



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

March 7, 2023 at 1:30 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person** at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided:

Video web address:

<https://www.zoomgov.com/j/1607961809?pwd=NVBPUI8xWHpPZ0R3ZG53dmVKSnlFLZz09>

Meeting ID: 160 796 1809

Password: 659861

Zoom.Gov Telephone: (669) 254-5252 (Toll Free)

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. You are required to give the court 24 hours advance notice. Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
3. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medicaid credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

March 7, 2023 at 1:30 p.m.

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1. [18-27038](#)-C-13 JUAN/MARICELA CARRANZA MOTION TO COMPROMISE
[MRI](#)-3 Mikalah Liviakis CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH NATIONAL
RAILROAD PASSENGER CORPORATION
AND JANICO BUILDING SERVICES
2-3-23 [[48](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 21 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 52.

<p>The Motion for Approval of Compromise is granted.</p>

Debtor, Maricela Carranza, filed this Motion pursuant to Federal Rule of Bankruptcy Procedure 9019 seeking approval of a settlement with National Railroad Passenger Corporation d/b/a Amtrak and Janico Building Services (Defendants). The claims and disputes to be resolved by the proposed settlement are a negligence civil suit debtor brought against defendants in Yolo County Superior Court.

The settlement provides for defendants to pay debtor \$287,500 in return for a dismissal of debtor's lawsuit.

Debtor is also seeking approval to pay her state court attorneys \$95,833.24, which is 33.33% of the gross settlement amount. Debtor represents that the retainer agreement she signed with her state court attorneys allocated a 40% contingency fee, while the attorneys have incurred \$15,797.18 in costs pursuing debtor's claim.

Additionally, debtor represents her insurance companies have asserted subrogation lien interests against the gross settlements. Sutter Medical Group asserts \$11,584.26 and DBM Global, Inc. Employee Benefit Plan asserts \$904.75.

APPLICABLE LAW

Approval of a compromise is within the discretion of the court. *U.S. v. Alaska Nat'l Bank of the North (In re Walsh Constr.)*, 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 Comm. for Indep. S'holders of TMT Trailer Ferry*,

Inc. v. Anderson, 390 U.S. 414, 424-25 (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); see also *In re Woodson*, 839 F.2d 610, 620 (9th Cir. 1988).

DISCUSSION

The probability of success in litigation is unknown and a favorable outcome is not assured if the claims are litigated. In addition to the negligence elements the debtor must prove, the debtor would also have additional elements to prove under premise liability. The defendants have also asserted various defenses that might also pose an obstacle to success in litigation.

The difficulties of collection is also uncertain and any judgement that is received would be reduced significantly by legal fees and costs, which may result in a recovery that is less than what would be received in the settlement.

The complexity of litigation involved and the expense, inconvenience and delay favors the settlement. A trial was slated for 7 days and counsel estimated it would cost an additional \$15,000 to \$20,000 to litigate the claims at trial. The judgement would also most likely be appealed by the losing party, which would increase the time and expense of the litigation.

The paramount interest of creditors also favors settlement. The funds from the settlement agreement have been placed in debtor's counsel's Client-Trust account and creditors are able to be paid within 14 days. Creditors' claims will be fully paid and much faster than the time frame of debtor's plan.

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

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Approve Compromise filed by Debtor, Maricela Carranza, having been presented to the court, and

upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion for Approval of Compromise between Debtor and National Railroad Passenger Corporation d/b/a Amtrak and Janico Building Services is granted, and the respective rights and interests of the parties are settled on the terms set forth in the executed Settlement Agreement filed as Exhibit A (dkt. 50) in support of the Motion.

Final Ruling: No appearance at the March 7, 2023 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 52.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 49) filed on January 26, 2023.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Jimmy Sujanto, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the debtor's Amended Chapter 13 Plan (Dkt. 49) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

3. [17-26184](#)-C-13 DEREK/AMIE REDMAN
[MJD](#)-4 Matthew DeCaminada

MOTION TO INCUR DEBT
2-21-23 [[78](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 82.

The Motion to Incur Debt is granted.

Debtors, Derek and Amie Redman, filed this Motion seeking authority to incur debt to purchase property commonly known as 6212 Annwood Court, Citrus Heights, California.

The proposed financing is in the principal amount of \$414,356, paid at 5.75% interest over a 30 year term. Monthly payments are proposed to be \$3,189.00.

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 court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Incur Debt filed by Derek and Amie Redman having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

4. [18-22593](#)-C-13 BRANDON/TRACY MCBROOM
[MJD](#)-12 Matthew DeCaminada

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF STUTZ LAW OFFICE,
P.C. FOR MATTHEW DECAMINADA,
DEBTORS ATTORNEY(S)
1-26-23 [[163](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 40 days' notice was provided. Dckt. 169.

The Motion for Allowance of Professional Fees is granted.

Matthew J. DeCaminada of Stutz Law Office, P.C. filed this interim request seeking approval of compensation for attorney services provided to debtors, Brandon and Tracy McBroom.

Fees are requested for the period December 6, 2022, through January 26, 2023. The order of the court approving employment was entered on June 24, 2019. Dkt. 78. The movant requests fees in the amount of \$700.00.

DISCUSSION

The court finds that the hourly rates are reasonable and that the movant effectively used appropriate rates for the services provided. The interim fees in the amount of \$700.00 are approved pursuant to 11 U.S.C. § 331, and subject to final review pursuant to 11 U.S.C. § 330, and authorized to be paid by the Chapter 13 trustee from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

The court authorizes the Chapter 13 trustee to pay the fees allowed by the court.

The movant is allowed, and the Chapter 13 trustee is authorized to pay, the following amounts as compensation to this professional in this case:

Fees:\$700.00

pursuant to this Motion as interim fees pursuant to 11 U.S.C. § 331 in this case.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Allowance of Fees and Expenses filed by Matthew J. DeCaminada of Stutz Law Office, P.C. ("Movant") having been presented to the court, and upon

review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Movant is allowed the following fees and expenses as a professional of the Estate:

Matthew J. DeCaminada of Stutz Law Office, P.C.,
Professional employed by Brandon and Tracy McBroom,

Fees in the amount of \$700.00

as an interim allowance of fees and expenses pursuant to 11 U.S.C. § 331 and subject to final review and allowance pursuant to 11 U.S.C. § 330.

IT IS FURTHER ORDERED that the Chapter 13 trustee is authorized to pay the fees allowed by this Order from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.