

**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 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
Sacramento, California

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

1. [24-25504](#)-B-13 LARRY MENTON
[LGT](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-23-25 [[37](#)]

DEBTOR DISMISSED: 01/29/25

Final Ruling

The case having been dismissed on January 29, 2025, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

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

2. [24-23014](#)-B-13 SENGPHET/SYPHONG MOTION TO CONFIRM PLAN
 [MJD](#)-1 PHIMMASENE 1-14-25 [[53](#)]
 Matthew J. DeCaminada

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 not permit the requested modification and not confirm the modified plan.

First, the Disclosure of Compensation of Attorney for Debtor form filed July 10, 2024, is incorrect. In regard to question 5, line items are missing. The form does not match that provided on the Eastern District of California court's website.

Second, the motion to confirm has been assigned a docket control number that was previously used in the same case. Debtors failed to comply with Local Bankr. R. 9017-1(c).

The modified plan does not comply with 11 U.S.C. §§ 1322 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. [21-24219](#)-B-13 CHRISTINA GONZALES
[LRR](#)-1 Len ReidReynoso

MOTION TO MODIFY PLAN
1-13-25 [[37](#)]

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.

4. [24-25525](#)-B-13 SHANNON STOKES
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-24-25 [[25](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 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 February 25, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The Chapter 13 Trustee objects to confirmation of the plan on grounds that Form 122C needs to be amended, the correct Disclosure of Compensation of Attorney for Debtor needs to be filed, Schedule I needs to be amended, and Debtor's November 2024 pay stub must be provided to the Trustee.

Debtor filed a reply stating that she has filed amended Form 122C, amended Schedule I, provided the Trustee with the required pay stub, and is filing her 2024 tax refund. However, there is no indication that a corrected Disclosure of Compensation of Attorney for Debtor was filed and a review of the court's docket shows that it wasn't filed.

Therefore, the plan filed December 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 February 21, 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 25, 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 25, 2025, at 1:00 p.m.

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

The court will issue an order.

5. [24-25526](#)-B-13 DELFIN/ROSARIO ANDRES
[AP-1](#) Thomas A. Moore
Thru #6 OBJECTION TO CONFIRMATION OF
PLAN BY BMO BANK N.A.
1-30-25 [[17](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 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 February 25, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Objecting creditor BMO Bank N.A. holds a security interest in a 2016 Honda Odyssey EK-L minivan. The creditor has filed a timely proof of claim in which it asserts \$57.37 in pre-petition arrearages. The plan does not propose to cure these arrearages, does not provide for the surrender of the collateral, and does not provide for full payment of the arrearage and maintenance of the ongoing note installments. See 11 U.S.C. §§ 1322(b)(2), (b)(5) and 1325(a)(5)(B). Therefore, the plan cannot be confirmed.

The plan filed December 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 February 21, 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 25, 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 25, 2025, at 1:00 p.m.

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

The court will issue an order.

6. [24-25526](#)-B-13 DELFIN/ROSARIO ANDRES
[LGT-1](#) Thomas A. Moore
OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
1-30-25 [[14](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 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 February 25, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Section 3.05 of the plan provides that \$4,500 was paid prior to filing and

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

\$1,500 is to be paid through the plan. This means that Debtors' counsel took more than 25% of the total fees prior to filing, which is not permitted under Local Bankr. R. 2016-1(c)(3). **Debtor's counsel is ORDERED to return \$3,000.00 to the Debtor and file proof that funds have been returned by February 21, 2025. Amendment is also necessary to provide for payment of \$4,500.00 through the plan and a \$1,500.00 retainer.**

Second, the dividend payable to attorney fees at Section 3.06 is \$125. The balance of attorney fees due at Section 3.05 is \$1,500. Debtors' plan is a 60-month plan. The appropriate dividend for attorney fees is therefore \$25.00 a month for 60 months.

Third, Debtors' Schedule I includes wages of \$1,502.00. Debtor has testified that he does not earn wages and that the information on Schedule I is not accurate. Until Debtors file amended schedules to accurately reflect their current budget, it cannot be determined if the plan is feasible.

