

**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: MARCH 3, 2026

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
Chief Bankruptcy Judge
Sacramento, California

March 3, 2026 at 1:00 p.m.

1. [22-90101](#)-B-13 PAMELA PELL OBJECTION TO DISCHARGE BY
[LGT](#)-1 Simran Singh Hundal LILIAN G. TSANG
1-27-26 [[75](#)]

Final Ruling

The Chapter 13 Trustee filed a withdrawal of its pending objection, and it is consistent with the Debtor's opposition. 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 objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

2. [25-27304](#)-B-13 SERAFIN MENDEZ-LOPEZ AND OBJECTION TO CONFIRMATION OF
[DPC-1](#) MARIA LOPEZ PLAN BY DAVID P. CUSICK
David A. Boone 2-11-26 [[14](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 29, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Internal Revenue Service filed a secured claim no. 6-1 asserting a secured claim for \$1,895.00 for tax year 2013. The creditor is not listed in the plan and there is no expense clearly identified on Schedule J to provide for payment of this claim.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

3. [25-26106](#)-B-13 BRYAN/BRIANNE CUMMINGS
James Patrick Doan

MOTION FOR AN ORDER VACATING
ELECTION OF ATTORNEY FEES UNDER
2016-1(B) IN ORDER TO ELECT
ATTORNEY FEES UNDER LBR 2016-
1(C)
2-13-26 [[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 March 10, 2026, at 1:00 p.m.**

Debtors Bryan Cummings and Brianne Cummings ("Debtors") and their attorney James P. Doan ("Counsel") seek an order vacating the election of attorney's fees under Local Bankr. R. 2016-1(b) in order to elect attorney fees under Local Bankr. R. 2016-1(c) based on Local Bankr. R. 9024 and Rule 60.

Debtors had retained Counsel for representation in their chapter 13 bankruptcy case on July 7, 2025, and agreed that the fees to file the case would be based on the flat rate attorney rate. The Rights and Responsibilities was signed and execute by the parties and filed on October 31, 2025. Also filed that day was a chapter 13 plan that correctly lists the pre-approved total flat rate of \$12,000.00 in attorney fees at Section 3.05; however, the relevant box was inadvertently left unchecked wherein the fees were to be elected under Local Bankr. R. 2016-1(c) and awarded without court approval.

Discussion

Federal Rule of Civil Procedure 60(b)(1), applicable by Federal Rule of Bankruptcy Procedure 9024, permits the court to relieve a party from a final judgment or order for "mistake, inadvertence, surprise, or excusable neglect[.]" Fed. R. Civ. P. 60(b)(1); Fed. R. Bankr. P. 9024. Relief for excusable neglect is governed by the *Pioneer-Briones* factors, i.e., (1) the danger of prejudice to any non-moving party if the dismissal is vacated; (2) the length of delay and the potential impact of that delay on judicial proceeding; (3) the reason for the delay, including whether the delay was within the reasonable control of the movant; and (4) whether the debtor's conduct was in good faith. *Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993); *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 381 (9th Cir. 1997).

The danger of prejudice to creditors is nonexistent. Vacating the election for fees under Local Bankr. R. 2016-1(b) and allowing Counsel to elect for fees under Local Bankr. R. 2016-1(c) would not delay judicial proceedings. Counsel's failure to check mark the appropriate box was due to the mistaken belief that the plan was set up to pay attorney's fees without court approval. Counsel states that he has filed only one other plan in the Eastern District of California and was not aware about the need to check a box. Counsel states that had he realized the box was left unchecked, he would have properly checked it. There is no indication of any bad faith by Debtors or Counsel.

Given the aforementioned, the motion to vacate election of attorney fees under Local Bankr. R. 2016-1(b) in order to elect fees under Local Bankr. R. 2016-1(c) is conditionally granted.

Conditional Nature of this Ruling

March 3, 2026 at 1:00 p.m.
Page 3 of 44

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, January 7, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor 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 January 11, 2026, 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 10, 2026, at 1:00 p.m.

The motion is ORDERED CONDITIONALLY GRANTED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

4. [24-23808](#)-B-13 JOSEPH/JANICE CORBIN MOTION TO INCUR DEBT
[JTN-1](#) Jasmin T. Nguyen 1-29-26 [[30](#)]

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). A response was filed by the Chapter 13 Trustee.

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 grant the motion to incur debt.

