

**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 18, 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 18, 2025 at 1:00 p.m.

1. [18-90506](#)-B-13 ROBIN HAMADE-GAMMON MOTION TO MODIFY PLAN
[BSH](#)-12 Brian S. Haddix 1-14-25 [[221](#)]

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.

February 18, 2025 at 1:00 p.m.

2. [22-90412](#)-B-13 ANTHONY HONCIANO
[MSN](#)-3 Mark S. Nelson

MOTION TO MODIFY PLAN
1-6-25 [[65](#)]

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.

Tentative 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 and may appear at the hearing to offer oral argument.

The court's decision is to grant the motion to extend the automatic stay.

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on January 3, 2025, for failure to timely file documents (case no. 24-90743, dkt. 18). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was filed within 30 days of the filing of the instant chapter 13 case.

Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The subsequently filed case is presumed to be filed in bad faith if there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13. *Id.* at § 362(c)(3)(C)(i)(III). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-210 (2008).

Debtor asserts that the prior case was filed to prevent a non-judicial foreclosure of his and his wife's home. The foreclosure came about from a combination of events: Debtor's landscaping business income dropped due to COVID, Debtor had a heart attack in 2021, and Debtor's wife incurred lupus, was no longer able to work at her job, and became a full-time caretaker to Debtor in his recovery from the heart attack.

Debtor states that he was solicited by Progressive Elite Group in June 2024 to address the mortgage delinquency. The company promised to remedy Debtor's financial problems by having their in-house counsel negotiate a new loan with Debtor's lender and said any arrears would be incorporated into a new loan. Instead, the company bailed on Debtor at the last minute, stating that Debtor needed to file for bankruptcy "within the next 3 hours" to protect his home from foreclosure. Debtor contends that he was totally blindsided by this and, without sufficient time to research possible attorneys to represent him, he filed the prior bankruptcy case pro se.

Debtor's circumstances have since changed because he has hired professional legal services for this case, he has recovered from his heart attack and is working full time in his landscaping business, his landscaping business has stabilized and begun to increase after contracting with a business manager to handle its landscaping needs that alone will increase business income by 15%, Debtor's wife's lupus condition has stabilized and she has returned to work, and Debtor has applied for full Social Security coverage that will provide anywhere between \$500 to \$2,000 per month starting April 2025.

The Debtor has sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case for the court to extend

the automatic stay.

The motion is granted and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

The court will issue an order.

4. [24-90248](#)-B-13 ANDRES/GLORIA AGUIRRE MOTION TO MODIFY PLAN
[PLG](#)-1 Steven A. Alpert 12-20-24 [[27](#)]

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 Debtors have 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. [24-90757](#)-B-13 JAMES LEGENSKY OBJECTION TO CONFIRMATION OF
 [LGT](#)-1 Nicholas Wajda PLAN BY LILIAN G TSANG
 1-27-25 [[18](#)]

CONTINUED TO 3/04/25 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH THE MOTION TO VALUE
COLLATERAL OF GOLDEN 1 CREDIT UNION.

Final Ruling

No appearance at the February 18, 2025, hearing is required. The court will issue an
order.

6. [24-90158](#)-B-13 SEAN MOFFATT
[SSH](#)-1 Simran Singh Hundal

MOTION TO MODIFY PLAN
1-9-25 [[36](#)]

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. [24-90568](#)-B-13 MAGALI MOLINA
[SSH](#)-1 Simran Singh Hundal

MOTION TO CONFIRM PLAN
1-6-25 [[34](#)]

Final Ruling

The motion has been 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). 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 confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended 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.

8. [24-90724](#)-B-13 ERIC GUTIERREZ CONTINUED OBJECTION TO
[LGT](#)-1 Simran Singh Hundal CONFIRMATION OF PLAN BY LILIAN
G. TSANG
1-15-25 [[12](#)]

Final Ruling

This matter was continued from February 11, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, February 14, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 15, sustaining the objection, shall become the court's final decision. The continued hearing on February 18, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

9. [24-90736](#)-B-13 MARIA GUZMAN CONTINUED OBJECTION TO
[NLG](#)-1 Flor De Maria A. Tataje CONFIRMATION OF PLAN BY
LAKEVIEW LOAN SERVICING, LLC
1-10-25 [[22](#)]

Final Ruling

Creditor Lakeview Loan Servicing, LLC 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.

There being no other objection to confirmation, the plan filed November 29, 2024, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED 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.

10. [24-90747](#)-B-13 JASON CLARK
[LGT](#)-1 Joshua Sternberg

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
1-13-25 [[18](#)]

Final Ruling

This matter was continued from February 11, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, February 14, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 25, sustaining the objection, shall become the court's final decision. The continued hearing on February 18, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

11. [24-90698](#)-B-13 GRISEL OLIVEROS
[LGT](#)-1 Simran Singh Hundal

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
1-15-25 [[12](#)]

Final Ruling

This matter was continued from February 11, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, February 14, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 18, sustaining the objection, shall become the court's final decision. The continued hearing on February 18, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

12. [24-90736](#)-B-13 MARIA GUZMAN CONTINUED OBJECTION TO
[JCW](#)-1 Flor De Maria A. Tataje CONFIRMATION OF PLAN BY ALLY
See Also #9 BANK
1-10-25 [[15](#)]

Final Ruling

Debtor Maria Guzman having addressed and corrected all issues raised in the objections to confirmation by Lakeview Loan Servicing, LLC and Ally Bank, the objection to confirmation is overruled.

There being no other objection to confirmation, the plan filed November 29, 2024, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED 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.