

**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 14, 2023

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 14, 2023 at 1:00 p.m.

- | | | | |
|----|--|--------------------------------------|---|
| 1. | <u>22-22902</u> -B-13
<u>RDG</u> -1 | WILLIAM BURGESS
David C. Johnston | CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY TRUSTEE
RUSSELL D. GREER
1-3-23 [<u>23</u>] |
|----|--|--------------------------------------|---|

Final Ruling

The case having been dismissed on March 9, 2023, the court's decision is to overrule the objection as moot.

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

The court will issue an order.

March 14, 2023 at 1:00 p.m.

2. [22-21609](#)-B-13 FRANCISCO/MARIA PADILLA MOTION TO CONFIRM PLAN
[PGM-2](#) Peter G. Macaluso 2-2-23 [[58](#)]

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.

Debtor's plan does not meet the liquidation test of 11 U.S.C. § 1325(a)(4). Based on a review of Debtors' schedules, Debtors have non-exempt assets of \$107,090.35 available for distribution to general unsecured creditors. Debtors' non-priority general unsecured claims total \$268,278.93. Therefore, Debtors' plan must pay 40% to general unsecured creditors. Because their plan pays 0%, it fails the liquidation test.

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.

3. [21-23220](#)-B-13 HARDEEP SINGH CONTINUED MOTION TO CONFIRM
[DCJ](#)-2 David C. Johnston PLAN
9-2-22 [[58](#)]

CONTINUED TO 4/11/23 AT 1:00 P.M. TO BE HEARD AFTER THE MOTION TO DISMISS FILED IN THE
RELATED ADVERSARY PROCEEDING NO. 21-02068.

Final Ruling

No appearance at the March 14, 2023, hearing is required. The court will issue an
order.

4. [22-22683](#)-B-13 MONIQUE ZE CONTINUED OBJECTION TO
[JCW](#)-1 Richard L. Sturdevant CONFIRMATION OF PLAN BY CENLAR
Thru #6 FSB
12-6-22 [[31](#)]

Final Ruling

The court's decision is to overrule the objection as moot.

The Debtor filed an amended plan on February 7, 2023. The earlier plan filed October 10, 2022, which this objection to confirmation pertains to, is not confirmed, thereby rendering the objection moot.

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

The court will issue an order.

5. [22-22683](#)-B-13 MONIQUE ZE CONTINUED OBJECTION TO
[RDG](#)-1 Richard L. Sturdevant CONFIRMATION OF PLAN BY RUSSELL
D. GREER
12-20-22 [[36](#)]

Final Ruling

The court's decision is to overrule the objection as moot.

The Debtor filed an amended plan on February 7, 2023. The earlier plan filed October 10, 2022, which this objection to confirmation pertains to, is not confirmed, thereby rendering the objection moot.

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

The court will issue an order.

6. [22-22683](#)-B-13 MONIQUE ZE MOTION TO CONFIRM PLAN
[RS-1](#) Richard L. Sturdevant 2-7-23 [[51](#)]

CONTINUED TO 3/28/2023 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 3/22/2023.

Final Ruling

No appearance at the March 14, 2023, hearing is required. The court will issue an order.

7. [22-21126](#)-B-13 DOUGLAS/NYLA STONE CONTINUED OBJECTION TO CLAIM OF
[RDG](#)-3 Carl R. Gustafson MOORE WEST FEDERAL CREDIT
Thru #13 UNION, CLAIM NUMBER 9
1-31-23 [[99](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 130, sustaining the objection to claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

8. [22-21126](#)-B-13 DOUGLAS/NYLA STONE CONTINUED OBJECTION TO CLAIM OF
[RDG](#)-4 Carl R. Gustafson MOORE WEST FEDERAL CREDIT
UNION, CLAIM NUMBER 10
1-31-23 [[102](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 131, sustaining the objection to claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

9. [22-21126](#)-B-13 DOUGLAS/NYLA STONE CONTINUED OBJECTION TO CLAIM OF
[RDG](#)-5 Carl R. Gustafson MOORE WEST FEDERAL CREDIT
UNION, CLAIM NUMBER 11
1-31-23 [[105](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 132, sustaining the objection to claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

10. [22-21126](#)-B-13 DOUGLAS/NYLA STONE CONTINUED OBJECTION TO CLAIM OF
[RDG](#)-6 Carl R. Gustafson MOORE WEST FEDERAL CREDIT
UNION, CLAIM NUMBER 12
1-31-23 [[108](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 133, sustaining the objection to claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

11. [22-21126](#)-B-13 DOUGLAS/NYLA STONE CONTINUED OBJECTION TO CLAIM OF
[RDG](#)-7 Carl R. Gustafson MOORE WEST FEDERAL CREDIT
UNION, CLAIM NUMBER 13
1-31-23 [[111](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 134, sustaining the objection to claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

12. [22-21126](#)-B-13 DOUGLAS/NYLA STONE CONTINUED OBJECTION TO CLAIM OF
[RDG](#)-8 Carl R. Gustafson MOORE WEST FEDERAL CREDIT
UNION, CLAIM NUMBER 14
1-31-23 [[114](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 135, sustaining the objection to claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

13. [22-21126](#)-B-13 DOUGLAS/NYLA STONE
[RDG](#)-9 Carl R. Gustafson

CONTINUED OBJECTION TO CLAIM OF
MOORE WEST FEDERAL CREDIT
UNION, CLAIM NUMBER 15
1-31-23 [[117](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 136, sustaining the objection to claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

14. [22-23332](#)-B-13 JOHN/TEPORA ASAIVAO
[RDG](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
2-13-23 [[18](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of dismissal 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 January 4, 2023, 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 and counsel for the Debtors 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.

15. [19-23047](#)-B-13 ROBERT/SOPHIA BLANTON CONTINUED MOTION TO WITHDRAW
[WLG](#)-4 Nicholas Wajda CLAIM NUMBER 9
2-14-23 [[98](#)]

Final Ruling

This matter was continued from March 7, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 10, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 102, granting the motion to withdraw claim, shall become the court's final decision. The continued hearing on March 14, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.