

**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 25, 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 25, 2025 at 1:00 p.m.

1. [24-25504](#)-B-13 LARRY MENTON MOTION TO DISMISS CASE
 [LGT](#)-2 Pro Se 1-23-25 [[40](#)]

DEBTOR DISMISSED: 01/29/25

Final Ruling

The case having been dismissed on February 5, 2025, the motion to dismiss case is denied as moot.

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

The court will issue an order.

February 25, 2025 at 1:00 p.m.

2. [24-22631](#)-B-13 MELISA GUERRERO MOTION TO DISMISS CASE
 [LGT](#)-1 Matthew J. DeCaminada 1-17-25 [[20](#)]

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion, and it is consistent with the Debtor's opposition filed to the motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

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

The court will issue an order.

3. [24-24634](#)-B-13 JORGE MALDONADO AND MOTION TO DISMISS CASE
 [LGT](#)-2 FIDELINA HUERTA 1-6-25 [[23](#)]
 Peter G. Macaluso

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

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

The court will issue an order.

4. [24-24537](#)-B-13 HARPREET SINGH CONTINUED OBJECTION TO
[LGT-1](#) Kristy A. Hernandez CONFIRMATION OF PLAN BY LILIAN
Thru #5 G. TSANG
11-22-24 [[28](#)]

Final Ruling

Based on the conversion of the bankruptcy case to one under chapter 7 at Item #5, LGT-2, the continued 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.

5. [24-24537](#)-B-13 HARPREET SINGH MOTION TO DISMISS CASE
[LGT-2](#) Kristy A. Hernandez 2-7-25 [[39](#)]

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 to convert case continue the motion to March 4, 2025, at 1:00 p.m.**

Debtor has failed to make all payments due under the plan. Payments are delinquent in the amount of \$16,950.00. In addition to the above amount, Debtor must also continue to make the monthly plan payment of \$5,650.00 for January 25, 2025.

Based on Debtor's schedules and should Debtor choose to amend Schedule C exemptions, there would remain non-exempt equity that may be available for the benefit of unsecured creditors. Therefore, cause exists to convert this case. The motion is granted and the case is converted.

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 28, 2025, 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 March 4, 2025, 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 March 4, 2025, at 1:00 p.m.

6. [24-23139](#)-B-13 FRANK CANO AND ELIZABETH MOTION TO DISMISS CASE
[LGT](#)-2 RAPISURA 1-3-25 [[41](#)]
Peter G. Macaluso

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 to dismiss case.

First, Debtors failed to set a modified plan for hearing with notice to creditors. This is an unreasonable delay by Debtors that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Second, Debtors have failed to make all payments due under the plan. Payments are delinquent in the amount of \$16,100.00. In addition to the above amount, Debtors must also continue to make the monthly plan payment of \$4,025.00 for January 25, 2025.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will issue an order.

7. [24-24548](#)-B-13 MARISA HALL CONTINUED OBJECTION TO
[LGT](#)-1 Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN
G. TSANG
DEBTOR DISMISSED: 01/15/25 11-22-24 [[21](#)]

Final Ruling

The case having been dismissed on January 15, 2025, the continued 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.

8. [24-25250](#)-B-13 ALBERT WILSON
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-23-25 [[31](#)]

DEBTOR DISMISSED: 02/11/25

Final Ruling

The case having been dismissed on February 11, 2025, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

9. [25-20050](#)-B-13 STEPHANIE DAVIS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-7-25 [[22](#)]

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 \$28.00 due in association with the filing of an Amended Verification of Master Address List. The court's docket reflects that the default was cured on February 10, 2025.

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.

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). Oppositions were 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 confirm the plan.

First, objecting creditor Lakeview Loan Servicing, LLC holds a deed of trust secured by Debtors' residence. The creditor has filed a timely proof of claim in which it asserts \$35,249.31 in pre-petition arrearages. The plan does not propose to cure these arrearages. Because the plan does not provide for the surrender of the collateral for this claim, the plan must 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). Because it fails to provide for the full payment of arrearages, the plan cannot be confirmed.

Second, Debtors will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Debtors' Schedule J indicates that Debtors have a net disposable income of \$182.17 to fund the plan. However, Debtors' proposed plan requires a monthly payment of \$3,477.98 per month.

Third, Debtors are delinquent \$2,297.91. An additional plan payment of \$3,477.98 will come due on January 25, 2025. The Debtors do not appear to be able to make plan payments proposed and have not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

Fourth, Schedule J lists several expenses that appear to be duplicated in the plan. It cannot be determined if Debtors are able to make plan payments and if the plan is feasible.

