



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

April 21, 2026 at 11:00 a.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/CourtAppearances>. 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 21, 2026 at 11:00 a.m.

1. [25-27201](#)-C-13 TY HINH CONTINUED OBJECTION TO
[DPC-1](#) Phuc Dinh Do CONFIRMATION OF PLAN BY DAVID
P. CUSICK
Thru #2 2-11-26 [[14](#)]

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 27 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

At the prior hearing, the Trustee represented that a plan payment was received, but that debtor was still delinquent. Additionally, the Trustee indicated that the Meeting of Creditors had not yet been concluded.

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

1. Debtor is delinquent in plan payments;
2. Debtor did not appear at the Meeting of Creditors;
3. Debtor has not provided a social security number or ID;
4. Debtor has not provided proof of income or copies of tax returns; and
5. The plan does not provide for a monthly payment for attorney's fees.

DISCUSSION

The debtor is \$1,300.00 delinquent in plan payments. Declaration, Dkt. 16. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C.

§ 1325(a) (1).

The debtor has not provided the trustee with all required pay advices. 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).

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, David Cusick, 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. [25-27201](#)-C-13 TY HINH
[DPC-2](#) Phuc Dinh Do

CONTINUED MOTION TO DISMISS
CASE
2-23-26 [[18](#)]

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 29 days' notice was provided. Dkt. 21.

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 because the debtor is \$1,300.00 delinquent in plan payments, which is supported by declaration. Dkt. 20.

The Motion also argues debtor did not attend the first Meeting of Creditors on February 5, 2026, and debtor has not provided required documents, including identification, proof of social security, proof of income, and tax returns.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

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, David P. Cusick, 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.

3. [26-20605](#)-C-13 ROBERT SIMON
[NLG-1](#) Michael O'Dowd Hays

OBJECTION TO CONFIRMATION OF
PLAN BY NEWREZ LLC
3-27-26 [[22](#)]

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 25 days' notice was provided. Dkt. 25.

The Objection to Confirmation of Plan is sustained.

Creditor NewRez LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for arrearages owed to Creditor.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on April 7, 2026 Dkt. 26. Debtor asserts that the plan provides for an estimated \$5,000.00 for arrears and any difference in the actual amount can be increased in the order confirming.

Additionally, debtor's counsel represented he will be out of the country at the time of the hearing and requests the matter be continued to May 5, 2026.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. 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 NewRez LLC, 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. [26-20605](#)-C-13 ROBERT SIMON
[SKI](#)-1 Michael O'Dowd Hays

OBJECTION TO CONFIRMATION OF
PLAN BY SANTANDER CONSUMER USA
INC.
3-17-26 [[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 35 days' notice was provided. Dkt. 20.

The Objection to Confirmation of Plan is sustained.

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 on Creditor's claims is too low.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 7% interest. 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 court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 6.75%, plus a 1.25% risk adjustment, for a 8.00% interest rate.

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 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 sustained.

5. [26-20607](#)-C-13 JOHN SPENCER
[DPC-2](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK,
CHAPTER 13 TRUSTEE
3-31-26 [[27](#)]

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. 30.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor did not appear at the Meeting of Creditors;
2. Debtor has not provided proof of Social Security number or identification;
3. Debtor is delinquent in plan payments
4. The plan is not feasible;
5. Debtor has filed inaccurate schedules and schedules with missing information; and
6. An OSC has been issued by the Court for failure to pay the filing fee.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not made a single payment and is \$500 delinquent in plan payments. Declaration, Dkt. 29. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 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, David Cusick, 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.

6. [26-20612](#)-C-13 ROBIN KIRBY
[DPC-1](#) Carl R. Gustafson

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-1-26 [[12](#)]

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 20 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

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

1. The plan will take longer than 36 months to complete; and
2. The amount of fees received by debtor's attorney does not comply with the Local Rules.

DISCUSSION

Because priority claims are greater than scheduled, the plan will take 49 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Local Rule 2016-1(c)(3)(A) states that debtor's counsel may not accept a retainer greater than the lessor of 50% of the "no look" fee. Here, debtor's counsel has accepted a retainer that is more than 50% of his fees at the time of the filing of the petition.

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, David Cusick, 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.

7. [25-24327](#)-C-13 VAMBA FREEMAN
[PGM-1](#) Peter Macaluso

CONTINUED MOTION TO VALUE
COLLATERAL OF HARVEST SMALL
BUSINESS FINANCE, LLC
10-7-25 [[18](#)]

Thru #8

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 28 days' notice. The matter was continued from Department A upon the retirement of Judge Clement on February 24, 2026.