The motion seeks permission to purchase a 2014 or 2016 Ford Escape, the total purchase price of which is \$6,500.00 with a monthly payment of about \$250 to \$300 at 15.090 percent. Debtors will be applying \$2,900.00 to the purchase of the replacement vehicle. These funds are insurance proceeds left over after Debtor's prior vehicle was damaged in a motor vehicle accident and lien holder Golden 1 Credit Union was paid in full.

The Chapter 13 Trustee filed a response stating that the car selected is reasonable, the price is reasonable, and the monthly payment is reasonable. The Trustee was also informed by Debtors' counsel that the motor vehicle accident occurred November 19, 2025, insurance proceeds amounted to \$21,000.00, and of that \$18,000.00 was paid to lienholder Golden 1 Credit Union. The Trustee recommends the motion be granted.

Discussion

A motion to incur debt is governed by Federal Rule of Bankruptcy Procedure 4001(c). *In re Gonzales*, No. 08-00719, 2009 WL 1939850, at *1 (Bankr. N.D. Iowa July 6, 2009). Rule 4001(c) requires that the motion list or summarize all material provisions of the proposed credit agreement, "including interest rate, maturity, events of default, liens, borrowing limits, and borrowing conditions." Fed. R. Bankr. P. 4001(c)(1)(B). Moreover, a copy of the agreement must be provided to the court. *Id.* at 4001(c)(1)(A). The court must know the details of the collateral as well as the financing agreement to adequately review post-confirmation financing agreements. *In re Clemons*, 358 B.R. 714, 716 (Bankr. W.D. Ky. 2007).

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the motion is granted.

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

The court will issue an order.

5. [26-20211](#)-B-13 GUY MEYERS
[GRI](#)-2 Pro Se

MOTION TO DISMISS CASE
2-3-26 [[21](#)]

Final Ruling

The case having been ordered dismissed on February 26, 2026, for Debtor's failure to pay fees, the motion to dismiss case is denied as moot.

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

The court will issue an order.

6. [25-27112](#)-B-13 CHAD/MICHELLE MOTLEY OBJECTION TO CONFIRMATION OF
[DPC](#)-1 Pro Se PLAN BY DAVID P. CUSICK
Thru #7 2-10-26 [[19](#)]

Final Ruling

The case having been dismissed on February 26, 2026, 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.

7. [25-27112](#)-B-13 CHAD/MICHELLE MOTLEY OBJECTION TO CONFIRMATION OF
[SKI](#)-1 Pro Se PLAN BY EXETER FINANCE LLC
2-10-26 [[23](#)]

Final Ruling

The case having been dismissed on February 26, 2026, 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.

8. [25-27212](#)-B-13 ROLANDO/EBRU NISPIROS
[LGT](#)-1 Mark A. Wolff

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-2-26 [[16](#)]

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)(1)(A)(I) 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 December 22, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

9. [25-27114](#)-B-13 KEITH GROTE
[DPC-1](#) Gabriel E. Liberman

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
2-11-26 [[13](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 17, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor is currently \$8,931.00 delinquent in plan payments. The next scheduled payment of \$8,931.00 is due on February 25, 2025. Debtor has paid \$0.00 into the plan to date. Debtor may not be able or willing to make the plan payments based on the current delinquency. 11 U.S.C. § 1325(a)(6).

Second, the plan is overextended and the proposed plan payment is not enough to fund the plan. Debtor would need to increase the plan payments to \$23,261.12 for the plan to complete in 60 months. The overextension is based on priority filing claims being filed for the Franchise Tax Board and Employment Development Department and paying the Class 2 claim of the Internal Revenue Service. That being said, Schedules I and J show a net monthly income that would not support an increase of plan payments to \$23,261.12 in order to pay the aforementioned claims.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

10. [25-27015](#)-B-13 FAITH ALLMOND OBJECTION TO CONFIRMATION OF
[JCW](#)-1 Julius J. Cherry PLAN BY AMERICAN HONDA FINANCE
Thru #11 CORPORATION
1-23-26 [[13](#)]

Final Ruling

Creditor American Honda Finance Corporation having filed a notice of withdrawal of its objection, the objection 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.

There being no other objection to confirmation, the plan filed December 13, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

11. [25-27015](#)-B-13 FAITH ALLMOND OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Julius J. Cherry PLAN BY LILIAN G. TSANG
2-3-26 [[17](#)]

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)(1)(A)(I) 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 December 13, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

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). 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 confirm the second amended plan.

