



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

April 1, 2025 at 1:30 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

April 1, 2025 at 1:30 p.m.

1.	25-20235 -C-13	JOSE/ANN GONZALEZ	OBJECTION TO CONFIRMATION OF
	LGT -1	Peter Macaluso	PLAN BY LILIAN G. TSANG
			3-11-25 [19]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 21.

<p>The Objection to Confirmation of Plan is sustained.</p>

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails the liquidation test;
2. Debtor, Ann Gonzalez's name on her social security card does not match the name on the petition;
3. Debtors fail to list U.S. Army pension income on the Schedule I;
4. Debtors pension income listed on Schedule I is not consistent with the amounts listed on Form 122C.

DEBTORS' OPPOSITION

The debtors filed an Opposition on March 25, 2025. Dkt. 27. Debtors agree that the dividend to unsecured creditors should be 8.72%. They also represent they have made the amendments to Schedules I & J, and have corrected name and social security number.

DISCUSSION

The debtor has non-exempt assets totaling \$11,872.07. The plan provides for a 1.65% percent dividend to unsecured claims, which is less than the 8.72% percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

That is reason to deny confirmation. Therefore, the Objection is sustained.

April 1, 2025 at 1:30 p.m.

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The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

2. [25-20055](#)-C-13 ALEX/SARAH UNTALASCO CONTINUED OBJECTION TO
[LGT](#)-1 Scott Johnson CONFIRMATION OF PLAN BY LILIAN
G TSANG
2-25-25 [[15](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors failed to appear at the Meeting of Creditors;
2. Debtors have failed to provided pay stubs; and
3. Debtor has failed to file the standardized Disclosure of Compensation of Attorney for Debtor form.

DISCUSSION

A review of the docket shows that the debtors did appear at the continued meeting of creditors and the meeting is now concluded as to the debtors. Therefore, this is no longer an issue.

The debtor has not provided the trustee with all required pay stubs. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

3. [25-20276](#)-C-13 PAUL/HAILY BARWICK
[LGT](#)-1 Mark Wolff

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
3-13-25 [[18](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 19 days' notice was provided. Dkt. 20.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtors have not provided all bank and/or cash app statements;
2. The debtors have failed to provide all requested income tax returns;
3. The plan does not provide for all of debtors' projected disposable to creditors
4. Debtors' Schedule I deductions do not match the deductions on the debtor's pay advices.

DISCUSSION

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Debtor's pay stub shows a higher gross income than that listed on Form 122-C, which indicates that the payment amount in the plan is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the

Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

4. [25-20180](#)-C-13 RANDALL/ROXANN WELKER OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Pauldeep Bains PLAN BY LILIAN G. TSANG
3-11-25 [[25](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 28.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan proposes to pay class 1 and 2 creditors in months 1-12 without proposing to make a balloon payment on or before month 12;
2. The plan fails the liquidation test;
3. The payment of attorney's fees is inconsistent with actual payment of fees;
4. Form 122C does not include unemployment benefits received by debtors; and
5. Schedule A/B does not reflect mineral rights that are on the Statement of Financial Affairs.

DISCUSSION

The plan must pay 100% plus interest at the Federal Judgment Rate, which is necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

5. [25-20280](#)-C-13 NICOLAS GOMEZ AND MOLLY OBJECTION TO CONFIRMATION OF
[LGT](#)-1 MCGUIRE PLAN BY LILIAN G. TSANG
Gabriel Liberman 3-11-25 [[16](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), filed a supplemental document opposing confirmation of the Chapter 13 plan on the basis that:

1. The plan provides payments that are longer than 60 months;
2. Debtors' Form 122-C lists the debtors' income as the net amount, not the gross amount;
3. Debtors have failed to provide all insurance policies;
and
4. The amount of attorney's fees in the plan is inconsistent with the Disclosure of Compensation of Attorney.

DISCUSSION

The plan mathematically requires a payment of \$1,066.00 per month, which is greater than the proposed \$1,060.00 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6)

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 53 days' notice was provided. Dkt. 24.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists for the following reasons:

(1) Debtor failed to appear at the Meeting of Creditors;

(2) Debtor has failed to set a hearing on confirmation;

(3) Debtor has failed to provide pay advices, tax returns, original valid ID, proof of social security number, most recent mortgage statement, evidence of payment of Class 1 claims, DSO checklist, and other required documents, and

(4) Debtor has failed to commence making plan payments.

DISCUSSION

At the prior hearing, this matter was continued to allow time for the debtor to take significant steps in confirming a plan and generally moving the case forward.

Debtor did not properly serve the Plan on all interested parties and has yet to file a motion to confirm the Plan. The Plan was filed after the notice of the Meeting of Creditors was issued. Therefore, Debtor must file a motion to confirm the Plan. See Local Bankr. R. 3015-1(c)(3). A review of the docket shows that no such motion has been filed. That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Attendance is mandatory. 11 U.S.C. § 343. Failure to appear at the Meeting of Creditors is unreasonable delay that is prejudicial to creditors and is cause to dismiss the case. 11 U.S.C. § 1307(c)(1).

Debtor has not provided Trustee with employer payment advices for the period of sixty days preceding the filing of the petition as required by 11 U.S.C. § 521(a)(1)(B)(iv); Fed. R. Bankr. P. 4002(b)(2)(A). That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor did not provide either a tax transcript or a federal income tax return with attachments for the most recent pre-petition tax year for

which a return was required. See 11 U.S.C. § 521(e)(2)(A)(i); Fed. R. Bankr. P. 4002(b)(3). That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor has not provided Trustee with proof of a Social Security Number. See 11 U.S.C. § 521(h)(2). That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Lilian G. Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

7. [25-20496](#)-C-13 ALEXANDRA DE LEON
[JTN](#)-1 Jasmin T. Nguyen

MOTION TO VALUE COLLATERAL OF
SERVICE FINANCE COMPANY, LLC
2-21-25 [[12](#)]

Final Ruling: No appearance at the April 1, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 15.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Service Finance Company, LLC's ("Creditor") claim secured by the debtor's property commonly known as Huft Heating and Air Condition HVAC Plumbing System (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$5,000.00. Declaration, Dckt. 14.

DISCUSSION

Upon review of the record, the court finds the value of the Property is \$5,000.00. There are \$13,013.00 of senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$5,000.00. 11 U.S.C. § 506(a).

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Service Finance Company, LLC ("Creditor") secured by property commonly known

as Huft Heating and Air Condition HVAC Plumbing System (the "Property") is determined to be a secured claim in the amount of \$5,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

8. [25-20193](#)-C-13 CATHERINE PIZARRO
[SKI](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY SANTANDER CONSUMER USA
INC. O.S.T.
3-27-25 [[26](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(3) notice that requires an Order Shortening Time, which was entered on March 27, 2028. Dkt. 37.

The Objection to Confirmation of Plan is overruled.

Creditor Santander Consumer USA Inc. dba Chrysler Capital ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The proposed interest rate of 5% provided on Creditor's claim fails to provide for the present value of the claim.

DEBTOR'S OPPOSITION

Debtor filed a response (dkts. 24 & 25) representing she does not oppose Creditor's proposed interest rate of 10.5%.

DISCUSSION

Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The debtor has conceded the 10.5% interest rate on Creditor's claim, which resolves the objection.

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by

Santander Consumer USA Inc. dba Chrysler Capital, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled, and the debtor's Chapter 13 Plan (Dkt. 12), is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.