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of Harvest Small Business Finance, LLC's ("Creditor") claim secured by the debtor's property commonly known as 8831 Staplehurst Way, Elk Grove, CA (the "Property").

The parties have filed a status report representing they have entered into a stipulation in this matter. Dkt. 113.

DISCUSSION

At this time, the stipulation on the motion has not been filed.

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx. 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 Harvest Small Business Finance, LLC ("Creditor") secured by property commonly known as 8831 Staplehurst Way, Elk Grove, CA (the "Property") is determined to be a secured claim in the amount of \$xxxx.xx, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

April 21, 2026 at 11:00 a.m.

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8. [25-24327](#)-C-13 VAMBA FREEMAN
[DPC-1](#) Peter Macaluso

CONTINUED MOTION TO DISMISS
CASE
10-7-25 [[23](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (2) notice which requires 14 days' notice. The matter was continued from Department A upon the retirement of Judge Clement on February 24, 2026.

The Motion to Dismiss is denied without prejudice.

A review of the docket shows the debtor filed a second amended plan and corresponding Motion to Confirm on April 8, 2026. Dkts. 126 & 128.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied without prejudice.

9. [25-23429](#)-C-13 MARVIN GIBSON AND DWONNA MOTION TO CONFIRM PLAN
[MRL-2](#) WEST GIBSON 2-27-26 [[49](#)]
Mikalah Liviakis

Final Ruling: No appearance at the April 21, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 53 days' notice was provided. Dkt. 54.

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 Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 51) filed on February 27, 2026.

The Chapter 13 trustee filed a non-opposition on April 3. Dkt. 58.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, 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 Motion to Confirm filed by the debtors, Marvin and Dwonna Gibson, 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 is granted, the Amended Chapter 13 Plan (Dkt. 51) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

10. [25-25030](#)-C-13 DARRAL BARROW
[DPC-1](#) Timothy J. Walsh

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
11-5-25 [[12](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The matter was continued from Department A upon the retirement of Judge Clement on February 5, 2026.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, David Cusick ("Trustee"), filed a status update representing he continues to oppose confirmation of the Chapter 13 plan on the basis that:

1. Debtor can make a higher payment than the proposed payment in the plan;
2. Debtor has not amended Schedules with regards to the 2016 Nissan Sentra; and
3. Debtor has not filed the domestic support checklist.

DISCUSSION

The plan proposes a monthly payment of \$2,650.00, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

Local Rule 3015-1(c)(2) requires the debtor serve the plan together with the Domestic Support Checklist on the trustee, which the Trustee must receive no later than 14 days after the filing of the petition.

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, David Cusick, 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.

11. [25-24236](#)-C-13 CARL WHITE
[GC-2](#) Gerald Glazer

MOTION TO MODIFY PLAN
3-11-26 [[48](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 41 days' notice was provided. Dkt. 53.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 52) filed on March 11, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 54) on April 7, 2026, opposing confirmation on the following grounds:

1. The plan was confirmed on September 27, 2025, and now debtor is seeking to modify because his expenses have increased, including an unspecified amount for withholding taxes; and
2. Debtor has not specified the amount of additional tax withholding, nor why an additional withholding is necessary.

DISCUSSION

The plan proposes a monthly payment of \$1,500.00, which may be less than all of the debtor's disposable income. Debtor has not provided competent admissible evidence as to why all of his expenses have increased, specifically why additional tax withholdings are necessary. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is denied, and the plan is not 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 Motion to Modify Plan filed by the debtor, Carl White, 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 is denied, and the plan is not confirmed.

12. [25-24337](#)-C-13 RAKESH/ASHIKA REDDY
[WW-2](#) Mark Wolff

CONTINUED MOTION TO CONFIRM
PLAN
2-19-26 [[37](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 42.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 40) filed on February 19, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 45) on March 10, 2026, opposing confirmation on the following grounds:

1. Plan is not feasible; and
2. Schedules I & J were not properly served.

DISCUSSION

The plan mathematically requires a payment of \$10,044.51 per month, which is greater than the proposed payments.

The debtor has not demonstrated the plan is feasible because claims filed in the case are greater than scheduled. That is reason to deny confirmation. 11 U.S.C. § 1325(a) (6).