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Debtors have failed to provide admissible evidence that their plan is mathematically feasible. The current payment proposal causes the plan to take 85 months to fund. Calculations indicate that Debtors' average monthly plan payment will need to be at least \$5,488.05 per month for 60 months in order for the plan to be feasible.

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). Schedule J filed on December 8, 2025, lists a monthly net income of \$1,521.00, which is not sufficient to make the proposed monthly plan payment. Additionally, monthly payments plus the Chapter 13 Trustee's administrative fees exceed the Debtors' proposed plan payment.

Third, Debtors must provide evidence that they made the first to mortgage payments. Due to the mortgage proof of claim filed by JPMorgan Chase Bank showing the mortgage was delinquent at the time the case was filed, the plan has moved the mortgage claim held by JPMorgan Chase Bank from Class 4 to Class 1. However, Section 7.01 Nonstandard provisions of the proposed plan states that Debtors are to make the first two mortgage payments directly to mortgage holder JPMorgan Chase Bank. Debtors must provide verification that both mortgage payments were made.

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.

13. [25-27116](#)-B-13 LEO JIMENEZ
[LGT-1](#) Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-3-26 [[25](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 29, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor's Schedule A/B lists a potential inheritance of real property that is currently in probate and the distribution amount, if any, is unclear and unknown. Due to the pending probate matter, the liquidation value of the estate cannot be determined.

Second, Debtor is delinquent \$5,625.00 and an additional plan payment of \$7,725.00 was due February 25, 2026. Debtor has only paid a total of \$2,100.00 to date. Debtor may not be able or willing to make the plan payments based on the current delinquency. 11 U.S.C. § 1325(a)(6).

Third, motions to value liens of Lendmark Financial, Frank Baldisseri, and Law Offices of Mark R. Mittelman must be filed. Feasibility of the plan cannot be determined until these motions are filed and ruled upon.

Fourth, Debtor has not filed all applicable tax returns required by 11 U.S.C. § 1325(a)(9). Debtor has not provided copies of tax returns for 2019, 2020, 2021, or 2022, or verification that the returns have been filed.

Fifth, Debtor's schedules disclose a domestic support obligation owed to Sonoma County Department DSO in the amount of \$87,181.08. The unsecured domestic support priority claim should be listed in Schedule E and not Schedule D. Debtor must file amended Schedule D removing the claim and amended Schedule E to properly list the domestic support claim.

Sixth, Debtor's attorney indicated at the meeting of creditors that the amount set forth in the Disclosure of Compensation is correct and the amount in the plan is incorrect. Debtor must file an amended plan setting forth the correct amount of attorney fees paid prior to filing and to be paid through the plan.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

14. [25-27317](#)-B-13 KAMPELI/PRISCILLA OBJECTION TO CONFIRMATION OF
[DPC](#)-1 FISILAU PLAN BY DAVID P. CUSICK
Julius J. Cherry 2-12-26 [[12](#)]

CONTINUED TO 3/24/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 3/13/26.

Final Ruling

No appearance at the March 3, 2026, hearing is required. The court will issue an order.

The objection is ORDERED CONTINUED to March 24, 2026 at 1:00 p.m. for reasons stated in the minutes.

15. [25-27018](#)-B-13 CAROLINE SANDERS
[LGT](#)-1 Simran Singh Hundal

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-4-26 [[16](#)]

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 December 18, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

16. [25-26319](#)-B-13 BAREA FAWAZ
[MJD](#)-1 Matthew J. DeCaminada

MOTION TO CONFIRM PLAN
1-19-26 [[18](#)]

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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

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, Debtors are delinquent \$5,702.00. A total of \$101,423.00 has come due through and including January 2026 according to the modified plan and an additional plan payment of \$5,702.00 was due February 25, 2026. Debtors have only paid a total of \$95,721.00 to date. Debtors may not be able or willing to make the plan payments based on the current delinquency. 11 U.S.C. § 1325(a)(6).

Second, Debtors listed Class 1 post-petition mortgage arrears in Class 2 of the proposed plan. Class 2 claims are defined as "secured claims that are modified by this plan, or that have matured or will mature before the plan is completed." Citibank NA Trustee for CMLTI Asset has a secured mortgage claim that matures after the plan duration and therefore is not properly classified as Class 2. An amended plan is required to provide appropriate treatment and provide notice to the creditor.

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.

