

**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

Honorable Christopher D. Jaime  
1200 I Street, Suite 200  
Modesto, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: March 18, 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.

# Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
**Modesto, California**

**March 18, 2025 at 1:00 p.m.**

1. [24-90506](#)-B-13 BOBBI RODRIQUEZ MOTION TO CONFIRM PLAN  
Pro Se 2-4-25 [[78](#)]

## 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 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 confirm the second amended plan.

First, Debtor has failed to indicate a docket control number on her motion papers. 11  
U.S.C. § 1325(a)(3).

Second, an amended plan is required to change the classification of PNC Bank to a Class 4 claim if Debtor's intent is to pay this secured creditor directly, outside of the plan. The plan currently lists PNC Bank in Class 1.

Third, Class 1 creditor Rushmore Servicing filed a secured claim with pre-petition arrears of \$32,380.91. Since Rushmore's mortgage claim is delinquent, the entirety of the pre-petition arrears and on-going post-petition payments must be paid through the plan and the Chapter 13 Trustee shall maintain all post-petition monthly payments to the holder of each Class 1 claim.

Fourth, the total monthly plan payment due under sections 2.01 and 2.02 of the plan is \$3,094.77 and \$3,331.71 if Trustee's fees are included. Debtor's petition was filed on August 29, 2024. The total of Debtor's plan payments received to date is \$2,688.15. Accordingly, Debtor is delinquent at least \$18,975.24 to be current through March 2025.

Fifth, Debtor's amended Schedule C does not claim any exemptions on the real property located at Roble Avenue, valued at \$329,000, nor any exemptions to a lawsuit valued at \$58,000.00 on Schedule B. Other non-exempt assets include cash and bank accounts at \$28 and \$558, \$200 in household items, and \$100 in pet. However, the Debtor has proposed a zero percent plan. Therefore, Debtor's plan fails the hypothetical chapter 7 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.

**March 18, 2025 at 1:00 p.m.**

2. [24-90232](#)-B-13 JESSI LAMANUZZI  
[BLG](#)-2 Chad M. Johnson

MOTION TO CONFIRM PLAN  
1-28-25 [[58](#)]

### **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.

3. [25-90039](#)-B-13 MICHAEL INDERBITZIN MOTION TO CONFIRM PLAN  
[THN](#)-1 Teresa Thu Huong Hung-Nguyen 1-27-25 [[9](#)]

CONTINUED TO 4/08/25 AT 1:00 P.M. AT THE MODESTO COURTROOM TO BE HEARD AFTER THE  
CONTINUED MEETING OF CREDITORS HELD 4/03/25.

**Final Ruling**

No appearance at the March 18, 2025, hearing is required. The court will issue an  
order.