Because the claims are greater than scheduled), the plan will take 84 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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 Motion to Confirm filed by the debtors, Rakesh and Ashika Reddy, 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 is denied, and the plan is not confirmed.

13. [25-24239](#)-C-13 DONNA ELBERT
[PGM-1](#) Peter Macaluso

CONTINUED MOTION TO CONFIRM
PLAN
1-30-26 [[41](#)]

Thru #14

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 48.

The Motion to Confirm is denied.

At the prior hearing the debtor represented the check for the monthly plan payment was in the mail and this motion was continued to verify the debtor had made the payment.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 43) filed on January 30, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 52) on February 24, 2026, opposing confirmation on the following grounds:

1. The plan relies on a motion to sell or refinance property that has not yet been filed;
2. The plan fails the liquidation test;
3. Debtor is delinquent in plan payments.

Debtor filed an opposition (Dkt. 57) on March 3, 2026, asserting that debtor will be current on or before the hearing.

DISCUSSION

The debtor is \$7,000.00 delinquent in plan payments. Declaration, Dkt. 53. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan proposes selling or refinancing property located at 2322 Ringtail Rd., Georgetown, CA. Before a motion to sell or refinance is filed by the debtor, the plan's feasibility is uncertain.

The debtor has non-exempt assets totaling \$7,000.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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 Motion to Confirm filed by the debtor, Donna Elbert, 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 is denied, and the plan is not confirmed.

14. [25-24239](#)-C-13 DONNA ELBERT CONTINUED MOTION TO DISMISS
[DPC-2](#) Peter Macaluso CASE
1-14-26 [[37](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. This case was transferred from Dept. and was continued from a previous hearing on February 24, 2026. Dkt. 55

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

At the prior hearing the debtor represented the check for the monthly plan payment was in the mail and this motion was continued to verify the debtor had made the payment.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$14,000.00 delinquent in plan payments. The motion was continued to accompany the motion to confirm plan at Item #13 above.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

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, David P. Cusick, 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.

15. [25-27041](#)-C-13 VIEN HOANG AND MY TRAN CONTINUED OBJECTION TO
[DPC-1](#) Anh V. Nguyen CONFIRMATION OF PLAN BY DAVID
P. CUSICK
1-28-26 [[12](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The matter was continued from Department A upon the retirement of Judge Clement on February 24, 2026.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor is delinquent in plan payments; and
2. The plan will take longer than 60 months to complete.

DISCUSSION

The debtor is \$6,413.60 delinquent in plan payments. Declaration, Dkt. 14. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Because claims are greater than scheduled, the plan will take 101 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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, David Cusick, 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.

16. [26-20543](#)-C-13 SENGPHET/SYPHONG OBJECTION TO CONFIRMATION OF
[DPC-1](#) PHIMMASENE PLAN BY DAVID P. CUSICK
Matthew J. DeCaminada 3-13-26 [[20](#)]

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 39 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

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

1. The plan does not provide for the claim of Capital One Auto Finance.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the claim as Trustee argues, the debtor has not carried his burden to show the plan is adequately funded. 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, David Cusick, 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.

17. [26-20446](#)-C-13 PEDRO HERNANDEZ LOPEZ AND OBJECTION TO CONFIRMATION OF
[DPC-1](#) LORENA RICO NAVARRO PLAN BY DAVID P CUSICK
Rory J. Vohwinkel 3-13-26 [[14](#)]

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 39 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is overruled.

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

1. Debtors did not appear at the first Meeting of Creditors.

DISCUSSION

A review of the docket shows that a continued Meeting of Creditors was held on March 27, 2026, which the debtors appeared at and the Meeting was concluded. Therefore, the only issue raised has now been resolved.

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 the Chapter 13 Trustee, David Cusick, 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 debtors' Chapter 13 Plan (Dkt. 3), is confirmed. Counsel for 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.

18. [26-20550](#)-C-13 ERNESTO/LISA GARCIA
[DPC-1](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
3-13-26 [[35](#)]

Thru #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 39 days' notice was provided. Dkt. 38.

The Objection to Confirmation of Plan is sustained.

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

1. Debtors did not appear at the Meeting of Creditors;
2. Debtors have not provided all required documents under § 521;
3. Debtors have not properly filled out all forms; and
4. The plan relies on a Motion to Value Collateral that has not been filed.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required pay advices. 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).

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).

