

**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

Honorable Christopher D. Jaime  
1200 I Street, Suite 200  
Modesto, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: October 6, 2020**

**CALENDAR: 1:00 P.M. CHAPTER 13**

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. 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 and no appearance is necessary. 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 seven (7) days of the final hearing on the matter.



entirety. The objection to the proof of claim is sustained.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

2. [19-90807](#)-B-13 CHRISTOPHER/ANDREA  
[MSN](#)-1 MAGDALENO  
Mark S. Nelson

MOTION TO MODIFY PLAN  
8-17-20 [[21](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. Counsel for the Debtors shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.

3. [20-90518](#)-B-13 CRISTINE CRAM  
[RDG-1](#) Pro Se

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
9-14-20 [[19](#)]

CONTINUED TO 10/13/2020 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF  
CREDITORS SET FOR 10/07/2020.

**Final Ruling**

No appearance at the October 6, 2020, hearing is required. The court will enter a  
minute order.

**Final Ruling**

The motion been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to not permit the requested modification and not confirm the modified plan.

First, feasibility depends on the outcome of an objection to late filed claim, which the Chapter 13 Trustee states he will file. Section 3.01 of Debtors' proposed plan provides that a claim will not be paid unless a proof of claim is filed by or on behalf of a creditor. The bar date for non-governmental claims to be filed was October 31, 2017. Creditor Sunnova untimely filed a secured claim in the amount of \$63,207.65 on April 18, 2019 as claim 13-1.

Second, the Debtors' plan is not proposed in good faith. Debtor obtained a new job in Texas two years ago that has resulted in an increase in monthly income. However, the Debtors do not provide any current pay advices form the new job to support Debtors' amended schedules. Also a change of address form has not been filed by the Debtors. Lastly, the Debtors fail to explain why they have not made plan payments since August 2019.

The modified plan does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

5. [19-90421](#)-B-13 NARCISSA THOMAS MOTION TO MODIFY PLAN  
[GLF](#)-8 Jessica R. Galletta 9-1-20 [[156](#)]  
**Thru #6**

**Final Ruling**

The motion been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to permit the requested modification and confirm the modified plan.

The Chapter 13 Trustee objects to confirmation on grounds that the Debtor did not sign the modified plan. Without Debtor's signature on the proposed plan, the Trustee is uncertain whether the Debtor is aware of the modified plan and its contents.

The Debtor filed a response stating that the lack of wet signature on the modified plan was an oversight. Debtor filed as Exhibit A the signature page to her modified plan. Dkt. 173.

The modified plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. Counsel for the Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.

6. [19-90421](#)-B-13 NARCISSA THOMAS MOTION FOR APPROVAL OF  
[GLF](#)-9 Jessica R. Galletta POST-PETITION DEBT AND/OR  
MOTION FOR RETROACTIVE APPROVAL  
OF POST-PETITION DEBT  
9-11-20 [[164](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition, and may appear at the hearing to offer oral argument. However, in light of court closures due to the COVID-19 pandemic, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to conditionally grant the request for retroactive approval of post-petition debt and continue the hearing to **October 13, 2020, at 1:00 p.m.**

This motion relates to a prior motion that the court denied without prejudice on August 11, 2020. See dkt. 153. The court stated in its civil minutes that any re-filed motion shall discuss the applicability, if at all, of *Catholic Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano*, 140 S. Ct. 696, 700-01 (2020), including any impact that Acevedo may have on *Sherman v. Harbin (In re Harbin)*, 486 F.3d 510, 523 (9th Cir. 2007). The Debtor's re-filed motion does provide this analysis.

## **Background**

Debtor requests retroactive approval of post-petition debt in the total amount of \$4,750.00 taken as a pay advance from her employer Calpath Medical Associates and \$1,800.00 taken as an unsecured loan from Niswi, LLC d/b/a LenduMo. The Calpath loan is repaid in the amount of \$475.00 per pay period until paid in full and there are no fees or interest associated with this loan. The Niswi, LLC loan is repaid in the amount of \$438.21 every two weeks until September 2020 when the loan is paid in full.

These loans were incurred by the Debtor without prior court approval to pay toward her default in plan payments totaling \$14,505.00 and prevent the dismissal of her case as requested by the Chapter 13 Trustee on March 4, 2020. Debtor's delinquency was due to paying approximately \$5,250.00 in vehicle repairs and \$1,200.00 for a car rental after Debtor's two vehicles were involved in car accidents and which Debtor sustained injuries. Debtor had consulted with a personal injury attorney but failed to notify her bankruptcy counsel, the Trustee, or the court of the car accident and the reduced income as a result of it.

