

**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: 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
Sacramento, California

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

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1. [24-25217](#)-B-13 ROSSLYN CARRISOSA OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Julius J. Cherry PLAN BY LILIAN G. TSANG
1-7-25 [[13](#)]

Final Ruling

The *initial* Chapter 13 Plan filed November 18, 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 February 11, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor's Schedule J at Line 18 reflects a domestic support obligation of \$300.00 a month. Debtor has not submitted a Domestic Support Obligation Checklist. Debtor testified that the support obligation will end in July 2025, and the plan payment does not increase accordingly.

Second, amended schedules are required including Schedule B for clothing and the value of a vehicle, a Domestic Support Obligation Checklist, and documentation verifying the secured nature of a claim with Goodleap for HVAC system.

Third, pay advices for the last 6 months' period are required to determine whether the plan provides that all of Debtor's projected disposable income to be received in the applicable commitment period will be applied to make payments to unsecured creditors under the plan.

The plan filed November 18, 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 February 7, 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 February 11, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on February 11, 2025, at 1:00 p.m.

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

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

The court will issue an order.

2. [24-22459](#)-B-13 JAMIE BRIDGEMAN OBJECTION TO CONFIRMATION OF
[MKM](#)-1 Michael K. Moore PLAN BY PATRICIA O'MALLEY, AS
Thru #3 TRUSTEE OF THE PATRICIA A.
O'MALLEY SEPARATE PROPERTY
TRUST, DATED 11-19-2010
1-15-25 [[70](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to the filing of this objection, the Debtor filed an amended plan on January 23, 2025. The confirmation hearing for the amended plan is scheduled for March 4, 2025. The earlier plan filed December 15, 2024, is not confirmed.

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

The court will issue an order.

3. [24-22459](#)-B-13 JAMIE BRIDGEMAN MOTION TO CONFIRM PLAN
[MKM](#)-1 Michael K. Moore 12-15-24 [[61](#)]

Final Ruling

The Debtor having filed a notice of withdrawal of its motion, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

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

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 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). Opposition was filed.

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 permit the requested modification and confirm the modified plan.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that it provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). The Trustee states that the monthly plan payment of \$2,559.97 will need to be increased to \$2,711.00 starting January 2025 and continue for the final 26 months of the plan in order for the plan to be feasible.

Debtor filed a response stating that she agrees to increasing the monthly plan payment to \$2,711.00 and will adjust her electricity, cell phone, internet, and food consumption so that she will have an extra \$152.00 per month to allow her to increase the monthly plan payment.

The modified plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [24-25361](#)-B-13 CECIL/VERONICA RHODES MOTION TO CONFIRM PLAN
 [DB-1](#) Galen M. Gentry 12-23-24 [[29](#)]

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.

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.

7. [24-25690](#)-B-13 RAYLA NEELEY MOTION TO AVOID LIEN OF
MS-[1](#) Mark Shmorgon CITIBANK, N.A.
Thru #8 1-18-25 [[25](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 **conditionally grant the motion and continue the matter to February 11, 2025, at 1:00 p.m.**

This is a request for an order avoiding the judicial lien of Citibank, N.A. ("Creditor") against the Debtor's property commonly known as 7255 Minuet Way, Citrus Heights, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$11,490.80. An abstract of judgment was recorded with Sacramento County on September 20, 2013, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$441,900.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$300,000.00 on Schedule C. All other liens recorded against the Property total \$158,135.00.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the Debtor's exemption of the real property and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, February 7, 2024, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted 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 February 11, 2024, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on February 11, 2024, at 1:00 p.m.

8. [24-25690](#)-B-13 RAYLA NEELEY MOTION TO AVOID LIEN OF
MS-[2](#) Mark Shmorgon CITIBANK, N.A.
1-18-25 [[30](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 **conditionally grant the motion and continue the matter to February 11, 2025, at 1:00 p.m.**

This is a request for an order avoiding the judicial lien of Citibank, N.A. ("Creditor") against the Debtor's property commonly known as 7255 Minuet Way, Citrus Heights, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$13,823.94. An abstract of judgment was recorded with Sacramento County on March 1, 2023, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$441,900.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$300,000.00 on Schedule C. All other liens recorded against the Property total \$158,135.00.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the Debtor's exemption of the real property and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, February 7, 2024, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted 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 February 11, 2024, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on February 11, 2024, at 1:00 p.m.

9. [24-23094](#)-B-13 ROSALINA SOLIVEN
[LGT](#)-1 Kathleen H. Crist

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-7-25 [[46](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

10. [24-25197](#)-B-13 DENISE REES OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Peter G. Macaluso PLAN BY LILIAN G. TSANG
1-2-25 [[26](#)]

CONTINUED TO 2/25/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 2/20/25.

Final Ruling

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

11. [24-24946](#)-B-13 BILLY SPURGIN CONTINUED ORDER TO SHOW CAUSE -
Thru #12 Peter Macaluso FAILURE TO PAY FEES
12-5-24 [[34](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due December 2, 2024. The court's docket reflects that \$313.00 was paid on January 28, 2024. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.

12. [24-24946](#)-B-13 BILLY SPURGIN CONTINUED ORDER TO SHOW CAUSE -
Peter Macaluso FAILURE TO PAY FEES
1-6-25 [[38](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$78.00 due December 30, 2024. The court's docket reflects that \$313.00 was paid on January 28, 2024. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.

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

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. Although debtors Johanna Quinley and Lawrence Quinley did not file a response, they did file a plan as a separate docket from the voluntary petition, schedules, and statements. See dkt. 30. This resolves the basis for dismissing the case at this time.

Therefore, the court's conditional ruling at dkt. 26 and the continued hearing on February 4, 2025, at 1:00 p.m. are vacated. The motion to dismiss case is denied without prejudice.

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

The court will issue an order.