18. [25-27026](#)-B-13 ROSALINDA MUNOZ
[LGT-1](#) Flor De Maria A. Tataje

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-3-26 [[19](#)]

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)(1)(A)(I) 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 December 29, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

19. [25-26127](#)-B-13 MARISA DUARTE LOTT
[PLG-1](#) Rabin Pournazarian

OBJECTION TO CLAIM OF
CITIMORTGAGE, INC., CLAIM
NUMBER 6
1-20-26 [[17](#)]

Final Ruling

The objection has been set for hearing on at least 30 days' notice to the claimant as required by Local Bankruptcy Rule 3007-1(b)(2). When fewer than 44 days' notice of a hearing is given, 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 sustain the objection to Claim No. 6-1 of CitiMortgage, Inc. and continue the matter to March 10, 2026, at 1:00 p.m.**

Debtor requests that the court disallow the claim of CitiMortgage, Inc. ("Creditor"), Claim No. 6-1. The claim is asserted to be secured in the amount of \$62,215.52. Debtor asserts that the claim should be disallowed because the statute of limitations has run pursuant to California Code of Civil Procedure § 337.

Debtor contends that she no longer holds title to real property located at 646 36th Avenue, Sacramento, California ("Property"). Debtor states she had purchased the Property in 2003 and that it was later sold in 2016 at a nonjudicial foreclosure sale. Under California Code of Civil Procedure 580d, any deficiency balance after a nonjudicial foreclosure sale is unenforceable. Debtor states that even if the lien survived the foreclosure, Creditor's claim is barred by the applicable statute of limitations of four years to recover monies due. Cal. Civ. Pro. Code § 337. Since the foreclosure occurred in 2016, it is now time barred and must be disallowed. See 11 U.S.C. § 502(b)(1).

Based on the evidence before the court, the Creditor's claim is disallowed in its entirety.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rule 3007-1(b)(2), any party in interest shall have until 5:00 p.m. on Friday, January 7, 2025, to file and serve an opposition or other response to the objection. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or 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 January 11, 2025, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the objection on January 11, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

20. [25-27127](#)-B-13 STEVEN/LANISHA STOKES OBJECTION TO CONFIRMATION OF
JM-1 Nicholas Wajda PLAN BY ONEMAIN FINANCIAL
Thru #21 GROUP, LLC
2-4-26 [[28](#)]

Final Ruling

Creditor OneMain Financial Services, 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)(1)(A)(I) 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.

21. [25-27127](#)-B-13 STEVEN/LANISHA STOKES OBJECTION TO CONFIRMATION OF
[LGT-1](#) Nicholas Wajda PLAN BY LILIAN G. TSANG
2-4-26 [[25](#)]

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 Chapter 13 Trustee filing its objection, Debtors filed an amended plan on February 20, 2026. The confirmation hearing for the amended plan is scheduled for April 7, 2026. The earlier plan filed December 17, 2025, is not confirmed.

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

22. [25-25728](#)-B-13 CHANTHY MADRIGAL MOTION TO AVOID LIEN OF
[SLH](#)-3 Seth L. Hanson AMERICAN EXPRESS NATIONAL BANK
Thru #23 1-29-26 [[38](#)]

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 avoid lien of American Express National Bank.

This is a request for an order avoiding the judicial lien of American Express National Bank ("Creditor") against the Debtor's property commonly known as 2930 Grange Street, Oakdale, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$6,856.93. An abstract of judgment was recorded with Stanislaus County on September 16, 2025, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$689,800.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$200,000.00 on Schedule C. All other liens recorded against the Property total \$525,335.00.

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).

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

The court will issue an order.

23. [25-25728](#)-B-13 CHANTHY MADRIGAL MOTION TO AVOID LIEN OF
[SLH](#)-4 Seth L. Hanson CITIBANK, N.A.
1-29-26 [[43](#)]

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 avoid lien of Citibank N.A.

This is a request for an order avoiding the judicial lien of Citibank N.A. ("Creditor") against the Debtor's property commonly known as 2930 Grange Street, Oakdale, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$6,482.22.

An abstract of judgment was recorded with Stanislaus County on July 9, 2024, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$689,800.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$200,000.00 on Schedule C. All other liens recorded against the Property total \$525,335.00.

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).

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

The court will issue an order.

24. [25-27030](#)-B-13 KENNY VANG
[LGT](#)-1 Thomas L. Amberg

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-3-26 [[14](#)]

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)(1)(A)(I) 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 December 15, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

25. [25-27233](#)-B-13 WILLIAM GANAWAY
[LGT](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-2-26 [[17](#)]

Final Ruling

The case having been ordered dismissed on February 24, 2026, for Debtor's failure to pay fees, dkt. 25, the objection to confirmation is overruled as moot.