The plan proposes valuing the secured claim of Golden 1 Credit Union. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

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, David Cusick, 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.

19. [26-20550](#)-C-13 ERNESTO/LISA GARCIA
[RDW](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY GOLDEN 1 CREDIT UNION
3-19-26 [[42](#)]

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 32 days' notice was provided. Dkt. 45.

The Objection to Confirmation of Plan is sustained.

Creditor Golden 1 Credit Union ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors cannot afford plan payments;
2. The plan does not provide for all of Creditor's claims;
3. The plan relies on a Motion to Value Collateral that has not been filed, and debtors' valuation is inconsistent and confusing; and
4. The plan does not provide for an appropriate interest rate on Creditor's claim.

DISCUSSION

The debtor has not demonstrated the plan is feasible because the debtors' disposable income is negative. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the claims as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The plan proposes valuing of Creditor's secured claim. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

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 Golden 1 Credit Union, 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.

Thru #21

Final Ruling: No appearance at the April 21, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 42 days' notice was provided. Dkt. 107.

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 Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 103) filed on March 10, 2026.

The Chapter 13 trustee filed a non-opposition on April 3, 2026. Dkt. 111.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, 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 Motion to Confirm filed by the debtor, Michael Parra, 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 is granted, the Amended Chapter 13 Plan (Dkt. 103) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. . Counsel for 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.

21. [24-25653](#)-C-13 MICHAEL PARRA CONTINUED MOTION TO DISMISS
[DPC](#)-5 Peter Macaluso CASE
2-23-26 [[97](#)]

Final Ruling: No appearance at the April 21, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 100.

The Motion to Dismiss is denied without prejudice.

The Chapter 13 trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of plan on December 19, 2025.

A review of the docket confirms the plan was denied confirmation. Dkt. 96.

A review of the docket shows the debtor filed an amended plan and corresponding Motion to Confirm on March 10, 2026. Dkts. 101 & 103.

The Trustee has filed non-opposition to the confirmation of the amended plan, the Motion is denied without prejudice.

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, David P. Cusick, 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 denied without prejudice.

Thru #23

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 76.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 73) filed on March 9, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 104) on April 3, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments;
2. The plan relies on a motion to value that has not been determined; and
3. Debtor has not filed a notice of related case of the Chapter 11 case of Thompson Rose Chapel, LLC.

The debtor filed a reply (Dkt. 111) on April 14, 2026, asserting that the plan is contingent on the Motion to Value that is set to be heard on May 26, 2026.

DISCUSSION

The debtor is \$6,450.00 delinquent in plan payments. Declaration, Dkt. 105. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan proposes valuing the secured claim of First Bank. The Motion to Value has been continued to May 26, 2026. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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 Motion to Confirm filed by the debtor, Ginger Brown, 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 is denied, and the plan is not confirmed.

23. [25-27054](#)-C-13 GINGER BROWN
[DPC-1](#) Peter Macaluso

CONTINUED MOTION TO DISMISS
CASE
1-27-26 [[34](#)]

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 28 days' notice was provided. Dkt. 37.

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 because the debtor is \$8,000.00 delinquent in plan payments, which is supported by declaration. Dkt. 36.

The motion also argues debtor has failed to properly file, set and serve an amended plan.

Debtor filed an opposition (Dkt. 55) on February 10, 2026, asserting that debtor will file an amended plan before the hearing.

Creditor First Bank filed a limited opposition on February 10, 2026, and March 17, 2026, asserting that dismissal of the case is premature because it has filed a motion for relief from automatic stay that was granted but because the 14-day stay was not waived it cannot record its Trustee's Deed Upon Sale until March 27 and dismissal at this point would prejudice it because debtor could immediately file a new case.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

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, David P. Cusick, 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.

24. [26-20454](#)-C-13 MICHAEL/ROSHANN HAMBRICK OBJECTION TO CONFIRMATION OF
[DPC-1](#) Julius J. Cherry PLAN BY DAVID P. CUSICK
3-13-26 [[15](#)]

Final Ruling: No appearance at the April 21, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is overruled.

An order confirming the plan was filed by the Trustee and signed by the court on April 14, 2026.

The Chapter 13 Trustee, David Cusick ("Trustee"), initially opposed confirmation for a number of reasons. However, since the filing of the objection, debtors have agreed to make some changes to the plan. The Trustee filed a status update that reviewed the changes and represented he no longer objected to confirmation.

