

**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: January 21, 2025

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.

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

January 21, 2025 at 1:00 p.m.

1. [24-25006](#)-B-13 JOHANNA/LAWRENCE QUINLEY OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Ryan Keenan PLAN BY TRUSTEE LILIAN G. TSANG
Thru #2 12-20-24 [[17](#)]

CONTINUED TO 1/28/25 AT 1:00 P.M. AT THE SACRAMENTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 1/22/25.

Final Ruling

No appearance at the January 21, 2025, hearing required. The court will issue an order.

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| 2. | 24-25006 -B-13
RMP -1 | JOHANNA/LAWRENCE QUINLEY
Ryan Keenan | OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR PNC BANK,
NATIONAL ASSOCIATION
12-24-24 [13] |
|----|--|---|---|

CONTINUED TO 1/28/25 AT 1:00 P.M. AT THE SACRAMENTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 1/22/25.

Final Ruling

No appearance at the January 21, 2025, hearing required. The court will issue an order.

January 21, 2025 at 1:00 p.m.

3. [24-25024](#)-B-13 MAUREEN SHARMA
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
12-20-24 [[16](#)]

Final Ruling

The Chapter 13 Trustee ("Trustee") properly filed an objection at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). Debtor Maureen Sharma filed a response conceding that the presently proposed plan is not confirmable and has no opposition to the objection being sustained.

Therefore, the Trustee's objection to confirmation will be sustained.

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

The court will issue an order.

4. [23-20464](#)-B-13 PATRICIA BROWN MOTION TO MODIFY PLAN
[MJD](#)-5 Matthew J. DeCaminada 12-17-24 [[81](#)]

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 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. 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. [24-24980](#)-B-13 ADAM/KRISTIN STERIO OBJECTION TO CONFIRMATION OF
 [LGT](#)-1 Mikalah Liviakis PLAN BY LILIAN G. TSANG
 12-23-24 [\[18\]](#)

CONTINUED TO 1/28/25 AT 1:00 P.M. AT THE SACRAMENTO COURTROOM TO BE HEARD IN
CONJUNCTION WITH THE CHAPTER 13 TRUSTEE'S MOTION TO DISMISS CASE.

Final Ruling

No appearance at the January 21, 2025, hearing required. The court will issue an
order.

6. [24-24993](#)-B-13 FRANCISCO GOMEZ
[LGT](#)-1 David A. Boone

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
12-20-24 [[13](#)]

Final Ruling

The *initial* Chapter 13 Plan filed November 1, 2024, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to January 28, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan fails liquidation under a chapter 7 pursuant to 11 U.S.C. § 1325(a)(4). The plan proposes to pay 12% or \$5,480.64 to general unsecured creditors. However, based on Debtors's non-exempt equity, liquidation requires payment of 14.84% or \$6,777.60. However, based on Debtor's Schedule J, this increased plan payment is not feasible for Debtor if funded in the 36-month plan term.

Second, the plan provides for the payment of fees in excess of the fixed compensation allowed in Local Bankr. R. 2016-1(c). Debtor's counsel is enjoined from front-loading payment of fees and/or costs. The attorney fee dividend will need to be reduced to \$145.83 per month.

The plan filed November 1, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on January 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on January 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on January 28, 2025, at 1:00 p.m.

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

The court will issue an order.

7. [24-25093](#)-B-13 BRIAN/LEIGH MORPHIS
[LGT](#)-1 Julius J. Cherry

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
12-20-24 [[15](#)]

Final Ruling

The *initial* Chapter 13 Plan filed November 8, 2024, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to January 28, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor has a retirement loan that is due to payoff October 2028 and a monthly child support obligation due to mature around September 2027. Since the plan proposes to pay less than 100% to unsecured creditors, the plan payment should be increased when the retirement loan is paid off and when the child support ends. 11 U.S.C. § 1322(a).

Second, the plan has not been proposed in good faith under 11 U.S.C. § 1325(a)(3). Specifically, Debtors have claimed an additional transportation expense for public transportation derived from air fare for vacations in the amount of \$215.00 on Line 15, Form 122C-2. In addition, Debtors did not disclose in their Schedule I or J that Debtor's Domestic Support Obligation will end during the plan duration and has not proposed a step up in plan payments upon the conclusion of the domestic support obligation.

Third, the plan proposes to pay 0% to general unsecured creditors. Debtors have non-exempt equity in the total amount of \$175.00. After deducting Chapter 7 Trustee's fees of \$43.75, liquidation requires \$131.25. The plan is not meeting liquidation. In order to meet liquidation, the percentage to unsecured creditors must increase to 0.10%.

The plan filed November 8, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on January 24, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on January 28, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on January 28, 2025, at 1:00 p.m.

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

The court will issue an order.

8. [24-25697](#)-B-13 ROMAN/ALIONA BEJENARI MOTION TO VALUE COLLATERAL OF
[MS-1](#) Mark Shmorgon CAPITAL ONE AUTO FINANCE
12-20-24 [[8](#)]

CONTINUED TO 2/25/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO PROVIDE CAPITAL ONE AUTO FINANCE WITH ADDITIONAL TIME TO OBTAIN AN APPRAISAL OF THE SUBJECT VEHICLE AS REQUESTED BY THE CREDITOR.

Final Ruling

No appearance at the January 21, 2024, hearing is required. The court will issue an order.