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

The court will issue an order.

26. [25-26934](#)-B-13 JOSE LOPEZ
[LGT-1](#) David C. Johnston

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-3-26 [[18](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 24, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor is delinquent \$215.00. A total of \$741.00 has come due through and including January 25, 2026, and an additional plan payment of \$741.00 was due February 25, 2026. Debtor has only paid a total of \$526.00 to date. Debtor may not be able or willing to make the plan payments based on the current delinquency. 11 U.S.C. § 1325(a)(6).

Second, Debtor's plan provides for Beneficial State Bank as a Class 2(B) claim and proposes to pay the value of the collateral securing that claim. However, Debtor has not filed any motion to value collateral.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

27. [25-26962](#)-B-13 ANNA MORGAN
[AAM-2](#) Andrew A. Moher

MOTION TO CONFIRM PLAN
1-23-26 [[28](#)]

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). Opposition was filed and subsequently withdrawn. 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

Final Ruling

The *initial* Chapter 13 Plan filed December 23, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Monthly payments total \$4,148.95 with the Chapter 13 Trustee's compensation and expense. Debtor's plan payment is only \$1,200.00 per month. Accordingly, Debtor's plan is not feasible.

Second, the plan does not provide for all of Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Debtor's Form 122C-1 has not been prepared correctly. In question 5 Debtor has deducted ordinary and necessary business expenses from gross receipts. This deduction is improper at this point in the form. *In re Wiegand*, 386 B.R. 238, 9th Cir. BAP, April 8, 2008. Until Debtor's Form 122C-1 is prepared correctly, it cannot be determined whether Debtor's plan meets the projected disposable income test.

Third, Section 3.05 of the original filed plan failed to make a selection as to compensation of attorney's fees. Local Bankr. R. 2016-1(e). Therefore, the attorney of record will either need to seek approval of his fees through a fee application or change the compensation election through a motion under Rule 60 filed with the court.

Fourth, Debtor has failed to provide the following required and requested documents including, but not limited to Class 1 Checklist, Profit and Loss statement for June 2025, and 2024 tax returns or a declaration stating Debtor's non-requirement to file taxes.

Fifth, Debtor lists \$7,282.02 in business income on Schedule I, line 8a. It is unclear if this income is gross or net. Debtor must amend Schedule I to include an attachment that provides for Debtor's business income and expenses. Without this document, it cannot be determined whether Debtor's plan is feasible and pays all projected disposable income for the applicable commitment period to general unsecured creditors.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

29. [25-26970](#)-B-13 WALTER/SHIRLEY SAUNDERS OBJECTION TO CONFIRMATION OF
[LGT-1](#) Arete Kostopoulos PLAN BY LILIAN G. TSANG
2-3-26 [[22](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 11, 2026, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtors will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Schedule I must be amended to remove unemployment income that Debtors no longer receive as confirmed at their meeting of creditors. Additionally, monthly payments with the Chapter 13 Trustee's administrative fees total \$3,920.11. Debtors' plan payment is only \$955.00 per month.

Second, the Disclosure of Compensation of Attorney for Debtor form filed on December 16, 2025, is incorrect. The form at question 6 does not match that of the form provided on the Eastern District of California Court's website. In addition, the Disclosure of Compensation Form expressly excludes services that are required to be performed when charging the no-look fee pursuant to Local Bankr. R. 2016-(c).

Third, Section 3.06 of the plan proposes \$0.00 per month towards payment of \$10,200.00 in attorney's fees. An amended plan must be filed to specify the monthly attorney fee dividend.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

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 approve settlement agreement.

The Chapter 13 Trustee ("Trustee") requests that the court approve a settlement agreement between debtor David Lander ("Debtor") and the Trustee. The settlement agreement resolves the disposition of approximately \$500,000.00 in funds that Debtor asserted should be exempt in its entirety and which the Trustee opposed. Debtor had asserted that due to his advanced age of 78, poor health, low income, negative monthly discretionary income, projected future medical expenses, and future need for assisted living, all of the funds were necessary and reasonable for his maintenance.