DISCUSSION

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 the Chapter 13 Trustee, David Cusick, 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 debtors' Chapter 13 Plan (Dkt. 8), is confirmed. Counsel for 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.

25. [24-24263](#)-C-13 EMANUEL/LENIECE JOHNSON CONTINUED MOTION TO DISMISS
[DPC-2](#) Gary Fraley CASE
2-2-26 [[40](#)]

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 50 days' notice was provided. Dkt. 43.

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

At the prior hearing, debtors' counsel asserted the debtors were sending the delinquent payments to the wrong address, but otherwise had the money to cure the delinquency. The hearing was continued to see if the debtors have cured the delinquency.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$8,416.23 delinquent in plan payments, which is supported by declaration. Dkt. 42.

Additionally, the Trustee argues cause to dismiss exists because debtor has not provided all requested tax returns. Id.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

The debtor has not provided all necessary tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 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, David P. Cusick, 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.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 42 days' notice was provided. Dkt. 27.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 23) filed on March 10, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 33) on April 7, 2026, opposing confirmation on the following grounds:

1. Plan relies on the sale of property on or before December 2026.

Debtor filed a response (Dkt. 36) on April 15, 2026, asserting that debtor intends to hire an agent in July and close by the end of the year.

DISCUSSION

The plan proposes selling property in an amount sufficient to pay all lien holders. Before a motion to sell property is filed and the details of the proposed sale can be reviewed, the plan's feasibility is uncertain.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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 Motion to Confirm filed by the debtor, Jennifer Keller, 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 is denied, and the plan is not confirmed.

Thru #28

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 34.

The Motion to Modify is denied.

At the prior hearing, debtor's counsel agreed that debtor needed to file supplemental Schedules I & J, but was unable up to that time.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 33) filed on February 20, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 39) on March 10, 2026, opposing confirmation on the following grounds:

1. Debtor has not filed supplemental Schedules I & J demonstrating he can afford the plan payments; and
2. The order confirming plan should state that unsecured creditors will receive 82%.

DISCUSSION

The debtor has not filed amended Schedules I & J to assist the Chapter 13 Trustee in determining whether the debtor can make the proposed plan payments.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is denied, and the plan is not 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 Motion to Confirm filed by the debtor, Robert Fields, 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 is denied, and the plan is not confirmed.

28. [25-22167](#)-C-13 ROBERT FIELDS
[DPC-2](#) Scott M. Johnson

CONTINUED MOTION TO DISMISS
CASE
1-16-26 [[24](#)]

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 39 days' notice was provided. Dkt. 27.

The Motion to Dismiss is ~~xxxxxxx~~, and the case is ~~xxxxxxx~~.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$10,080.00 delinquent in plan payments, which is supported by declaration. Dkt. 26.

The Trustee represents there is \$172,872.80 in nonexempt equity in assets listed on the debtor's schedules.

Debtor filed an opposition (Dkt. 28) on February 10, 2026, asserting that debtor will file a modified plan before the hearing.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss or convert this case pursuant to 11 U.S.C. § 1307(c) (1).

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, David P. Cusick, 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 ~~xxxxxxx~~, and the case is ~~xxxxxxx~~

29. [26-20569](#)-C-13 CHRISTOPHER LARSEN
[DPC-1](#) Michael O'Dowd Hays

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
3-13-26 [[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 39 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor has not amended several schedules after Meeting of Creditors was held on March 12, 2026;
2. Plan does not pass the liquidation test; and
3. The plan does not include tax refunds over the \$2,000 amount.

DISCUSSION

The debtor has non-exempt assets totaling \$4,000. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The plan proposes a monthly payment that is less than all of the debtor's disposable income because debtor's tax expense is greater than necessary. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(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, David Cusick, 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.

30. [26-20570](#)-C-13 RANDY YOUNGQUIST AND ERIN OBJECTION TO CONFIRMATION OF
[DPC-1](#) PETTIS PLAN BY DAVID P. CUSICK
Matthew J. DeCaminada 3-13-26 [[12](#)]

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 39 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor has not listed the DSO creditor on Schedule E/F or on the creditor matrix;
2. Debtor has not provided the DSO Checklist to the Trustee; and
3. The plan does not provide for the secured claim of CarMax.

DISCUSSION

Local Rule 3015-1(c)(2) requires the debtor serve the plan together with the Domestic Support Checklist on the trustee, which the Trustee must receive no later than 14 days after the filing of the petition.