On March 31, 2020, Debtor tendered \$13,000.00 to the Trustee toward the default in plan payments. Since then, Debtor paid \$1,270.00 on May 19, 2020, and \$2,800.00 on May 27, 2020. In total, Debtor has paid \$50,915.00 into this Chapter 13 plan.

## **Discussion**

The Bankruptcy Appellate Panel ("BAP") for the 9th Circuit recently determined that Acevedo does not outright prohibit retroactive relief. The BAP interpreted Acevedo narrowly for the issue of whether retroactive relief allows a federal court to invoke jurisdiction through a *nunc pro tunc* order where no such jurisdiction would have existed otherwise. *Merriman v. Fattorini (In re Merriman)*, 616 B.R. 381 (9th Cir. BAP 2020).

In distinguishing the facts of Acevedo from the facts before it, the BAP found that other statutory authority and long and widely accepted authority allows bankruptcy courts to retain some authority to grant retroactive relief. *Id.* at 394. This court agrees.<sup>1</sup>

In order to obtain retroactive approval of post-petition debt, a court typically considers four factors described in *In re Harbin*, 486 F.3d at 523, 11 U.S.C. § 364(c)(2). These factors are as follows: (1) whether the financing transaction benefits the bankruptcy estate; (2) whether the moving party has adequately explained its failure to seek prior authorization or otherwise established that it acted in good faith when it failed to seek prior authorization; (3) whether there is full compliance with the requirements of section [363(b)]; and (4) whether the circumstances of the case present one of those rare situations in which retroactive authorization is appropriate. *Id.*

In this case, Debtor argues that all four factors are established:

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<sup>1</sup>A forthcoming opinion in *In re Miller*, 17-23606, will explain why Acevedo is not a *per se* prohibition on retroactive relief, generally, and, specifically, why *Harbin* remains unaffected by Acevedo.

First, the post-petition pay advances positively benefit the bankruptcy estate, as they were incurred to pay Debtor's Chapter 13 bankruptcy payment and pay for repairs to Debtor's vehicle, which is necessary for Debtor to earn income for the estate.

Second, Debtor states that she acted in good faith when she failed to seek prior court authorization for post-petition financing because she believed that her actions were necessary to preserve her Chapter 13 bankruptcy. She acted in desperation and panic when she learned that a motion to dismiss her case was filed, and she responded by taking immediate action she believed was necessary to remedy the default in plan payments.

Third, Debtor is attempting to comply with the Bankruptcy Code by applying for retroactive court approval for the unsecured post-petition debt.

Fourth, the circumstances of Debtor's situation are that of a rare situation where retroactive authorization is appropriate. In this case, the post-petition financing has already been used to cure the delinquency in plan payments, thereby paying toward pre-petition debt and benefitting creditors. Moreover, retroactive authorization is appropriate given the current state of the economy resulting from the COVID-19 pandemic, which has dramatically affected personal finances including the Debtor's.

Given this court's ability to retroactively approve post-petition debt not inconsistent with *Acevedo* and that the Debtor has satisfied all four factors of *Harbin*, the court finds that retroactive authorization of post-petition debt is appropriate in this situation.

#### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 9, 2020, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 13, 2020, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 13, 2020, at 1:00 p.m.

The court will issue an order.

7. [19-90339](#)-B-13 LINDA EMERSON  
[BSH-6](#) Brian S. Haddix

OBJECTION TO CLAIM OF DEBORAH  
MORRIS CPA, CLAIM NUMBER 7  
8-19-20 [[92](#)]

### **Final Ruling**

The objection has been set for hearing on at least 44 days' notice to the claimant as required by Local Bankruptcy Rule 3007-1(b)(1). The failure of the claimant to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to sustain the objection to Claim No. 7-1 of Deborah Morris CPA and disallow the claim in its entirety.

Linda Emerson ("Objector") requests that the court disallow the claim of Deborah Morris CPA ("Creditor"), Claim No. 7-1. The claim is asserted to be in the amount of \$102,521.11. Objector asserts that the claim is based on alleged money owed pursuant to a contract and that the claim relies on the outcome of a lawsuit filed by Creditor in Tuolumne County Superior Court on March 2019. The lawsuit is currently stayed. No motion for relief from automatic stay has been filed by the Creditor in this bankruptcy case.

Objector argues that the Creditor provides no evidence for the amount owed and that the documentation attached to the proof of claim is insufficient to determine the validity of Creditor's claim.

