

**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 11, 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

March 11, 2025 at 1:00 p.m.

1. [24-25006](#)-B-13 JOHANNA/LAWRENCE QUINLEY MOTION TO CONFIRM PLAN
[RPK](#)-1 Ryan Keenan 1-31-25 [[31](#)]

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 Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

March 11, 2025 at 1:00 p.m.

2. [24-24946](#)-B-13 BILLY SPURGIN
[AP-1](#) Peter G. Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-7-25 [[54](#)]

JPMORGAN CHASE BANK NATIONAL
ASSOCIATION VS.

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). 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 deny without prejudice the motion for relief from stay.

JPMorgan Chase Bank National Association moves for relief from the automatic stay with respect to real property located at 2400 Spurgin Alley, Sacramento, California, for failure to make three post-petition payments. Debtor Billy Spurgin filed an opposition stating that an amended plan will be filed that provides for the arrears. A review of the court's docket shows that a second amended plan was filed on March 4, 2025, and a confirmation hearing is set for April 8, 2025.

Given the aforementioned, the motion for relief from automatic stay is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reason stated in the minutes.

The court will issue an order.

3. [24-23167](#)-B-13 VALERY ALEXANDER-THOMAS MOTION TO CONFIRM PLAN
[GMW](#)-3 G. Michael Williams 1-29-25 [[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 first amended plan.

First, Debtor is \$3,032.83 delinquent in plan payments. The next scheduled payment of \$3,032.83 is due on February 25, 2025. The Debtor has paid \$13,731.32 into the plan to date. The Debtor may not be able or willing to make the plan payments based on the current delinquency under the pending plan. 11 U.S.C. §§ 1325(a)(2), (a)(6).

Second, Debtor's amended Schedule J includes a housing expense of \$1,876.00. Since the mortgage is listed in Class 1 of the plan, the expense on Schedule J is not appropriate. Until the schedule is amended to accurately reflect Debtor's expenses, it cannot be determined if the plan is feasible and pays all projected disposable income for the applicable commitment period to general unsecured creditors. 11 U.S.C. § 1325(a)(6).

Third, Debtor's proposed plan payment at month 1 is \$1,600.00. This is not sufficient to pay secured creditors the total of \$2,681.27 per month as stated in Debtor's plan, and this amount does not include the Trustee's compensation and expenses. The plan also does not provide for the cure of post-petition arrears owed to the mortgage creditor. Accordingly, Debtor's plan is not feasible under 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.

4. [24-24993](#)-B-13 FRANCISCO GOMEZ
[DAB](#)-1 David A. Boone

MOTION TO CONFIRM PLAN
1-29-25 [[21](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [24-25871](#)-B-13 MARICHELL BAUTISTA CONTINUED OBJECTION TO
[DWE](#)-1 James L. Keenan CONFIRMATION OF PLAN BY FREEDOM
Thur #6 MORTGAGE CORPORATION
2-13-25 [[13](#)]

Final Ruling

This matter was continued from March 4, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, March 7, 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 March 11, 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.

6. [24-25871](#)-B-13 MARICHELL BAUTISTA CONTINUED OBJECTION TO
[LGT](#)-1 James L. Keenan CONFIRMATION OF PLAN BY LILIAN
G. TSANG
2-13-25 [[16](#)]

Final Ruling

This matter was continued from March 4, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, March 7, 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 March 11, 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.

7. [24-25690](#)-B-13 RAYLA NEELEY
[LGT](#)-1 Mark Shmorgon

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
2-10-25 [[40](#)]

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 2, 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. 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.