

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

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

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: February 4, 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.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

February 4, 2025 at 1:00 p.m.

1.	<u>24-90703</u> -B-13	ROBERT/TARRA SUMNER	MOTION TO CONFIRM PLAN
	<u>JCK</u> -1	Gregory J. Smith	1-15-25 [<u>15</u>]

Final Ruling

The motion was not 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). Only 20-days' notice was provided. Therefore, the motion to confirm plan is denied without prejudice and the plan is not confirmed.

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

The court will issue an order.

Final Ruling

The motion has 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 failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed by the Chapter 13 Trustee ("Trustee") and creditor PNC Bank, National Association ("PNC Bank"). A reply was filed by debtor Bobbi Rodriguez ("Debtor").

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

The Trustee and PNC Bank object to confirmation on grounds that the proposed monthly plan payment is not sufficient to cover monthly payments to secured creditors and the Trustee, the plan classifies Rushmore Serving and PNC Bank as both Class 1 and Class 4 claims, the Debtor is delinquent \$537.63 and the next scheduled payment of \$537.63 was due on January 25, 2025, Debtor has failed to indicate a docket control number on her motion papers, and there is no Declaration from the Debtor in support of the motion. See 11 U.S.C. §§ 1325(a)(3), (a)(6).

Debtor filed a response stating that PNC Bank and Rushmore Servicing will be paid directly by the Debtor, but that also these creditors will be paid through the plan in Class 1. Furthermore, Debtor does not address the remaining objections to confirmation, including any cure of the delinquent plan payments.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

3. [24-90684](#)-B-13 FRANCISCO MARTINEZ OBJECTION TO CONFIRMATION OF
 [LGT](#)-1 David C. Johnston PLAN BY LILIAN G. TSANG
 1-6-25 [[20](#)]

CONTINUED TO 2/11/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 2/05/25.

Final Ruling

No appearance at the February 4, 2025, hearing is required. The court will issue an
order.

4. [24-90677](#)-B-13 TODD KOVACS CONTINUED MOTION TO DISMISS
 [LGT](#)-2 Pro Se CASE
 1-2-25 [[23](#)]

Final Ruling

This matter was continued from January 28, 2025, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, January 31, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 29, granting the motion to dismiss case, shall become the court's final decision. The continued hearing on February 4, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.