

**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 8, 2022

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 8, 2022 at 1:00 p.m.

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1. [20-25153](#)-B-13 MICHAEL/JOLENE YATES MOTION FOR COMPENSATION FOR
[CLH](#)-5 Charles L. Hastings CHARLES L. HASTINGS, DEBTORS
ATTORNEY(S)
1-10-22 [[138](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 grant the motion for compensation.

Fees and Costs Requested

Charles L. Hastings ("Movant"), the attorney to Chapter 13 first and final request for the allowance of \$9,265.42 in fees and \$0 in expenses. The period for which the fees are requested is for November 10, 2020 through December 22, 2021.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

Here, Movant's services in the relevant period included: (1) legal advice and rendering legal services to the Debtors, (2) general case administration, (3) reviewing and responding to initial Chapter 7 trustee Gary Farrar's objection to confirmation of proposed plan, see dkt. 28, and (3) reviewing and responding to United States' objection to confirmation of Debtor's second amended plan. Dkt. 103. The court finds that the compensation sought is reasonable, actual, and necessary, and the court will approve the motion.

Applicant is allowed, and the Trustee is authorized to pay, the following amounts as compensation to this professional in this case:

Fees	\$9,265.42
Costs and Expenses	\$0.00

The motion is ORDERED GRANTED for fees of \$9,265.42 and costs and expenses of \$0.00.

February 8, 2022 at 1:00 p.m.

2. [21-23263](#)-B-13 MONIQUE COLLINS MOTION TO DISMISS ADVERSARY
[21-2085](#) SDW-1 PROCEEDING/NOTICE OF REMOVAL
LANGES V. COLLINS 1-5-22 [[10](#)]
Thru #4

Final Ruling: No appearance at the February 8, 2022 hearing is required.

This matter was continued to June 21, 2022 at 11:00 a.m.

The court will enter an order.

3. [21-23263](#)-B-13 MONIQUE COLLINS OBJECTION TO CONFIRMATION OF
[RLS](#)-4 Selwyn D. Whitehead PLAN BY NATIONSTAR MORTGAGE LLC
1-10-22 [[46](#)]

Final Ruling

The objection 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 the Creditor's objection, the Debtor filed an amended plan on January 21, 2022. However, the confirmation hearing for the amended plan has not been scheduled. The earlier amended plan filed November 23, 2021, is not confirmed.

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

The court will issue an order.

4. [21-23263](#)-B-13 MONIQUE COLLINS MOTION TO CONFIRM PLAN
[SDW](#)-2 Selwyn D. Whitehead 12-17-21 [[36](#)]

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 court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to the filing of the Trustee's objection, the Debtor filed an amended plan on January 21, 2022. However, the confirmation hearing for the amended plan has not been scheduled. The earlier amended plan filed November 23, 2021, is not confirmed.

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

FURTHER ORDERED that the Debtor shall file, set, and serve a motion to confirm the January 21, 2022, amended plan by February 15, 2022, or this case may be dismissed on Chapter 13 Trustee's ex parte application.

The court will issue an order.

5. [21-24270](#)-B-13 MYRTIS MARTIN
[HWW](#)-3 Hank W. Walth

CONTINUED MOTION FOR WAIVER OF
CREDIT COUNSELING DUE TO
PHYSICAL DISABILITY
1-18-22 [[24](#)]

Final Ruling

This matter was continued from February 1, 2022, to allow an opposition or response to be filed by any party in interest. No opposition or response was filed. Therefore, the court's conditional ruling granting the motion shall be the court's final decision. The continued hearing on February 8, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.