



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

September 9, 2025 at 11:00 a.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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 medical 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.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

September 9, 2025 at 11:00 a.m.

1. [24-25101](#)-C-13 MARIE EUSTAQUIO MOTION TO CONFIRM PLAN
[RLG](#)-4 Eduardo Gonzalez 7-29-25 [[55](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. Proof of service has not been filed with the motion.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

<p>The Motion to Confirm is granted.</p>

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 57) filed on July 29, 2025.

The Chapter 13 trustee filed a non-opposition on August 26, 2025. Dkt. 67.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Marie M. Eustaquio, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the Amended

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Chapter 13 Plan (Dkt. 57) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Debtor's counsel 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 trustee will submit the proposed order to the court.

2. [25-23110](#)-C-13 AMELIA ALLEN
[DPC](#)-1 Peter Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-7-25 [[26](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 33 days' notice was provided. Dkt. 29.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor failed to appear at the Meeting of Creditors;
2. Debtor is unable to make plan payments; and
3. Plan relies on a motion to value or motion to avoid lien that has not been filed.

DEBTOR'S RESPONSE

The debtor filed a response on September 2, 2025. Dkt. 30. The debtor responded that she understands that the plan is not feasible at this time.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not explained the income from a grant and roommates to assist the Chapter 13 Trustee in determining whether the debtor will have the income to be able to actually make the plan payments.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the

Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

3. [25-23710](#)-C-13 VENESSA VAUGHN-SPENCE AND MOTION TO VALUE COLLATERAL OF
[CYB](#)-1 ROBERT SPENCE ONEMAIN FINANCIAL GROUP, LLC
Candace Brooks 8-22-25 [[12](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 16.

The Motion to Value is granted.

The debtors filed this Motion seeking to value the portion of OneMain Financial Group LLC's ("Creditor") claim secured by the debtor's property commonly known as 2015 Hyundai Elantra (the "Property").

The debtors have presented evidence that the replacement value of the Property at the time of filing was \$4,575.00. Declaration, Dkt. 14.

DISCUSSION

Upon review of the record, the court finds the value of the Property is \$4,575.00. Therefore, Creditor's secured claim is determined to be \$4,575.00. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of OneMain Financial Group LLC ("Creditor") secured by property commonly known as 2015 Hyundai Elantra (the "Property") is determined to be a secured claim in the amount of \$4,575.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

4. [25-23115](#)-C-13 MARK FAGAN
[DPC](#)-1 James Keenean

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-13-25 [[12](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor has failed to provide proof of social security nubmer;
2. Debtor is delinquent in plan payments; and
3. Attorney's fee dividend is too high.

DISCUSSION

The debtor is \$1,100.00 delinquent in plan payments. Declaration, Dkt. 14. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c)(1)(A) states that counsel may elect compensation without court approval in the maximum amount of \$12,000.00 for a nonbusiness case. Debtor's counsel appears to be seeking fees in excess of \$12,000.00 for this nonbusiness case, which is in violation of the Local Rules. This is reason to deny confirmation.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

5. [25-23320](#)-C-13 STEVEN LEVINE
[DPC](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-20-25 [[27](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation is overruled as moot.

The Chapter 13 trustee filed this Objection on August 20, 2025. Thereafter, the docket shows the case was dismissed on August 28, 2025. Therefore, this Objection is overruled as moot.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Confirmation filed by David Cusick having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled as moot.

6. [25-23326](#)-C-13 DANDREA RUSSELL
[SKI](#)-1 Fred Ihejirika

OBJECTION TO CONFIRMATION OF
PLAN BY SANTANDER BANK, N.A.
8-12-25 [[11](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 14.

The Objection to Confirmation of Plan is overruled.

Creditor Santander Bank, N.A., as servicer for Santander Consumer USA Inc. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan impermissibly crams down Creditor's claim.

STIPULATION

The debtor and Creditor filed a stipulation as to Creditor's claim, resolving the objection. Dkt. 21.

DISCUSSION

The parties having entered into a stipulation resolving the objection, the objection is overruled.

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Santander Bank, N.A., having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled, and the debtor's Chapter 13 Plan (Dkt. 3), is confirmed. Debtor's counsel 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 trustee will submit the proposed order to the court.

