

**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 12, 2024

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 12, 2024 at 1:00 p.m.

1. [23-22920](#)-B-13 MARK JOHNSON CONTINUED MOTION TO CONFIRM
[EJS-1](#) Eric John Schwab PLAN
Thru #2 12-14-23 [[50](#)]

CONTINUED TO 4/02/24 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH THE MOTION TO VALUE COLLATERAL OF SELECT PORTFOLIO SERVICING INC., EJS-3.

Final Ruling

No appearance at the March 12, 2024, hearing is required. The court will issue an order.

2. [23-22920](#)-B-13 MARK JOHNSON CONTINUED MOTION TO VALUE
[EJS-2](#) Eric John Schwab COLLATERAL OF SELECT PORTFOLIO
SERVICING INC.
1-8-24 [[59](#)]

Final Ruling

This matter was continued from February 6, 2024, to allow the Debtor to file a properly noticed certificate of service by 5:00 p.m. Friday, February 9, 2024. This was not filed. However, Debtor did file a new motion to value collateral of Select Portfolio Servicing Inc., EJS-3, that is set for hearing on April 2, 2024, at 1:00 p.m. Therefore, the present motion to value collateral is denied as moot. The hearing on March 12, 2024, is vacated.

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

The court will issue an order.

March 12, 2024 at 1:00 p.m.

Page 1 of 6

3. [23-22742](#)-B-13 RYAN CUSTODIO
[GTB-1](#) George T. Burke

MOTION TO MODIFY PLAN
1-12-24 [[34](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. 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 Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.

4. [23-23967](#)-B-13 IVAN CHAVEZ
[ES-1](#) Eric L. Seyvertsen

MOTION TO CONFIRM PLAN
1-9-24 [[20](#)]

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. 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 Chapter 13 Trustee will submit the proposed order to the court.

The court will issue an order.

5. [23-24493](#)-B-13 MELANIE/SHANE BRITT MOTION TO VALUE COLLATERAL OF
[PGM-1](#) Peter G. Macaluso PATELCO CREDIT UNION
Thru #7 2-7-24 [[33](#)]

Final Ruling

The case having been dismissed on March 1, 2024, the motion to value collateral of Patelco Credit Union is denied as moot.

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

The court will issue an order.

6. [23-24493](#)-B-13 MELANIE/SHANE BRITT MOTION TO VALUE COLLATERAL OF
[PGM-2](#) Peter G. Macaluso HYUNDAI CAPITAL AMERICA (HCA)
2-7-24 [[38](#)]

Final Ruling

The case having been dismissed on March 1, 2024, the motion to value collateral of Hyundai Capital America (HCA) is denied as moot.

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

The court will issue an order.

7. [23-24493](#)-B-13 MELANIE/SHANE BRITT MOTION TO VALUE COLLATERAL OF
[PGM-3](#) Peter G. Macaluso KEYBANK N.A.
2-9-24 [[43](#)]

Final Ruling

The case having been dismissed on March 1, 2024, the motion to value collateral of Keybank N.A. is denied as moot.

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

The court will issue an order.

8. [22-23294](#)-B-13 MAZHAR KHAN
[23-2033](#) PGM-1
BHULLAR V. KHAN
MAZHAR KHAN VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-9-24 [[35](#)]

Final Ruling

THE COURT ENTERED AN ORDER ON MARCH 6, 2024, DENYING AS MOOT THE MOTION FOR RELIEF FROM AUTOMATIC STAY FILED IN THIS ADVERSARY PROCEEDING. *SEE* DKT. 43.

9. [23-24593](#)-B-13 ELISHA MOODY CONTINUED OBJECTION TO
[LGT](#)-1 Le'Roy Roberson CONFIRMATION OF PLAN BY LILIAN
G. TSANG
2-14-24 [[16](#)]

Final Ruling

This matter was continued from March 5, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, March 8, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 20, sustaining the objection, shall become the court's final decision. The continued hearing on March 12, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.