Debtor and Creditor have resolved these claims and disputes, subject to approval by the court on terms and conditions summarized at dkt. 50. Specifically, the claimed exemption of funds on deposit pursuant to C.C.P. § 704.225 shall be allowed in the total amount of \$424,512.18. Debtor shall file an amended chapter 13 plan that provides general unsecured creditors no less than \$71,101.50 and shall be no less than \$3,687.00 per month for 36 months. The amended plan shall not include any Class 1 claims and shall only include one Class 2 claim, which is the secured claim filed by the California Franchise Tax Board.

Discussion

Approval of a compromise is within the discretion of the court. *U.S. v. Alaska Nat'l Bank of the North (In re Walsh Construction)*, 669 F.2d 1325, 1328 (9th Cir. 1982). When a motion to approve compromise is presented to the court, the court must make its independent determination that the settlement is appropriate. *Protective Committee for Independent Stockholders of TMT Trailer Ferry, Inc. v. Anderson*, 390 U.S. 414, 424-425 (1968). In evaluating the acceptability of a compromise, the court evaluates four factors:

1. The probability of success in the litigation;
2. Any difficulties expected in collection;
3. The complexity of the litigation involved and the expense, inconvenience and delay necessarily attending it; and
4. The paramount interest of the creditors and a proper deference to their reasonable views.

In re A & C Props., 784 F.2d 1377, 1381 (9th Cir. 1986); *In re Woodson*, 839 F.2d 610, 620 (9th Cir. 1988).

The Trustee asserts that the four factors have been met for reasons stated below.

Probability of Success

The Trustee states that it is unknown how the court would rule if the matter was litigated. Therefore, this factor weighs in favor of the settlement

agreement.

Difficulties in Collection

Since the funds are in a bank account collection of the proceeds would not be difficult. However, this factor may not be relevant because this is a chapter 13 bankruptcy case, which allows Debtor to retain the funds, as opposed to chapter 7, where the Trustee may have to implement various collection actions to obtain the funds.

Expense, Inconvenience and Delay of Continued Litigation

The delay in Debtor's plan being confirmed resulting in a delay in distribution to creditors is problematic. Protracted litigation could result in a long delay in distribution, considering the present litigation as well as potential appeals.

Paramount Interest of Creditors

Trustee believes that the creditors would support the settlement because it results in a meaningful distribution to claims. Moreover, the settlement avoids the possibility of an adverse ruling resulting in a lesser amount and even possibly no distribution to unsecured claim holders.

Upon weighing the factors outlined in *A & C Properties* and *Woodson*, the court determines that the compromise is in the best interest of the creditors and the estate. The motion is granted.

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

The court will issue an order.

31. [24-25474](#)-B-13 WALTER JEFFERSON
[JCK-1](#) Gregory J. Smith

MOTION TO MODIFY PLAN
1-27-26 [[35](#)]

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

Although Debtor has paid the plan payment due January 25, 2026, it appears that there remains a delinquency in the amount of \$6,548.00 for the plan payment due February 25, 2026. Debtor has not made all payments under the plan and complied with the plan. 11 U.S.C. § 1325(a)(6).

Other issues raised by the Chapter 13 are resolved, namely the filing of an amended Schedule J and that any order confirming will state the total aggregate amount of plan payments for months 1 through 12.

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.

32. [25-27176](#)-B-13 JAMES ALBER AND ERIN OBJECTION TO CONFIRMATION OF
[LGT-1](#) PEREZ PLAN BY LILIAN G. TSANG
Pauldeep Bains 2-3-26 [[13](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 19, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtors have not scheduled all debts required to be scheduled pursuant to 11 U.S.C. § 521(a). The U.S. Department of Housing and Urban Development has filed secured claim no. 1-1 in the amount of \$8,404.88. Debtors' Schedule D fails to list this debt. Amended documents are required to accurately reflect and provide for the secured claims.

Second, pursuant to claim no. 7-1 filed by the California Franchise Tax Board, Debtors have not filed all required tax returns for all taxable periods ending during the 4-year period ending on the petition filing date. (According to the proof of claim, Debtors did not file tax returns for 2020 and 2022.)

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

33. [25-27179](#)-B-13 JAMAL MANSOUR OBJECTION TO CONFIRMATION OF
[LGT-1](#) Gabriel E. Liberman PLAN BY LILIAN G TSANG
Thru #34 1-29-26 [[12](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 19, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor has not filed motions to value collateral for Capital One, N.A. and Bank of America, N.A. Feasibility of the plan cannot be determined until these motions are filed and ruled upon.

