

**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: April 1, 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

April 1, 2025 at 1:00 p.m.

1. [24-21500](#)-B-13 NATASHA JACKSON MOTION TO CONFIRM PLAN
[JBR](#)-9 Jennifer B. Reichhoff 2-19-25 [[119](#)]

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, the plan fails to provide for submission of all or such portion of future earnings or other future income to the supervision and control of the Chapter 13 Trustee as is necessary for execution of the plan. 11 U.S.C. § 1322(a). Specifically, the Debtor has not provided the Trustee with a retirement loan statement showing the loan maturity date. Debtor had testified at the meeting of creditors that the retirement loan would be paid off around March 2025. Therefore, the monthly plan payment should be increased accordingly starting April 2025.

Second, the plan does not provide for all of Debtors' projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Based on Debtors' amended Form 122C-2 of monthly disposable income and the court's docket of \$98,858.98 in filed unsecured claims, Debtors' available disposable income requires a 13.61% plan. However, Debtors cannot afford the increased plan payment starting March 2025 according to Schedule J.

Third, the Disclosure of Compensation of Attorney for Debtor form filed September 12, 2024, is incorrect. The form does not match that of the form provided on the Eastern District of California Court's website.

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.

2. [25-20709](#)-B-13 JEREMY MYERS MOTION TO t AUTOMATIC STAY
[JBR](#)-1 Jennifer B. Reichhoff 3-1-25 [[8](#)]

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 by creditor Stephen T. Yavorsky. The court will address the merits of the motion at the hearing.

The court's decision is to deny the motion to extend automatic stay.

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on February 5, 2025, for failure to timely file documents (case no. 25-20054).

Pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. *See e.g., Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); *accord Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). Given that Debtor's present bankruptcy was filed on February 18, 2025, automatic stay terminated on March 20, 2025. This motion was not set for hearing within 30 days of the filing of the instant case. Since the automatic stay has already terminated by operation of law prior to the hearing on this motion, the motion to extend that automatic stay is denied.

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

The court will issue an order.

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 confirm the second amended plan.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that a monthly financial contribution from Debtor's daughter was removed without any explanation and the monthly dividend to be paid toward attorney's fees should be decreased from \$111.11 to \$100.00 per month over 60 months.

Debtor filed a response explaining that her daughter's financial contribution is no longer needed since Debtor has obtained a second job which will allow her to cover expenses. Also Debtor's counsel has no objection to being paid a dividend of \$100.00 per month, which will be included in the order confirming plan.

The Trustee subsequently filed a motion withdrawing its objection.

The amended plan complies with 11 U.S.C. §§ 1322, 1323, 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.

DEBTORS DISMISSED: 11/25/24

Final Ruling

This Chapter 13 case was dismissed on November 25, 2024, for failure to timely file documents. Debtors' counsel James Arrasmith ("Counsel") was paid a retainer of \$2,500 but only a skeletal petition was filed.

On December 2, 2024, Chief Judge Clement issued an order for Counsel to file by December 11, 2024, a motion for allowance of compensation. See dkt. 13. Counsel failed to do this.

On February 18, 2025, a status conference was held before Chief Judge Clement. Present was Chapter 13 Trustee Lilian Tsang but not Counsel (despite the Trustee having emailed Counsel advising him of the status conference). The Trustee did not hear back from Counsel. As a result, Chief Judge Clement and the Trustee agreed that Counsel's fees of \$2,500 should be disgorged. See dkt. 22 audio attachment.

The next day on February 19, 2025, another order was issued by Chief Judge Clement requiring Counsel to file a motion for allowance of compensation by March 4, 2025, with a hearing set for no later than April 18, 2025, in Department B.

Nonetheless, on March 4, 2025, Counsel filed a motion for extension of the time to file a motion for allowance of compensation. He states that there were parallel criminal proceedings against both Debtors, an ongoing civil litigation in Sonoma County Superior Court, multiple administrative proceedings, property seizures, and debtor Gilman has been hospitalized and unable to review or approve fee documentation. Counsel fails to explain why he didn't file a request for extension prior to February 18, 2025, or why he failed to appear at the February 18, 2025, status conference.

Although the court could easily deny Counsel's motion to extend time since he provided Debtors with little service in this bankruptcy (only a skeletal petition and no Chapter 31 Plan), failed to file required documents, failed to meet deadlines, and failed to make court appearances, the court will provide Counsel with one final opportunity to file a motion for compensation.

Counsel shall file, set, and serve the previously-ordered motion for compensation by **April 14, 2025**, with a hearing date of **May 6, 2025, at 1:00 p.m.** No further extensions will be granted. Failure to timely file, set, and serve a motion for compensation will result in a forfeiture of all requests for compensation and a disgorgement of all compensation counsel Arrasmith received from the Debtors.