7. [25-22427](#)-C-13 NICCOLE AMARAL
[DEF](#)-1 David Foyil

CONTINUED MOTION TO VALUE
COLLATERAL OF ONEMIAN FINANCIAL
GROUP, LLC
7-11-25 [[20](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 46 days' notice was provided. Dkt. 24.

The Motion to Value is denied.

The debtor filed this Motion seeking to value the portion of OneMian Financial Group, LLC's ("Creditor") claim secured by the debtor's property commonly known as 2013 Hyundai Genesis and 2004 Lexus IS 300 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was 8,865.00. Declaration, Dkt. 22.

The Chapter 13 Trustee filed an opposition on August 8, 2025. Dkt. 37. The Trustee represents that Creditor's Proof of Claim states that the loan was entered into on March 7, 2025, which is less than one year before the petition was filed and sections 506 and 1325 are not applicable.

DISCUSSION

The loan was incurred on March 7, 2025, which is less than one year prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph). Therefore, section 506 does not apply and the motion is denied.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is denied.

8. [25-23331](#)-C-13 FRANK/ANNABELE CUTAJAR OBJECTION TO CONFIRMATION OF
[DPC](#)-1 Nicholas Wajda PLAN BY DAVID P. CUSICK
8-19-25 [[16](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 19.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation on August 19, 2025. Thereafter, the debtor filed an amended plan and corresponding Motion to Confirm, making this Objection moot. Dkt. 20, 24.

Therefore, the Objection is overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled as moot.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 25.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 24) filed on July 24, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 32) on August 26, 2025, opposing confirmation on the following grounds:

1. The plan will take longer than 36 months to complete; and
2. The non-standard provisions box was checked without any non-standard provisions included in the plan.

The debtors filed a response (Dkt. 37) on August 29, 2024, on the following issues:

1. Debtors are not opposed to increasing the plan term from 36 to 45 months;
2. Debtors inadvertently checked the non-standard box and do not have any non-standard provisions to the Plan.

DISCUSSION

The plan mathematically requires a payment of \$573.45 per month, which is greater than the proposed \$475.00 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Yessenia Chavez and Eduardo Chavez, having been presented to the

court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

10. [25-22533](#)-C-13 YESSENIA/EDUARDO CHAVEZ MOTION TO VALUE COLLATERAL OF
[JTN](#)-2 Robert Fong ONE MAIN FINANCIAL LLC
7-24-25 [[26](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 30.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of One Main Financial LLC's ("Creditor") claim secured by the debtor's property commonly known as 2012 Mazda 3i Touring Sedan 4D (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$4,000.00. Declaration, Dkt. 28.

The Chapter 13 Trustee filed a notice of non-opposition (Dkt. 35) on August 26, 2025.

DISCUSSION

The lien on the Vehicle's title secures a loan incurred on June 2022, which is more than 910 days prior to filing of the petition and is not a purchase money loan. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is \$4,000. Therefore, Creditor's secured claim is determined to be \$4,000.00. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim

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filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of One Main Financial LLC's ("Creditor") secured by property commonly known as 2012 Mazda 3i Touring Sedan 4D (the "Property") is determined to be a secured claim in the amount of \$4,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

11. [25-21240](#)-C-13 FRANK SLAMA
[ABA](#)-1 Harry Roth

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-11-25 [[28](#)]

NUVISION FEDERAL CREDIT
UNION VS.

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 32.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion for Relief from the Automatic Stay is granted.

NuVision Federal Credit Union ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's 2019 Ford Ranger (the "Property")

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent \$2,728.45 postpetition payments. Declaration, Dkt. 30. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, \$29,044.37, exceeds the value of the Property, which is \$25,023.00. *Id.*

The Chapter 13 Trustee filed a notice of non-opposition (Dkt. 34) on August 26, 2025.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent \$2,728.45 postpetition payments. The court also finds cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, \$29,044.37, exceeds the value of the Property, which is \$25,023.00.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief

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specified, the court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by NuVision Federal Credit Union ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Property, under its security agreement, loan documents granting it a lien in the asset identified as a 2019 Ford Ranger ("Property"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Property to the obligation secured thereby.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

12. [25-23041](#)-C-13 JONATHAN NAVARRETE
Matthew Abbasi

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF ABBASI LAW
CORPORATION FOR MATTHEW ABBASI,
DEBTORS ATTORNEY(S)
8-20-25 [[18](#)]

DEBTOR DISMISSED: 07/08/25

Tentative Ruling:

The Motion has not been set according to Local Rule 9014-1(f), but which requires 21 days if greater than \$1,000. FRBP 2002(a)(6). The Proof of Service shows that only 19 days' notice was provided. Dkt. 19.