Second, the plan proposes to pay the balance of attorney fees in the amount of \$12,000.00 with monthly payments of \$250.00. Debtor's plan is a 36-month plan, and the monthly dividend proposed for the payment of attorney fees will take 48 months to pay in full.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

34. [25-27179](#)-B-13 JAMAL MANSOUR OBJECTION TO CONFIRMATION OF
[RAS-1](#) Gabriel E. Liberman PLAN BY SELENE FINANCE, LP
1-30-26 [[15](#)]

Final Ruling

The *initial* Chapter 13 Plan filed December 19, 2025, 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 March 10, 2026, at 1:00 p.m.,

conditionally sustain the objection, and deny confirmation of the plan.

Objecting creditor Selene Finance, LP holds a deed of trust secured by Debtor's residence. The creditor has filed a timely proof of claim in which it asserts \$7,278.68 in pre-petition arrearages. The plan does not provide for the full pre-petition claim and incorrectly places creditor's claim in Class 4, which is reserved for claims that are not in default. 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.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

35. [25-26785](#)-B-13 BERTHA CRISP
[NAR-1](#) Natali A. Ron

MOTION TO EXCUSE DEBTOR'S
PERSONAL APPEARANCE AT 341
MEETING OF CREDITORS AND ALLOW
DEBTOR'S AGENT UNDER POWER OF
ATTORNEY TO APPEAR IN DEBTOR'S
PLACE
1-27-26 [[22](#)]

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 excuse debtor Bertha Crisp's ("Debtor") personal appearance at the meeting of creditors and to allow Debtor's attorney-in-fact Mozell Quarles ("Agent") to appear and testify at the meeting of creditors in Debtor's place.

Agent is Debtor's attorney-in-fact, appointed under a power of attorney executed August 13, 2025. On December 2, 2025, Agent filed for chapter 13 relief on behalf of Debtor fully familiar with Debtor's financial affairs and is capable of testifying regarding Debtor's assets, liabilities, income, and expenses. Debtor suffers from Alzheimer's and dementia and is unable to appear for her first scheduled meeting of creditors.

Fed. R. Bankr. P. 9010 authorizes a debtor to perform any act not constituting the practice of law, by an authorized agent, attorney-in-fact, or proxy. A court has authority to issue any order necessary or appropriate to carry out the provisions of the Bankruptcy Code. 11 U.S.C. § 105.

Allowing Agent to appear at the meeting of creditors in place of Debtor would serve the interests of justice and would not prejudice the rights of any creditors since Agent is capable of providing all necessary information regarding Debtor's financial affairs.

The motion is granted to excuse Debtor's personal appearance at the meeting of creditors, and any possible continued dates for such, and to allow Agent to appear and testify at the meeting of creditors in Debtor's place.

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

The court will issue an order.

36. [25-27191](#)-B-13 ROBERT POTTER OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Matthew G. Grech PLAN BY LILIAN G. TSANG
Thru #37 2-2-26 [[17](#)]

CONTINUED TO 3/24/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 3/11/26.

Final Ruling

No appearance at the March 3, 2026, hearing is required. The court will issue an order.

The objection is ORDERED CONTINUED to March 24, 2026 at 1:00 p.m. for reasons stated in the minutes.

37. [25-27191](#)-B-13 ROBERT POTTER OBJECTION TO CONFIRMATION OF
[SKI](#)-1 Matthew G. Grech PLAN BY EXETER FINANCE LLC
1-14-26 [[12](#)]

CONTINUED TO 3/24/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 3/11/26.

Final Ruling

No appearance at the March 3, 2026, hearing is required. The court will issue an order.

The objection is ORDERED CONTINUED to March 24, 2026 at 1:00 p.m. for reasons stated in the minutes.

Final Ruling

The *initial* Chapter 13 Plan filed December 11, 2025, 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 March 10, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtors must file amended Schedule A/B to accurately list all of Debtors' property interests as of the filing of the petition. Also Debtors must provide additional documentation showing the amount of monthly payments still owed to Joint Debtor from her brother from his purchase of their parents' residence.

Second, the Disclosure of Compensation of Attorney for Debtor form filed December 11, 2025, is incorrect. In regard to question 5 and 6, the required language of the standard form is missing. The form does not match the standardized form as provided on the Eastern District of California Court's website. Debtors' Disclosure of Compensation of Attorney for Debtors at Line 6 states that the agreed upon fee of \$6,000.00 does not include judicial lien avoidances and relief from stay actions. This is contradictory to the duties in the Rights and Responsibilities. These services are included in the "No Look Fee" and should not be excluded.

