUAN GONZALEZ**
[LGT-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
9-26-2024 [\[15\]](#)

LILIAN TSANG/MV
JOSHUA STERNBERG/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtor filed a modified plan on December 4, 2024 (SLG-1, Doc. #42), with a motion to confirm the modified plan set for hearing on January 16, 2025 at 9:30 a.m. Doc. ##41-46.

13. [21-11251](#)-A-13 **IN RE: EDGARDO/TONI LACSINA**
[FW-7](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL, P.C. FOR
GABRIEL J. WADDELL, DEBTORS ATTORNEY(S)
11-12-2024 [\[139\]](#)

GABRIEL WADDELL/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 28 days' notice pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Fear Waddell, P.C. ("Movant"), counsel for Edgardo Flores Lacsina and Toni Lynn Lacsina (collectively, "Debtors"), the debtors in this chapter 13 case, requests interim allowance of compensation in the amount of \$13,748.50 and reimbursement for expenses in the amount of \$585.80 for services rendered from January 1, 2023 through October 31, 2024. Doc. #139. Debtors' confirmed plan provides, in addition to \$2,000.00 paid prior to filing the case, for \$18,000.00 in attorney's fees to be paid through the plan. Am. Plan, Doc. ##92,

131. One prior fee application has been approved authorizing interim compensation for Debtors' prior attorney in the amount of \$4,000.00. Doc. #43. Another prior fee application for Movant has been approved authorizing interim compensation in the amount of \$2,734.50 and reimbursement of expenses in the amount of \$165.65. Doc. #82. Debtors consent to the amount requested in Movant's application. Ex. E, Doc. #141.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services rendered" and "reimbursement for actual, necessary expenses" to a debtor's attorney in a chapter 13 case. 11 U.S.C. § 330(a)(1), (4)(B). The court may allow reasonable compensation to the chapter 13 debtor's attorney for representing interests of the debtor in connection with the bankruptcy case. 11 U.S.C. § 330(a)(4). In determining the amount of reasonable compensation, the court shall consider the nature, extent, and value of such services, taking into account all relevant factors. 11 U.S.C. § 330(a)(3). Here, Movant demonstrates services rendered relating to: (1) preparing and prosecuting Debtors' second and third modified plans; (2) preparing and filing motion to sell; (3) preparing fee applications; and (4) general case administration. Exs. A, B & C, Doc. #141. The court finds that the compensation and reimbursement sought are reasonable, actual, and necessary, and the court will approve the motion.

This motion is GRANTED. The court allows on an interim basis compensation in the amount of \$13,748.50 and reimbursement for expenses in the amount of \$585.80 to be paid in a manner consistent with the terms of the confirmed plan.

14. [24-12953](#)-A-13 **IN RE: ROSA RAMIREZ**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY TRUSTEE LILIAN G. TSANG
11-25-2024 [\[11\]](#)

SUSAN SILVEIRA/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Overruled as moot.

ORDER: The court will issue an order.

This objection is OVERRULED AS MOOT. The debtor filed a modified plan on December 10, 2024 (SDS-1, Doc. #21), with a motion to confirm the modified plan set for hearing on January 30, 2025 at 9:30 a.m. Doc. ##19-27.

15. [24-10556](#)-A-13 **IN RE: VINCE/VANIDA CHITTAPHONG**
[JDW-1](#)

MOTION TO CONFIRM PLAN
10-9-2024 [\[44\]](#)

VANIDA CHITTAPHONG/MV
JOEL WINTER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

16. [24-10556](#)-A-13 **IN RE: VINCE/VANIDA CHITTAPHONG**
[LGT-1](#)

CONTINUED MOTION TO DISMISS CASE
7-26-2024 [\[26\]](#)

LILIAN TSANG/MV
JOEL WINTER/ATTY. FOR DBT.

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Denied.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The court will issue an order after the hearing.