The Motion for Allowance of Professional Fees is xxxxxx.

Abassi Law Corporation, debtor's attorney, filed this request seeking approval of compensation for attorney services provided to Jonathan Navarrett.

Movant is seeking allowance of fees in the amount of \$2,350.00 for the time spent prior to the dismissal of the case and \$350 in costs for filing fees. The Disclosure of Compensation form represents that debtor paid \$2,150.00 in fees and \$350.00 in costs prior to the filing of the petition. Dkt. 1.

Movant asserts that significant time was spent prepetition and before the dismissal of the case. However, Movant has not provided any time records supporting the assertion, and only contends that the agreement called for the debtor to pay \$400 per hour for additional services.

DISCUSSION

At the hearing xxxxxxxxxx

The court authorizes the Chapter 13 trustee xxxxxxx

The movant is allowed, and the Chapter 13 trustee is authorized to pay, the following amounts as compensation to this professional in this case:

Fees	\$xxxx.xx
Costs and Expenses	\$xxxx.xx

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Allowance of Fees and Expenses filed by Onyinye N. Anyama ("Movant") having been presented to the

court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Movant is allowed the following fees and expenses as a professional of the Estate:

Movant, a professional employed by debtor, Jorge Garibay,

Fees in the amount of \$xxxx.xx

Expenses in the amount of \$xxxx.xx,

as the final allowance of fees and expenses pursuant to 11 U.S.C. § 330 as counsel for the debtor.

IT IS FURTHER ORDERED that the Chapter 13 trustee is authorized to pay the fees and costs allowed by this Order from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

13. [25-23143](#)-C-13 NANCY GUADAGNINO
[DPC](#)-2 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-18-25 [[16](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor is delinquent in plan payments.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on September 2, 2025. Dkt. 20. Debtor asserts that she is current with all payments, and has set up TFS for the future.

DISCUSSION

The debtor is \$200.00 delinquent in plan payments. Declaration, Dkt. 14. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

14. [25-22748](#)-C-13 JORGE GARIBAY
Onyinye N. Anyama

MOTION FOR COMPENSATION FOR
ONYINYE N ANYAMA, DEBTORS
ATTORNEY(S)
8-11-25 [[32](#)]

DEBTOR DISMISSED: 06/30/25

Tentative Ruling:

The Motion has not been set according to Local Rule 9014-1(f), which requires 21 days if greater than \$1,000. FRBP 2002(a)(6). The Proof of Service shows that 29 days' notice was provided. Dckt. 36.

The Motion for Allowance of Professional Fees is xxxxxx.

Onyinye N. Anyama, debtor's attorney, filed this request seeking approval of compensation for attorney services provided to Jorge Garibay.

Movant is seeking allowance of fees in the amount of \$2,850.00 for the time spent prior to debtor voluntarily dismissing the case. Movant represents debtor paid \$4,730.00 in fees and \$500.00 in costs prior to the filing of the petition, which was disclosed in the Disclosure of Compensation form. Dkt. 1.

Movant asserts that 2.50 of attorney time, and 6.90 hours of paralegal time were expended in this case. Movant contends that the standard hourly rates are \$450.00 for attorney services and \$250.00 for paralegal time.

The Chapter 13 Trustee filed a response representing the schedules and documents were filed within five days of filing and the case appeared to have potential to be successful. Trustee does not oppose based upon the modest amount sought.