The plan 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 March 6, 2026, 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 March 10, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on March 10, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to March 10, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

39. [25-27092](#)-B-13 JOSEPH SISEMORE
[LGT](#)-1 David C. Johnston

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-2-26 [[18](#)]

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)(1)(A)(I) 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 January 4, 2026, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

40. [25-27093](#)-B-13 JOHNATHAN MOHR
[LGT](#)-1 David C. Johnston

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
2-2-26 [[18](#)]

CONTINUED TO 3/24/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 3/11/26.

Final Ruling

No appearance at the March 3, 2026, hearing is required. The court will issue an
order.

The objection is ORDERED CONTINUED to March 24, 2026 at 1:00 p.m. 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 by US Bank Trust National Association and the Chapter 13 Trustee.

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 confirmed plan filed on July 23, 2025, required Debtor to sell his residence no later than month 8, i.e. October 2025. The plan is currently in month 12 and the Debtor has not sold his residence despite stating that he received an offer to purchase his home and presented the potential buyer with a counter-offer. Dkt. 153. Debtor has also failed to file a motion to sell real property. Now, Debtor's third amended plan proposes to sell the real property no later than May 2026. However, given the Debtor's failure to sell the property within the first 11 months of the case, the court is not persuaded that Debtor will in fact perform the material term of the proposed amended plan to market and sell the property by May 2026.

Second, Debtor is delinquent \$969.00 with an additional payment of \$969.00 that was due February 25, 2026. Debtor may not be able or willing to make the plan payments based on the current delinquency. 11 U.S.C. § 1325(a) (6).

Third, monthly payments with the Chapter 13 Trustee's administrative fees total \$2,735.84. Debtor's plan payment is only \$969.00 per month. Accordingly, Debtor's plan is not feasible. Additionally, the plan at Sections 3.07 and 7.03 provides contradictory payments to US Bank Trust NA.

Fourth, specific dividends were not timely paid to Class 2(b) claim holder Capital One Auto Finance due to Debtor becoming delinquent in plan payments early in the case. The Debtor is not be able to make all payments under the proposed plan and comply with the plan. 11 U.S.C. § 1325(a) (6).

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.

42. [25-23794](#)-B-13 AUDEL/MERRYCLAIRE
[DAB](#)-3 VALENCIA
David A. Boone

MOTION TO CONFIRM PLAN
1-15-26 [[47](#)]

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). 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 confirm the third amended plan.

First, the e plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Debtors have failed to provide admissible evidence that their plan is mathematically feasible. The current payment proposal causes the plan to take 61.14 months. Calculations indicate that Debtors' monthly plan payments will need to be at least an average of \$5,413.64 per month for 60 months in order for Debtors' plan to be feasible.

Second, the proposed monthly dividends for Class 2(A) claims of Bridgecrest Acceptance Corporation, Lendmark Financial Services, and OneMain Financial will not pay the claims in full in 60 months.

Third, Debtors are delinquent \$1,998.00. A total of \$13,148.00 has come due through and including January 25, 2026, and an additional plan payment of \$4,600.00 was due February 25, 2026. Debtors have only paid a total of \$11,150.00 to date. Debtors may not be able or willing to make the plan payments based on the current delinquency. 11 U.S.C. § 1325(a)(6).

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.

43. [25-27095](#)-B-13 NORMAN TOM SUN OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Mark A. Wolff PLAN BY LILIAN G. TSANG
Thru #44 2-3-26 [[15](#)]

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)(1)(A)(I) 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 December 17, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

44. [25-27095](#)-B-13 NORMAN TOM SUN OBJECTION TO CONFIRMATION OF
[SKI](#)-1 Mark A. Wolff PLAN BY SANTANDER BANK, N.A.
2-3-26 [[18](#)]

Final Ruling

Creditor Santander Bank, N.A. having filed a notice of withdrawal of its objection, the objection 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.

There being no other objection to confirmation, the plan filed December 17, 2025, 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

45. [25-27198](#)-B-13 STEVEN MCFARLIN OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Joshua Sternberg PLAN BY LILIAN G. TSANG
Thru #46 1-29-26 [[18](#)]

Final Ruling

The case having been dismissed on February 17, 2026, 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.

46. [25-27198](#)-B-13 STEVEN MCFARLIN OBJECTION TO CONFIRMATION OF
[RAS](#)-1 Joshua Sternberg PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
1-30-26 [21]

Final Ruling

The case having been dismissed on February 17, 2026, 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.