On July 26, 2024, the chapter 13 trustee ("Trustee") moved to dismiss under 11 U.S.C. § 1307(c)(1) for the debtor's failure to confirm a plan. Doc. #26. On October 9, 2024, the debtors filed a first modified plan and set a motion to confirm that plan for hearing on December 12, 2024. Doc. ##32, 44-47. That motion has been granted by final ruling, matter #15 above.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. It appears that confirmation of the debtor's first modified plan satisfies all outstanding grounds for Trustee's motion to dismiss, so there is no "cause" for dismissal under 11 U.S.C. § 1307(c) (1).

Accordingly, unless withdrawn prior to the hearing, this motion will be DENIED.

17. [23-10058](#)-A-13 **IN RE: HUMBERTO/VERONICA MARTINEZ**
[TCS-2](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF TIMOTHY C. SPRINGER FOR
NANCY D. KLEPAC, DEBTORS ATTORNEY(S)
11-16-2024 [\[49\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.
DISMISSED 11/15/2024, RESPONSIVE PLEADING

NO RULING.

18. [24-11760](#)-A-13 **IN RE: ISAAC TORRES AND MARIA VALADEZ-ROMO**
[LGT-2](#)

MOTION TO DISMISS CASE
10-30-2024 [\[27\]](#)

TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

NO RULING.

19. [24-11760](#)-A-13 **IN RE: ISAAC TORRES AND MARIA VALADEZ-ROMO**
[TCS-1](#)

MOTION TO CONFIRM PLAN
11-7-2024 [\[35\]](#)

MARIA VALADEZ-ROMO/MV
TIMOTHY SPRINGER/ATTY. FOR DBT.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

Local Rule of Practice 3015-1(d)(1) requires a motion to confirm a plan to be served at least 35 days prior to the hearing date. There is no certificate of service filed with the motion showing when the motion and supporting documents were served so the court cannot determine whether notice of the motion was proper.

Accordingly, this motion is DENIED WITHOUT PREJUDICE for improper service.

20. [24-12462](#)-A-13 **IN RE: JAMES/NINA JESSOP**
[SDS-1](#)

MOTION TO CONFIRM PLAN
10-16-2024 [[21](#)]

NINA JESSOP/MV
SUSAN SILVEIRA/ATTY. FOR DBT.
RESPONSIVE PLEADING WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The Moving Party shall submit a proposed order in conformance with the ruling below.

This motion was set for hearing on at least 35 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 3015-1(d)(2). The failure of creditors, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest are entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a moving party make a *prima facie* showing that they are entitled to the relief sought, which the movants have done here.

This motion is GRANTED. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed.

21. [21-12775](#)-A-13 **IN RE: CODY/REBECCA GOFORTH**
[MAZ-1](#)

MOTION TO MODIFY PLAN
11-5-2024 [[35](#)]

REBECCA GOFORTH/MV
MARK ZIMMERMAN/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Denied without prejudice.

ORDER: The court will issue an order.

This matter is DENIED WITHOUT PREJUDICE for improper notice.

The Clerk's Matrix of Creditors used by the moving party to serve notice of the motion does not comply with Local Rule of Practice ("LBR") 7005-1(d), which requires that the Clerk's Matrix of Creditors used to serve a notice be downloaded not more than 7 days prior to the date notice is served. Here, the

moving party served notice of the motion on November 5, 2024 using a Clerk's Matrix of Creditors that was generated October 24, 2024. Doc. #40. Accordingly, service of notice of the motion does not comply LBR 7005-1(d).

22. [24-11876](#)-A-13 **IN RE: TONY SAUCEDO**
[LGT-1](#)

MOTION TO DISMISS CASE
11-14-2024 [\[55\]](#)

TONY SAUCEDO/MV
AMENDED NOTICE OF HEARING CONTINUING TO 12/19/24 WITHDRAWN

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Granted.

ORDER: The court will issue an order.

Unless the trustee's motion is withdrawn before the hearing, the motion will be granted without oral argument for cause shown.

This motion was set for hearing on at least 28 days' notice prior to the hearing date pursuant to Local Rule of Practice ("LBR") 9014-1(f)(1). The failure of creditors, the debtor, the U.S. Trustee, or any other party in interest to file written opposition at least 14 days prior to the hearing as required by LBR 9014-1(f)(1)(B) may be deemed a waiver of any opposition to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the default of the debtor is entered and the matter will be resolved without oral argument. Upon default, factual allegations will be taken as true (except those relating to amount of damages). Televideo Systems, Inc. v. Heidenthal, 826 F.2d 915, 917 (9th Cir. 1987). Constitutional due process requires a movant make a *prima facie* showing that they are entitled to the relief sought, which the movant has done here.