DISCUSSION

At the hearing xxxxxxxxxx

The court authorizes the Chapter 13 trustee xxxxxxx

The movant is allowed, and the Chapter 13 trustee is authorized to pay, the following amounts as compensation to this professional in this case:

Fees	\$xxxx.xx
Costs and Expenses	\$xxxx.xx

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Allowance of Fees and Expenses filed by Onyinye N. Anyama ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Movant is allowed the following fees and expenses as a professional of the Estate:

Movant, a professional employed by debtor, Jorge Garibay,

Fees in the amount of \$xxxx.xx

Expenses in the amount of \$xxxx.xx,

as the final allowance of fees and expenses pursuant to 11 U.S.C. § 330 as counsel for the debtor.

IT IS FURTHER ORDERED that the fees of \$xxxx.xx and costs of \$xxxx.xx are not allowed by the court.

IT IS FURTHER ORDERED that the Chapter 13 trustee is authorized to pay the fees and costs allowed by this Order from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

15. [25-23148](#)-C-13 SANDI CANADAY
[DPC](#)-1 Mikalah Liviakis

MOTION FOR DENIAL OF DISCHARGE
OF DEBTOR UNDER 11 U.S.C.
SECTION 727(A)
8-8-25 [[13](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 16.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Objection to Discharge is sustained.

David Cusick, the Chapter 13 Trustee, ("Objector") objects to Sandi Lynn Canaday's ("Debtor") discharge in this case. Objector argues that Debtor is not entitled to a discharge in the instant bankruptcy case because Debtor previously received a discharge in a Chapter 7 case.

Debtor filed a Chapter 7 bankruptcy case on February 14, 2025. Case No. 25-20663. Debtor received a discharge on June 2, 2025. Case No. 25-20663, Dkt. 15.

The instant case was filed under Chapter 13 on June 24, 2025.

11 U.S.C. § 1328(f) provides that a court shall not grant a discharge if a debtor has received a discharge "in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter." 11 U.S.C. § 1328(f)(1).

Here, Debtor received a discharge under 11 U.S.C. § 727 on June 2, 2025, which is less than four years preceding the date of the filing of the instant case. 25-20663, Dkt. 15. Therefore, pursuant to 11 U.S.C. § 1328(f)(1), Debtor is not eligible for a discharge in the instant case.

Therefore, the Objection is sustained. Upon successful completion of the instant case (Case No. 25-23148), the case shall be closed without the entry of a discharge, and Debtor shall receive no discharge in the instant case.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Discharge filed by David Cusick, the Chapter 13 Trustee, ("Objector") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection to Discharge is sustained, and upon successful completion of the instant case, Case No. 25-23148, the case shall be closed without the entry of a discharge.

16. [25-21652](#)-C-13 MARJORIE ALCANTARA
[RJ-2](#) Richard Jare

CONTINUED MOTION TO VALUE
COLLATERAL OF GLOBAL LENDING
SERVICES, LLC
8-11-25 [[59](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 68.

The Motion to Value is xxxxxxxxxxxx

The debtor filed this Motion seeking to value the portion of Global Lending Services, LLC's ("Creditor") claim secured by the debtor's property commonly known as 2016 Toyota Camry (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$9,792.00. Declaration, Dkt. 62.

Creditor filed an opposition on August 22, 2024. Dkt. 71. Creditor contends the value of the Property according to J.D. Power Guide is \$14,325.00

At the prior hearing, debtor's counsel asserted that Creditor's valuation was based upon a false odometer reading.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on December 7, 2016, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is xxxxxxxxxxxx

17. [25-23360](#)-C-13 JOHN LAUGHERY
[DPC](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID CUSICK
8-20-25 [[21](#)]

Final Ruling: No appearance at the September 9, 2025 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation is overruled as moot.

The Chapter 13 trustee filed this Objection on August 20, 2025. Thereafter, the case was dismissed on August 28, 2025. Dkt. 27.

The case having been dismissed, the Objection shall be overruled as moot.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Confirmation filed by David Cusick having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled as moot.

18. [24-21762](#)-E-13 LINDA CATRON
[LC](#)-21 Pro Se

CONTINUED AMENDED MOTION TO SET
ASIDE
7-14-25 [[145](#)]

DEBTOR DISMISSED: 01/06/25

This matter is removed from calendar without oral argument. No appearance at the September 9, 2025 hearing is required. An order will be issued from Chambers.

