

**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 13, 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.



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 Debtor has 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 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.

3. [18-90435](#)-B-13 FELIX CASTRO HERRERA AND MOTION TO MODIFY PLAN  
[MSN-2](#) CHRISTINA CASTRO 8-21-20 [[62](#)]  
Mark S. Nelson

**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.

4. [20-90262](#)-B-13 KATHY HARDISTY MOTION TO CONFIRM PLAN  
[CLH](#)-4 Charles L. Hastings 9-8-20 [[169](#)]

CONTINUED TO 11/02/2020 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH DEBTOR'S  
MOTION TO SELL PER DOCKET 180.

**Final Ruling**

No appearance at the October 13, 2020, hearing is required. The court will issue an  
order.

5. [20-90398](#)-B-13 DAVID SIERRA  
[SSA](#)-2 Steven S. Altman

MOTION FOR COMPENSATION FOR  
STEVEN S. ALTMAN, DEBTORS  
ATTORNEY(S)  
9-23-20 [[26](#)]

**Final Ruling**

A motion seeking compensation that exceeds \$1,000.00 must provide at least 21 days' notice per Bankruptcy Rule 2002(a)(6). Applicant Steven Altman ("Applicant") has opted out of the "no-look fees" and seeks compensation in the total amount of \$6,618.10. This is more than \$1,000.00 and therefore at least 21 days' notice must be provided. Applicant has provided only 20 days' notice. The motion for compensation is therefore denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

6. [20-90518](#)-B-13 CRISTINE CRAM  
[RDG-1](#) Pro Se

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

CONTINUED TO 10/27/2020 AT 1:00 PM AT MODESTO COURTROOM TO BE HEARD AFTER THE  
CONTINUED MEETING OF CREDITORS SET FOR 10/21/2020.

**Final Ruling**

No appearance at the October 6, 2020, hearing is required. The court will issue an  
order.

7. [19-90421](#)-B-13 NARCISSA THOMAS  
[GLF](#)-9 Jessica R. Galletta

CONTINUED MOTION FOR APPROVAL  
OF POST-PETITION DEBT AND/OR  
MOTION FOR RETROACTIVE APPROVAL  
OF POST-PETITION DEBT  
9-11-20 [[164](#)]

**Final Ruling**

The motion to approve post-petition debt or, in the alternative, retroactive approval of post-petition debt was continued from October 6, 2020, to allow any opposition or response to be timely filed and served by October 9, 2020, at 5:00 p.m. No opposition or response was filed. Therefore, the court's conditional ruling granting the motion at dkt. 176 is the court's final decision. The continued hearing on October 13, 2020, at 1:00 p.m. is vacated.

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

The court will issue an order.

8. [19-90281](#)-B-13 KELLY MYERS  
[SW-1](#) Shane Reich

CONTINUED 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 for relief from stay was continued from October 6, 2020, to allow any opposition or response to be timely filed and served by October 9, 2020, at 5:00 p.m. No opposition or response was filed. Therefore, the court's conditional ruling granting the motion at dkt. 176 is the court's final decision. The continued hearing on October 13, 2020, at 1:00 p.m. is vacated.

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

The court will issue an order.