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

The court will issue an order.

5. [25-20331](#)-B-13 DAMONE THOMPSON
[LGT](#)-1 Gregory J. Smith

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
3-6-25 [[13](#)]

Final Ruling

The *initial* Chapter 13 Plan filed January 27, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to continue the hearing to April 8, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

Although the Chapter 13 Trustee has received the Debtor's Class 1 Checklist, the Trustee has not yet received updated paystubs for Debtor's Non-filing Spouse. Debtor's Schedule I lists non-filing spouse's tax deductions as being \$4,000.00 per month. As this seems to be inflated, the Trustee has requested these paystubs for further review.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on April 4, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on April 8, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on April 8, 2025, at 1:00 p.m.

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

The court will issue an order.

6. [24-25433](#)-B-13 JESUS PALOFAX AND MOTION TO CONFIRM PLAN
[FAT](#)-1 CASSANDRA PALAFOX 2-6-25 [[25](#)]
Flor De Maria A. Tataje

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.

7. [24-23635](#)-B-13 JOHNNY/KIMBERLY ALDAPE MOTION FOR RELIEF FROM
[SKI](#)-1 Thomas L. Amberg AUTOMATIC STAY
2-28-25 [[29](#)]
CARMAX BUSINESS SERVICES,
LLC 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). Non-opposition was filed by debtors Johnny Aldape and Kimberly Aldape ("Debtors"). The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for relief from automatic stay.

Carmax Business Services, LLC ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2017 Chevrolet Spark (the "Vehicle"). The moving party has provided the Declaration of Ashley Bllingsley to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtors.

The Bllingsley Declaration states that the account is in default for payments due July 5, 2024, through February 5, 2025, each in the amount of \$394.28 with a total default of \$3,154.24. Also Debtors voluntarily surrendered the Vehicle to Movant pre-petition on July 2, 2024.

Debtors also filed a non-opposition to Movant's request.

There being no objections from any party, the 14-day stay of enforcement under Rule 4001(a)(3) is waived.

No other or additional relief is granted by the court.

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

The court will issue an order.

8. [22-22237](#)-B-13 CAROLYN VALDEZ
[MKM](#)-4 Michael K. Moore

MOTION TO MODIFY PLAN
2-12-25 [[59](#)]

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. 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.

9. 25-20344-B-13 EUGENE JONES
LGT-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
3-6-25 [[16](#)]

CONTINUED TO 4/29/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM.

Final Ruling

No appearance at the April 1, 2025, hearing is required. The court will issue an order.

10. [25-20251](#)-B-13 MARY SANTOS
[LGT](#)-1 Thomas L. Amberg

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
3-7-25 [[21](#)]

DEBTOR DISMISSED: 03/11/25

Final Ruling

The case having been dismissed on March 11, 2025, the objection to confirmation is overruled as moot.

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

The court will issue an order.

11. [24-24073](#)-B-13 JAMES/IRMA WELDON
[CYB](#)-3 Candace Y. Brooks

MOTION TO CONFIRM PLAN
2-21-25 [[62](#)]

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, the plan fails to provide for submission of all or such portion of future earnings or other future income to the supervision and control of the Chapter 13 Trustee as is necessary for execution of the plan. 11 U.S.C. § 1322(a). Specifically, the Debtor has not provided the Trustee with a retirement loan statement showing the loan maturity date. Debtor had testified at the meeting of creditors that the retirement loan would be paid off around March 2025. Therefore, the monthly plan payment should be increased accordingly starting April 2025.

Second, the plan does not provide for all of Debtors' projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Based on Debtors' amended Form 122C-2 of monthly disposable income and the court's docket of \$98,858.98 in filed unsecured claims, Debtors' available disposable income requires a 13.61% plan. However, Debtors cannot afford the increased plan payment starting March 2025 according to Schedule J.

Third, the Disclosure of Compensation of Attorney for Debtor form filed September 12, 2024, is incorrect. The form does not match that of the form provided on the Eastern District of California Court's website.

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.

12. [23-20686](#)-B-13 SAMUEL/DEBORAH POWERS
[MJD](#)-3 Matthew J. DeCaminada

MOTION TO MODIFY PLAN
2-19-25 [[69](#)]

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 Debtors have 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. 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.

13. [23-20387](#)-B-13 MICHELLE HERNANDEZ
[NLG](#)-1 Kathleen H. Crist

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
2-25-25 [[32](#)]

LAKEVIEW LOAN SERVICING, LLC
VS.
DEBTOR DISMISSED: 03/04/25

Final Ruling

The case having been dismissed on March 4, 2025, the motion for relief from automatic stay is denied as moot.

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

The court will issue an order.