19. [24-25862](#)-E-13 SUSAN SCOTT
[CLH](#)-2 Cindy Lee Hill

MOTION TO SELL
8-20-25 [[74](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 21 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 80.

The Motion to Sell is granted.

Debtor filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 53725 and 53750 NV Hwy 376, Round Mountain, Nevada, referred to as Carvers Cafe ("Property").

The proposed purchaser of the Property is William and Leann Scholl, and the proposed purchase price is \$80,000.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: ~~xxxxxxxxxxxxxxxx~~.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate because the sale proceeds will allow the Trustee to pay all claims in full, except Marlin Mortgage.

Broker's Commission

Movant has estimated that a six percent broker's commission from the sale of the Property will equal approximately \$4,800.00. As part of the sale in the best interest of the Estate, the court permits Movant to pay the broker an amount not more than six percent commission.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Sell Property filed by Debtor Susan Scott ("Movant"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13

September 9, 2025 at 11:00 a.m.

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trustee for approval as to form, and if so approved submit the proposed order to the court.

IT IS FURTHER ORDERED that Movant is authorized to pay a real estate broker's commission in an amount not more than six percent of the actual purchase price upon consummation of the sale.

20. [25-21665](#)-C-13 JATINDER SINGH
[DPC](#)-1 Mark Wolff

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
5-14-25 [[16](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

At the prior hearing, the Chapter 13 Trustee, David Cusick ("Trustee"), represented he continues to oppose confirmation of the Chapter 13 plan on the basis that:

1. The debtor is delinquent in plan payments; and
2. The plan relies on Motions to Value that have not been entered.

DISCUSSION

The matter was continued to allow further time for the parties to discuss the motions to value. The trustee represented that confirmation was not possible until the motions to value have been resolved and the debtor cured the delinquency in plan payments. Until the motions to value are resolved confirmation is not appropriate.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

21. [25-21665](#)-C-13 JATINDER SINGH
[WW-2](#) Mark Wolff

CONTINUED MOTION TO VALUE
COLLATERAL OF CITIZENS BANK
5-20-25 [[25](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 28.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of Citizen Banks's ("Creditor") claim secured by the debtor's property commonly known as 2019 Kenworth T680 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$20,000.00. Declaration, Dckt. 27.

Creditor filed an opposition to the motion. Dkt. 44. Creditor argues, that the market value of the Property is more than \$20,000.00.

DISCUSSION

At the prior hearing, Creditor asserted that Creditor had inspected the Property but had not issued a report on the valuation.

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx.
11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is xxxxxxxxxx

22. [25-21665](#)-C-13 JATINDER SINGH
[WW-3](#) Mark Wolff

CONTINUED MOTION TO VALUE
COLLATERAL OF CITIZENS BANK
5-20-25 [[29](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 32.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of Citizen Banks's ("Creditor") claim secured by the debtor's property commonly known as 2020 Freightliner Cascadia (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$20,000.00. Declaration, Dckt. 31.

Creditor filed an opposition to the motion. Dkt. 39. Creditor argues, that the market value of the Property is more than \$20,000.00.

DISCUSSION

At the prior hearing, Creditor asserted that Creditor had inspected the Property but had not issued a report on the valuation.

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx.
11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is xxxxxxxxxx

23. [25-21770](#)-C-13 BRAD/KATEE LOMEN
[BLL](#)-1 Richard Hall

MOTION TO CONFIRM PLAN
7-18-25 [[48](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 49 days' notice was provided. Dkt. 54.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 44) filed on July 14, 2025.

The Chapter 13 Trustee filed a response (Dkt. 58) on August 26, 2025, representing that the debtor was delinquent \$122.96 in plan payments after having payments. The Trustee requests the matter be continued to October 7, 2025 to see if debtor is able to make up the delinquency amount.

DISCUSSION

The debtor is \$122.96 delinquent in plan payments. Declaration, Dkt. 59. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtors, Brad and Katee Lomen, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

24. [25-22770](#)-C-13 CHARLES/LINDA FRIEDMAN
[AP-1](#) Peter Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
WILMINGTON SAVINGS FUND
SOCIETY, FSB
7-24-25 [[12](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 19 days' notice was provided. Dkt. 14.

The Objection to Confirmation of Plan is sustained.