Fourth, Debtors' Schedule I includes a \$2,000.00 contribution to the household. The identity of the person or persons making the contribution has not been indicated on the schedule, and Debtors have failed to file a declaration of said person or persons attesting to their willingness and ability to make the monthly contribution for the 60-month plan term. Until a declaration is filed, it cannot be determined if the plan is feasible.

Therefore, the plan filed December 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 February 21, 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 25, 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 25, 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. [24-25556](#)-B-13 EXIQUIO/ARCHANA GUERRA OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Kathleen H. Crist PLAN BY LILIAN G TSANG
1-27-25 [[17](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 11, 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 25, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The Chapter 13 Trustee objects to confirmation of the plan on grounds that the proposed plan payments results in only a 48% distribution to general unsecured creditors when Form 122C-2 indicates a monthly disposable income available that would result in a 100% dividend to unsecured creditors.

Debtors filed a reply stating that they testified at the January 22, 2025, first meeting of creditors as to their cost of living expenses, including extra utilities, insurance costs, home repairs, and transportation items. Debtors propose a repayment plan that will pay a 75% dividend to unsecured creditors.

Despite the testimony at the meeting of creditors, Debtors have not filed an amend Form 122C-2 that accurately reflects their monthly income to support paying a dividend of 75% to unsecured creditors.

Therefore, the plan filed December 11, 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 21, 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 February 25, 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 25, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED 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)(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 not permit the requested modification and not confirm the modified plan.

First, Debtor's plan provides for total priority claims in the amount of \$2.00. The Internal Revenue Service has filed a proof of claim listing a priority portion of \$10,956.94. Until the IRS files an amended proof of claim or the debtor successfully objects to the claim filed by the IRS, Debtor's plan is not providing for the full payment of the priority tax claim and is not feasible. 11 U.S.C. §§ 1322(a)(2), (a)(6).

Second, Debtor has failed to make the payments proposed and is delinquent \$2,810.00 under the proposed plan. Pursuant to the plan, one payment of \$2,810.00 has come due for January 2025, and the next payment of \$2,810.00 is due on February 25, 2025. Records indicate the last payment made by Debtor was on October 22, 2024, in the amount of \$800.00. Debtor has failed to make plan payments as required under 11 U.S.C. § 1325(a)(2).

Third, Section 7 Nonstandard Provisions of Debtor's plan provides for plan payments of \$330.00 per month for 5 months (August 2024-December 2024) and payments of \$2,810.00 per month beginning January 2025 to the end of 60-month plan. Dkt. 29:7 Debtor has failed to provide admissible evidence that the plan is mathematically feasible. Trustee's calculations indicate that Debtor's average plan payment will need to be at least \$2,976.00 beginning January 2025 in order for Debtor's plan to be feasible as paying unsecured creditors 0%.

Fourth, Section 7 Nonstandard Provisions of Debtor's plan provides for payments to Lakeview Loan Servicing LLC for additional post-petition arrears in the amount of \$8,034.57. However, Trustee records indicate that the current total post-petition arrears are only \$7,933.20 representing the months of August 2024 through December 2024. Without providing for the correct amount in post-petition arrears, Trustee is unable to determine whether the Debtor's plan is feasible.

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

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

The court will issue an order.

9. [24-25433](#)-B-13 JESUS PALOFAX AND CONTINUED OBJECTION TO
[LGT](#)-1 CASSANDRA PALAFOX CONFIRMATION OF PLAN BY LILIAN
Flor De Maria A. Tataje G. TSANG
1-15-25 [[19](#)]

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. Debtors filed amended schedules, dkt. 33, showing that their monthly net income is \$2,035.52 and that they therefore can afford the proposed monthly plan payment. This resolves the Chapter 13 Trustee's objection to confirmation.

However, Debtors filed an amended plan on February 6, 2025. The confirmation hearing for the amended plan is scheduled for April 1, 2025. The earlier plan filed November 30, 2024, is not confirmed and the court's conditional ruling at dkt. 30 and the continued hearing on December 7, 2025, at 1:00 p.m. are vacated. The objection to confirmation is overruled as moot.

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

The court will issue an order.