Here, the chapter 13 trustee asks the court to dismiss this case under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors. Doc. #55. Specifically, Trustee asks the court to dismiss this case for the debtor's failure to: (1) appear at the scheduled § 341 meeting of creditors; (2) provide Trustee with required documents; (3) cooperate with the trustee as required in 11 U.S.C. § 521(a)(3)(4); (4) file a complete plan; (5) commence making payments due under the plan; and (6) file accurate and/or complete schedules. In addition, the debtor is ineligible to be a debtor in a chapter 13. The debtor has failed to provide a credit counseling certificate showing pre-petition credit counseling as required by 11 U.S.C. § 109(h). Doc. #55. The debtor did not oppose.

Under 11 U.S.C. § 1307(c), the court may convert or dismiss a case, whichever is in the best interests of creditors and the estate, for cause. "A debtor's unjustified failure to expeditiously accomplish any task required either to propose or to confirm a chapter 13 plan may constitute cause for dismissal under § 1307(c)(1)." Ellsworth v. Lifescape Med. Assocs., P.C. (In re Ellsworth), 455 B.R. 904, 915 (B.A.P. 9th Cir. 2011). There is "cause" for dismissal under 11 U.S.C. § 1307(c)(1) for unreasonable delay by debtor that is prejudicial to creditors because the debtor failed to appear at the scheduled 341 meeting of creditors and failed to provide Trustee with all of the

documentation required by 11 U.S.C. § 521(a)(3) and (4). Cause also exists under 11 U.S.C. § 1307(c)(4) to dismiss this case as the debtor has failed to make all payments due under the plan.

Under 11 U.S.C. § 109(h), an individual may not be a debtor unless the debtor received credit counseling within the 180-day period ending on the petition date. 11 U.S.C. § 109(h)(1). The debtor filed for relief under chapter 13 of the Bankruptcy Code on July 8, 2024 without filing a certificate of credit counseling. Doc. #1. There is "cause" for dismissal because Debtor is ineligible to be a bankruptcy debtor pursuant to 11 U.S.C. § 109(h).

Because the debtor is ineligible to be a debtor, dismissal rather than conversion is appropriate.

Accordingly, the motion will be GRANTED, and the case dismissed.

23. [24-12886](#)-A-13 **IN RE: HERSIE/EDNA STOVALL**
[AP-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY J.P. JMORGAN MORTGAGE
ACQUISITION CORP.
11-26-2024 [\[24\]](#)

J.P. JMORGAN MORTGAGE ACQUISITION CORP./MV
RHONDA WALKER/ATTY. FOR DBT.
WENDY LOCKE/ATTY. FOR MV.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 30, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

Hersie Stovall and Edna Bess Stovall (together, "Debtors") filed a voluntary petition under chapter 13 on October 4, 2024 and a chapter 13 plan ("Plan") on October 18, 2024. Doc. ##1, 14. Creditor J.P. JMorgan Mortgage Acquisition Corp ("Creditor") objects to confirmation of the Plan because Debtors do not provide for the full value of Creditor's claim, which makes the plan not feasible based on the proposed plan payments. Doc. #24.

This objection will be continued to January 30, 2025 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Creditor's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than January 16, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Creditor shall file and serve a reply, if any, by January 23, 2025.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 23, 2025. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Creditor's opposition without a further hearing.

24. [24-12886](#)-A-13 **IN RE: HERSIE/EDNA STOVALL**
[LGT-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
11-20-2024 [\[21\]](#)

LILIAN TSANG/MV
RHONDA WALKER/ATTY. FOR DBT.

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued to January 30, 2025 at 9:30 a.m.

ORDER: The court will issue an order.