The prior hearing was continued to allow the parties to continue to discuss the issue.

Creditor Wilmington Savings Fund Society, FSB ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to fully provide for Creditor's claim.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on August 5 2025. Dkt. 15. Debtor asserts that 8.5% is an appropriate interest rate on Creditor's claim.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a status statement on September 4, 2025. Dkt. 20. The Trustee represents that had the Creditor filed a proof of claim earlier he would have objected to confirmation because the claim is \$5,000 higher than the amount scheduled.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at three percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate

as the prime rate in effect at the commencement of the case, 7.50%, plus a 1.25% risk adjustment, for a 8.75% interest rate.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Wilmington Savings Fund Society, FSB, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

25. [25-23171](#)-C-13 ELIZABETH DRYE
[DPC](#)-2 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-8-25 [[25](#)]

Thru #26

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 28.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor failed to appear at the Meeting of Creditors;
2. Debtor filed a blank plan, and blank schedules;
3. Debtor has failed to provide required 521 documents.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required documents. 11 U.S.C. § 521(a)(3); FED. R. BANKR. P. 4002(b). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

26. [25-23171](#)-C-13 ELIZABETH DRYE
[RAS](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY OCWEN LOAN ACQUISITION
TRUST 2024-HB1
8-14-25 [[29](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

Creditor Ocwen Loan Acquisition Trust 2024-HB1 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The case was filed in bad faith;
2. The plan is blank.

DISCUSSION

Debtor is required a plan in a case under chapter 13. 11 U.S.C. § 1321. The plan shall provide for the submission of debtor's future earnings to the Trustee as is necessary for the execution of the plan. 11 U.S.C. § 1322(a)(1). For a plan to be confirmed it must have been proposed in good faith. 11 U.S.C. § 1325(a)(3).

The blank plan fails to comply with the Bankruptcy Code and has not been filed in good faith.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Ocwen Loan Acquisition Trust 2024-HB1, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

27. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN CONTINUED OBJECTION TO
[DPC](#)-1 HENRIQUEZ PLEITEZ CONFIRMATION OF PLAN BY DAVID
Peter Macaluso P. CUSICK
7-21-25 [[32](#)]

Thru #29

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 35.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan relies on Motions to Value that have not yet been decided;
2. Plan fails to provide for the claim filed by Les Schwab Tire Centers of California, LLC (POC # 4-1).

DEBTORS' OPPOSITION

The debtors filed an Opposition on August 5, 2025. Dkt. 46. Debtor concedes the plan is not confirmable.

DISCUSSION

The plan proposes valuing three secured claims. Before the court enters an order valuing the secured claims, the plan's feasibility is uncertain.

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

The debtors have not carried their burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6). Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

28. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN CONTINUED MOTION TO VALUE
[PGM](#)-3 HENRIQUEZ PLEITEZ COLLATERAL OF SANTANDER
Peter Macaluso CONSUMER USA INC.
7-9-25 [[22](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 26.

The Motion to Value is denied.

The debtor filed this Motion seeking to value the portion of Santander Consumer USA Inc.'s ("Creditor") claim secured by the debtor's property commonly known as 2022 Dodge Ram 1500 Crew Cab (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$37,717.00. Declaration, Dkt. 25.

Creditor filed an opposition asserting that the debtors entered into a California Motor Vehicle Retail Installment Contract on December 12, 2022, which is 904 days before the filing of the case.

The Chapter 13 Trustee filed an opposition on July 21, 2025. Dkt. 40. The Chapter 13 Trustee represents Creditor filed a Proof of Claim with a California Motor Vehicle Retail Installment Contract attached.

Debtors filed a supplemental statement representing that pleadings previous state court litigation asserted that debtors purchased the vehicle on November 12, 2022. Dkt. 55.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on December 12, 2022, which is less than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Creditor filed Proof of Claim #3-1 on June 18, 2025 for a secured claim in the amount of \$58,802.44.

Therefore, the motion is denied.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C.
§ 506(a) is denied.

29. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN CONTINUED OBJECTION TO
[SKI](#)-1 HENRIQUEZ PLEITEZ CONFIRMATION OF PLAN BY
Peter Macaluso SANTANDER CONSUMER USA INC.
7-15-25 [[27](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

Creditor Santander Consumer USA Inc. dba Chrysler Capital ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan is an impermissible cram down; and
2. The interest rate on Creditor's claim is too low.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on December 12, 2022, which is less than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 4.9 percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 7.5%, plus a 1.25% risk adjustment, for a 8.75% interest rate.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the

Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Santander Consumer USA Inc. dba Chrysler Capital, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

30. [25-22975](#)-C-13 EDGAR/THERESA MORALES
[DPC](#)-1 Rabin Pournazarian

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
7-31-25 [[18](#)]

Thru #31

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

At the prior hearing, the Chapter 13 Trustee, David Cusick ("Trustee"), represented he continues to oppose confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments.

DISCUSSION

The debtor is \$9,000.00 delinquent in plan payments. Declaration, Dkt. 20. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

31. [25-22975](#)-C-13 EDGAR/THERESA MORALES
[JCW](#)-1 Rabin Pournazarian

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY ALLY
BANK
7-31-25 [[14](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

Creditor Ally Bank ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to pay the correct interest rate on Creditor's claim; and
2. The plan fails to pay Creditor's claim in equal monthly installments.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 6.00 percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 7.00%, plus a 1.25% risk adjustment, for a 8.25% interest rate.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Ally

Bank, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

32. [25-23575](#)-C-13 LARHONDA SAUNDERS
[LS-1](#) Pro Se

CONTINUED MOTION TO VALUE
COLLATERAL OF ELITE V20
INVESTMENTS, LLC
7-15-25 [[10](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 13.

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of Elite V20 Investments, LLC's ("Creditor") claim secured by the debtor's property commonly known as 5321 Rockwell Road, North Highlands, CA (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$150,000.00. Declaration, Dkt. 12.

The Chapter 13 Trustee filed an opposition on July 29, 2025. Dkt. 16. The Trustee represents Creditor was listed as holding a second mortgage on the property in the amount of \$123,733.04. The Trustee asserts that Debtor has put an inconsistent value on the property on her Schedule A/B and Schedule D, and the higher value of \$309,600.00 would provide enough equity for the second lien of Creditor to attach to.

The debtor filed a response (Dkt. 21) on August 6, 2025, admitting there was a typographical error on her schedules, which she corrected. Additionally, debtor contends that she had a realtor visit the property and concluded the value of the property is no more than \$120,000.00.

DISCUSSION

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. There are \$163,028.47 of senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$xxx. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim

filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is **xxxxxxxxxx**

Thru #34

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 47.

The Motion to Dismiss is granted, and the case is dismissed.

At the prior hearing on August 26, 2025, the debtor appeared and represented that she was receiving advice from an undisclosed attorney. The Court granted a continuance to allow the debtor to file an entry of appearance by debtor's attorney.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists for the following reasons:'

1. Debtor is delinquent in plan payments;
2. Debtor failed to appear at the first Meeting of Creditors;
3. Debtor has failed to serve the proposed plan on all creditors and interested parties;
4. Debtor has failed to submit proper identification and proof of social security number;
5. Debtor has failed to provide pay advices and copies of income tax returns;
6. Debtor has failed to provide required business documents; and
7. The filed plan is not confirmable.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Attendance is mandatory. 11 U.S.C. § 343. Failure to appear at the Meeting of Creditors constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

The debtor is \$357.47 delinquent in plan payments, which is supported by declaration. Dkt. 46. Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

Failure to confirm a plan constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

The debtor has not provided all necessary tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

The debtor has not provided all necessary pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

The debtor has not provided to the trustee the following businesses documents:

- A. Questionnaire,
- B. Two years of tax returns,
- C. Six months of profit and loss statements,
- D. Six months of bank account statements, and
- E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with Trustee. 11 U.S.C. § 521(a)(3). Without Debtor submitting all required documents, the court and Trustee are unable to determine if the Plan is feasible, viable, or complies with 11 U.S.C. § 1325. That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

The debtor has not provided the Chapter 13 trustee with proof of a Social Security Number. See 11 U.S.C. § 521(h)(2). That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 51.

The Objection to Claimed Exemptions is sustained.