### **Discussion**

Section 502(a) provides that a claim supported by a proof of claim is allowed unless a party in interest objects. See 11 U.S.C. § 502(a). Once an objection has been filed, the court may determine the amount of the claim after a noticed hearing. See 11 U.S.C. § 502(b). The party objecting to a proof of claim has the burden of presenting substantial factual basis to overcome the prima facie validity of a proof of claim and the evidence must be of probative force equal to that of the creditor's proof of claim. *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991); see also *United Student Funds, Inc. v. Wylie (In re Wylie)*, 349 B.R. 204, 210 (B.A.P. 9th Cir. 2006). Moreover, "[a] mere assertion that the proof of claim is not valid or that the debt is not owed is not sufficient to overcome the presumptive validity of the proof of claim." Local Bankr. R. 3007-1(a).

The court finds that the proof of claim should be disallowed since it relies on the outcome of a pending state court litigation that is currently stayed. Objector has satisfied her burden of overcoming the presumptive validity of the claim. Creditor has failed to carry her ultimate burden of proof on the validity and amount of the claim.

Based on the evidence before the court, the Creditor's claim is disallowed in its entirety. The objection to the proof of claim is sustained.

No other or additional relief is granted by the court.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

8. [20-90168](#)-B-13 JOHN/NORMA MASON  
[LBF-1](#) Lauren Franzella

MOTION TO MODIFY PLAN  
8-21-20 [[22](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. Counsel for the Debtors shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.

9. [19-90281](#)-B-13 KELLY MYERS  
[SW-1](#) Shane Reich

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION  
FOR RELIEF FROM CO-DEBTOR STAY  
9-10-20 [[18](#)]

ALLY BANK VS.

### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition, and may appear at the hearing to offer oral argument. However, in light of court closures due to the COVID-19 pandemic, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to conditionally grant the motion for relief from automatic stay and continue the hearing to **October 13, 2020, at 1:00 p.m.**

Ally Bank ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2016 Chevrolet Jeep (the "Vehicle"). The moving party has provided the Declaration of Lauren Joselin to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtor.

The Joselin Declaration states that there are nine pre-petition payments in default totaling \$5,604.57.

From the evidence provided to the court, and only for purposes of this motion, the debt secured by this asset is determined to be \$26,289.44, as stated in the Joselin Declaration, while the value of the Vehicle is determined to be \$21,170.00, as stated in Schedules A/B and D filed by Debtor.

### **Discussion**

[The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay since the Debtor and the estate have not made post-petition payments. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).]

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either the Debtor or the Estate. 11 U.S.C. § 362(d)(2). And no opposition or showing having been made by the Debtor or the Trustee, the court determines that the Vehicle is not necessary for any effective reorganization in this Chapter 13 case.

The court shall issue an order terminating and vacating the automatic stay to allow creditor, its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

The request for relief from stay as to any non-filing co-debtor, who is liable on such debt with the Debtor, shall be conditionally granted pursuant to 11 U.S.C. § 1301(c).

There also being no objections from any party, the 14-day stay of enforcement under Rule 4001(a)(3) will be waived.

No other or additional relief is granted by the court.

**Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 9, 2020, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 13, 2020, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 13, 2020, at 1:00 p.m.

The court will issue an order.

10. [20-90486](#)-B-13 JONATHAN STOKES  
[RDG-1](#) Jessica A. Dorn

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
9-14-20 [[15](#)]

### **Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in a confirmation order, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to sustain the objection and deny confirmation of the plan.

Section 1325(a)(9) requires the Debtor to have filed all applicable tax returns for the four years prior to filing. Debtor admitted at his 341 meeting of creditors that he has not filed Federal or State income tax returns for 2018 and he expects to owe approximately \$350.00

The plan filed July 17, 2020, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

11. [20-90488](#)-B-13 EDWIN CORDOVA  
[RDG-1](#) Mario Blanco

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
9-14-20 [[12](#)]

### **Final Ruling**

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). A written reply has been filed to the objection.

The court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to overrule the objection as moot and confirm the plan.

To resolve the Chapter 13 Trustee's objection to confirmation, the Debtor has agreed to increase plan payments to provide for interest to unsecured creditors at the federal judgment rate applicable in this case, which is 0.15%. Additionally, Debtor has filed amended schedules, Statement of Financial Affairs, and Form 122C-1 to reflect that he is single and to remove a vehicle that was improperly listed in his schedules.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed July 17, 2020, is confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED and counsel for the Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and, if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.