Hersie Stovall and Edna Bess Stovall (together, "Debtors") filed a voluntary petition under chapter 13 on October 4, 2024 and a chapter 13 plan ("Plan") on October 18, 2024. Doc. #1, 14. The chapter 13 trustee ("Trustee") objects to confirmation of the Plan because Debtors' meeting of creditors has not been concluded. Doc. #21. Debtors' 341 meeting of creditors has been continued to January 21, 2025 at 11:00 a.m. See court docket entry entered on December 3, 2024.

This objection will be continued to January 30, 2025 at 9:30 a.m. Unless this case is voluntarily converted to chapter 7, dismissed, or Trustee's objection to confirmation is withdrawn, Debtors shall file and serve a written response no later than January 16, 2025. The response shall specifically address each issue raised in the objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence to support Debtors' position. Trustee shall file and serve a reply, if any, by January 23, 2025.

If Debtors elect to withdraw this plan and file a modified plan in lieu of filing a response, then a confirmable modified plan shall be filed, served, and set for hearing, not later than January 23, 2025. If Debtors do not timely file a modified plan or a written response, this objection to confirmation will be denied on the grounds stated in Trustee's opposition without a further hearing.

11:00 AM

1. [23-11803](#)-A-7 **IN RE: VALERIE RODRIGUEZ**
[23-1051](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: AMENDED COMPLAINT
7-26-2024 [[46](#)]

RODRIGUEZ V. DEPT OF ED EDFINANCIAL ET AL
RESPONSIVE PLEADING

NO RULING.

2. [19-11628](#)-A-12 **IN RE: MIKAL JONES**
[19-1081](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
6-28-2019 [[1](#)]

DILDAY ET AL V. JONES
RILEY WALTER/ATTY. FOR PL.
RESPONSIVE PLEADING

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Continued January 30, 2025 at 11:00 a.m.

ORDER: The court will issue an order.

Pursuant to the joint status report filed on December 5, 2024 (Doc. #187), the status conference will be continued to January 30, 2025 at 11:00 a.m.

The parties shall file either joint or unilateral status report(s) not later than January 23, 2025.

3. [24-10440](#)-A-7 **IN RE: ZAC FANCHER**
[24-1013](#) [CAE-1](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT
10-3-2024 [[61](#)]

FANCHER V. TULARE COUNTY RESOURCE MANAGEMENT AGENCY
REISSUED SUMMONS FOR 1/30/25

FINAL RULING: There will be no hearing on this matter.

DISPOSITION: Dropped from calendar

NO ORDER REQUIRED.

A reissued summons was issued on December 9, 2024 setting a new status conference for January 30, 2025. Doc. #95. Accordingly, this status conference is dropped from calendar.

4. [24-12145](#)-A-7 **IN RE: ERIK LUNA**
[24-1032](#) [CAE-1](#)

STATUS CONFERENCE RE: AMENDED COMPLAINT
10-10-2024 [[8](#)]

FEAR V. FRANCO ET AL
PETER SAUER/ATTY. FOR PL.

NO RULING.

5. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1020](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: NOTICE OF REMOVAL
7-30-2024 [[1](#)]

HACIENDA HOMEOWNERS FOR JUSTICE ET AL V. LA HACIENDA
UNKNOWN TIME OF FILING/ATTY. FOR PL.
RESPONSIVE PLEADING

NO RULING.

6. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1020](#) [OHS-2](#)

CONTINUED MOTION FOR REMAND
8-28-2024 [[25](#)]

HACIENDA HOMEOWNERS FOR JUSTICE ET AL V. LA HACIENDA
MARC LEVINSON/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.

7. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1027](#) [CAE-1](#)

CONTINUED STATUS CONFERENCE RE: COMPLAINT
8-21-2024 [[1](#)]

LA HACIENDA MOBILE ESTATES, LLC V. CITY OF FRESNO ET AL
ADAM BOLT/ATTY. FOR PL.

NO RULING.

8. [24-11967](#)-A-11 **IN RE: LA HACIENDA MOBILE ESTATES, LLC**
[24-1027](#) [JJB-2](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
10-21-2024 [[26](#)]

LA HACIENDA MOBILE ESTATES, LLC V. CITY OF FRESNO ET AL
JONATHAN BELAGA/ATTY. FOR MV.
RESPONSIVE PLEADING

NO RULING.