The Chapter 13 trustee filed this Objection objects to the debtor's claimed exemptions pursuant to California law because the debtor has claimed an exemption of property of 100% of Fair Market Value (FMV) without citing to a specific statute that allows for the claim of exemptions up to 100% of FMV.

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Civ. Proc. Code § 703.580(b); In re Tallerico, 532 B.R. 774, 780-89 (Bankr. E.D. Cal. 2015). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." In re Diaz, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

The debtor has failed respond and failed to overcome the burden of proof.

Therefore, the trustee's Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Claimed Exemptions filed by Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection is sustained.

35. [25-22581](#)-C-13 WILLIAM/CARRIE COTTER
[DPC](#)-1 Mark Wolff

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
7-16-25 [[20](#)]

No Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is xxxxxxxxxx

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors' unsecured debt is over the statutory limit for chapter 13;
2. Debtors have failed to amend Schedule I to reflect reduction in retirement contributions; and
3. Plan relies on Motions to Avoid Liens that have not yet been granted.

DEBTORS' OPPOSITION

Debtors filed an Opposition on July 22, 2025. Dkt. 24. Debtors assert the case was filed in good faith and listed the amount demanded in a lawsuit, in which debtor was a named defendant, as contingent, unliquidated, and disputed. Additionally, debtors assert they can make the plan payments and the have initiated the process to adjust retirement contributions.

The debtors also filed a Notice of Proposed Modification of Chapter 13 Plan, which proposes adding Sylvia Wiedenmaier to Class 2(c) and Class 3. Dkt. 58.

DISCUSSION

At the hearing xxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is xxxxxxxxxx

36. [25-23181](#)-C-13 WILL HOSKINS
[DPC](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-20-25 [[29](#)]

Thru #37

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 32.

The Objection to Confirmation of Plan is sustained.
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The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor has failed to provide identification and proof of social security number;
2. Debtor has failed to provide all required business documents; and
3. Debtor is delinquent in plan payments.

DISCUSSION

The debtor is \$600.00 delinquent in plan payments. Declaration, Dkt. 31. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not filed all business documents including:

- A. Questionnaire,
- B. Two years of tax returns,
- C. Six months of profit and loss statements,
- D. Six months of bank account statements, and
- E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

37. [25-23181](#)-C-13 WILL HOSKINS
[NLG](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY UMPQUA BANK
8-20-25 [[33](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 36.

The Objection to Confirmation of Plan is sustained.

Creditor Umpqua Bank ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan fails to fully provide for Creditor's arrearages;
and
2. The plan is not feasible.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Umpqua Bank, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 16.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. Debtor has failed to provide all required business documents;
3. Debtor failed to list all secured claims, including from the U.S. Small Business Administration and provide for the claim in the plan;
4. Plan fails to provide for priority claims from income tax due to the United States and California; and
5. Debtor failed to list nonfiling spouse's income.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on September 4, 2025. Dkt. 19. Debtor asserts he intends to be current on plan payment before the hearing, is a victim of fraud and listed the SBA as an abundance of caution, has provided all requested information, owes no prepetition taxes, and will file a new plan.

DISCUSSION

The debtor is \$1,000.00 delinquent in plan payments. Declaration, Dkt. 15. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not filed all business documents including, the Questionnaire and proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

39. [25-21686](#)-C-13 LINDA CATRON
[LC-6](#) Pro Se

AMENDED MOTION TO SET ASIDE
DISMISSAL OF CASE , AMENDED
MOTION TO SET ASIDE
8-1-25 [[72](#)]

DEBTOR DISMISSED: 07/25/25

This matter is removed from calendar without oral argument. No appearance at the September 9, 2025 hearing is required. An order will be issued from Chambers.

40. [25-23099](#)-C-13 NICOLAJ OLSEN
[DPC](#)-1 Julius Cherry

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
8-13-25 [[12](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan requires a higher dividend to unsecured creditors;
and
2. Debtor has failed to file an amended Statement of
Financial Affairs.

DISCUSSION

A review of the docket shows that an amended Statement of Financial Affairs has been filed by the debtor. Dkt. 16.

The plan proposes a monthly payment of \$1,200 for 3 months, \$675 for 1 month and \$100 for 56 months, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.