

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: April 23, 2024

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.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

April 23, 2024 at 1:00 p.m.

1. [23-23732](#)-B-13 RICHARD/GRACIE BORBA MOTION TO CONFIRM PLAN
[CGH-2](#) Charles G. Hemming 3-13-24 [[36](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d) (1), 9014-1(f) (1), and Federal Rule of Bankruptcy Procedure 2002(b). 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 confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended 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. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

2. [23-23733](#)-B-13 OLIVER/DINAH JARATA
[DFH](#)-1 Drew Henwood

MOTION TO CONFIRM PLAN
3-10-24 [[50](#)]

Final Ruling

The motion been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to the filing of the motion to confirm, an amended plan was filed on March 25, 2024. The confirmation hearing for the amended plan is scheduled for May 7, 2024. The earlier plan filed March 10, 2024, is not confirmed.

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

The court will issue an order.

3. [24-20287](#)-B-13 LOPE/JOCELYN TABAJEN OBJECTION TO CONFIRMATION OF
[CAS-1](#) Gregory J. Smith PLAN BY CAPITAL ONE AUTO
Thru #4 FINANCE
3-19-24 [[24](#)]

Final Ruling

Debtor Gregory Smith and creditor Capital One Auto Finance ("Creditor") filed a stipulation resolving Creditor's objection to confirmation

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

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

The court will issue an order.

4. [24-20287](#)-B-13 LOPE/JOCELYN TABAJEN MOTION TO CONFIRM PLAN
[JCK-1](#) Gregory J. Smith 3-11-24 [[18](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d) (1), 9014-1(f) (1), and Federal Rule of Bankruptcy Procedure 2002(b). 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 confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. Debtors Lope Tabajen and Jocelyn Tabajen ("Debtors") have provided evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee, and a stipulation was entered into between Debtors and creditor Capital One Auto Finance resolving its objection to confirmation. The amended 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. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [22-21927](#)-B-13 ORLANDO ANDRADE CONTINUED MOTION FOR RELIEF
[DVW-1](#) Flor De Maria A. Tataje FROM AUTOMATIC STAY
3-22-24 [[95](#)]
21ST MORTGAGE CORPORATION
VS.

Final Ruling

This matter was continued from April 16, 2024, to allow debtor Orlando Andrade ("Debtor") to file a certificate of service by 5:00 p.m. on Wednesday, April 17, and creditor 21st Mortgage Corporation ("Creditor") to file a response by 5:00 p.m. on Friday, April 19, as to whether Debtor is current on mortgage payments. Both parties timely filed their respective documents.

Creditor states that Debtor acknowledges and has tendered two late post-petition mortgage payments for the months of February and March 2024. Creditor further states that Debtor is chronically late on his payments, as is evidenced by three late post-petition payments for the months of November 2023, December 2023, and January 2024 that were outside the 15-day grace period.

Creditor has requested of the Debtor, through his respective counsel, that Debtor enter into a stipulation wherein the Debtor agrees to timely make the mortgage payments on or before the due date, and if not Creditor will have relief from the automatic stay. Creditor has not received a response from Debtor's counsel.

Given that the Debtor is current on plan payments, the motion for relief from automatic stay is denied without prejudice. No additional relief is granted at this time.

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

The court will issue an order.

6. [20-22995](#)-B-13 GILBERT/BLANCA LUIS CONTINUED OBJECTION TO CLAIM OF
[LGT](#)-1 Peter G. Macaluso LTD ACQUISITIONS, LLC, CLAIM
NUMBER 17
3-8-24 [[121](#)]

Final Ruling

This matter was continued from April 16, 2024, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, April 19, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 128, sustaining the objection to claim, shall become the court's final decision. The continued hearing on April 23, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.