Fifth, the plan does not provide for all of Debtors' projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Debtors list two deductions for Assessment Management Services, one of which should be removed. This affects the dividend payable to unsecured creditors. Debtors' plan proposes a dividend of 1% to unsecured creditors. However, if the duplicate deduction to Assessment Management Services is removed, Debtors would have a 7.31% payable dividend.

Sixth, the Disclosure of Compensation of Attorney for Debtor form filed November 25, 2024, is incorrect. The form does not match the standardized form as provided on the Eastern District of California Court's website.

Seventh, Debtors' attorney's fee dividend will need to be \$106.25 per month to comply with Local Bankr. R. 2016-1(c)(4)(B). This change, however, will result in a monthly plan shortage. The monthly plan payment to secured creditors plus trustee's fees total \$3,496.80 per month. Debtors' plan payment is only \$3,477.98 per month and accordingly the plan is not feasible.

Eighth, Debtors' plan fails to comply with the provisions of chapter 13 and with other applicable provisions of title 11. 11 U.S.C. § 1325(a)(1). This includes Debtors' failure to provide pay advices for the 60 days prior to filing, proof of additional expense on Line 29 of Form 122C-2, documents related to Debtors' business, and an

attachment to Schedule I for Line 8a.

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.

11. [24-23167](#)-B-13 VALERY ALEXANDER-THOMAS MOTION TO DISMISS CASE
[LGT](#)-2 G. Michael Williams 1-3-25 [[43](#)]

Final Ruling

The Chapter 13 Trustee has filed a motion to withdraw its pending motion. The motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar and the case will proceed in this court.

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

12. [24-24786](#)-B-13 FRANCISCO VIVANCO
[LGT](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
12-6-24 [[24](#)]

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.

There being no other objection to confirmation, the plan filed November 7, 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.

13. [24-25197](#)-B-13 DENISE REES ORDER TO SHOW CAUSE - FAILURE
Thru #14 Peter G. Macaluso TO PAY FEES
1-21-25 [[29](#)]

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 January 14, 2025. The court's docket reflects that the default was cured on January 23, 2025, with additional payments made February 3 and 14, 2025, to complete installment payments.

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.

14. [24-25197](#)-B-13 DENISE REES CONTINUED OBJECTION TO
[LGT](#)-1 Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN
G. TSANG
1-2-25 [[26](#)]

CONTINUED TO 3/18/25 AT 1:00 P.M. AT THE SACRAMENTO COURTROOM TO ALLOW DEBTOR TO OBTAIN NEWLY EARNED PAYROLL DOCUMENTS AND TO REMAIN CURRENT ON THE PROPOSED PLAN. *SEE* DKT. 38.

Final Ruling

No appearance at the February 25, 2025, hearing is required. The court will issue an order.

15. [24-25697](#)-B-13 ROMAN/ALIONA BEJENARI CONTINUED MOTION TO VALUE
[MS-1](#) Mark Shmorgon COLLATERAL OF CAPITAL ONE AUTO
FINANCE
12-20-24 [[8](#)]

Final Ruling

Creditor Capital One Auto Finance ("Creditor") and debtors Roman Bejenari and Aliona Bejenari ("Debtors") entered into a stipulation that resolves Debtors' motion to value collateral and Creditor's objection. Therefore, the motion is denied as moot and the hearing on this motion is vacated.

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

The court will issue an order.

16. [24-25525](#)-B-13 SHANNON STOKES
[LGT](#)-1 Peter G. Macaluso

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

Final Ruling

This matter was continued from February 18, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, February 21, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 31, sustaining the objection, shall become the court's final decision. The continued hearing on February 25, 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.

17. [24-25526](#)-B-13 DELFIN/ROSARIO ANDRES CONTINUED OBJECTION TO
[AP-1](#) Thomas A. Moore CONFIRMATION OF PLAN BY BMO
Thru #18 BANK N.A.
1-30-25 [[17](#)]

Final Ruling

This matter was continued from February 18, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, February 21, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 20, sustaining the objection, shall become the court's final decision. The continued hearing on February 25, 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.

18. [24-25526](#)-B-13 DELFIN/ROSARIO ANDRES CONTINUED OBJECTION TO
[LGT-1](#) Thomas A. Moore CONFIRMATION OF PLAN BY LILIAN
G. TSANG
1-30-25 [[14](#)]

Final Ruling

This matter was continued from February 18, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, February 21, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 21, sustaining the objection, shall become the court's final decision. The continued hearing on February 25, 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.

19. [24-25556](#)-B-13 EXIQUIO/ARCHANA GUERRA CONTINUED OBJECTION TO
[LGT](#)-1 Kathleen H. Crist CONFIRMATION OF PLAN BY LILIAN
G TSANG
1-27-25 [[17](#)]

Final Ruling

This matter was continued from February 18, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, February 21, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 22, sustaining the objection, shall become the court's final decision. The continued hearing on February 25, 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.