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the claim as Trustee argues, the debtor has not carried his burden to show the plan is adequately funded. 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, David Cusick, 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.

31. [26-21273](#)-C-13 SAMSON VATAMANU
[HRH](#)-1 Eric J. Gravel

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-7-26 [[12](#)]

CROSSROADS EQUIPMENT LEASE
AND FINANCE, LLC VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 18.

The Motion for Relief from the Automatic Stay is granted.

Crossroads Equipment Lease and Finance, LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's leased personal property commonly known as 2020 Volvo VNL64T760 tractor truck, another 2020 Volvo VNL64T760 tractor truck, and a 2017 Utility 53' Reefer Trailer (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent one postpetition and four prepetition payments. Declaration, Dkt. 15. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because there is no equity in the Property, debtor's corporation rather than debtor are on title to the property, and debtor's plan does not provide for Movant's claims. *Id.*

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent one postpetition and four prepetition payments. The court also finds cause exists pursuant to 11 U.S.C. § 362(d)(2) because there is no equity in the property.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this

part of the requested relief is not granted.

No other or additional relief is granted by the court.

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 for Relief from the Automatic Stay filed by Crossroads Equipment Lease and Finance, LLC ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Property, under its security agreement, loan documents granting it a lien in the asset identified as a 2020 Volvo VNL64T760 tractor truck, another 2020 Volvo VNL64T760 tractor truck, and a 2017 Utility 53' Reefer Trailer ("Property"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Property to the obligation secured thereby.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

32. [26-20974](#)-C-13 CHRISTOPHER CLINE
[SKI](#)-1 Peter G. Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-18-26 [[10](#)]

EXETER FINANCE LLC VS.

Final Ruling: No appearance at the April 21, 2026 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 34 days' notice was provided. Dkt. 17.

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 for Relief from the Automatic Stay is granted.

Exeter Finance LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's 2023 Chevrolet Trailblazer (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent one postpetition and six prepetition payments. Declaration, Dkt. 14. Movant also argues cause exists because debtor's plan provides for the surrender of the Property. Id.

TRUSTEE'S NON-OPPOSITION

The Chapter 13 Trustee filed a non-opposition on April 9, 2026. Dkt. 27.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent one postpetition and six prepetition payments. The court also finds cause exists because debtor's plan provides for the surrender of the vehicle, which concedes that the Property is not necessary for reorganization.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

April 21, 2026 at 11:00 a.m.

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Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule. Movant asserts that waiver of the 14-day stay is appropriate given that the debtor is surrendering the vehicle.

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is granted.

No other or additional relief is granted by the court.

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 for Relief from the Automatic Stay filed by Exeter Finance LLC ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Property, under its security agreement, loan documents granting it a lien in the asset identified as a 2023 Chevrolet Trailblazer ("Property"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Property to the obligation secured thereby.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.

33. [26-21275](#)-C-13 CHRISTOPHER ANDERSON
[BLG-1](#) Chad M. Johnson

MOTION TO VALUE COLLATERAL OF
REGIONAL ACCEPTANCE CORP
3-11-26 [8]

Final Ruling: No appearance at the April 21, 2026 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 41 days' notice was provided. Dkt. 11.

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 Regional Acceptance Corp's ("Creditor") claim secured by the debtor's property commonly known as 2020 Toyota Corolla (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$16,000. Declaration, Dkt. 10.

The Chapter 13 Trustee filed non-opposition on April 7, 2026. Dkt. 16.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on August 21, 2020, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$16,000.00. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$16,000.00. 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 Regional Acceptance Corp ("Creditor") secured by property commonly known as 2020 Toyota Corolla (the "Property") is determined to be a secured claim in the amount of \$16,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

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 20 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is sustained.

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

1. The plan does not pass the liquidation test;
2. The plan is not feasible
3. Debtor has not signed the petition and statement of financial affairs; and
4. Debtor has not provided her tax returns.

DISCUSSION

The debtor has non-exempt assets totaling \$5,000. The plan provides for a zero percent dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Because the claim of Fay Servicing is greater than scheduled, the plan will take 102 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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, David Cusick, 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.

35. [26-20584](#)-C-13 BERNARD/MARY JUNE LEE
[DPC-1](#) Robert W. Fong

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID CUSICK
3-13-26 [[31](#)]

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 39 days' notice was provided. Dkt. 34.

The Objection to Confirmation of Plan is overruled.

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

1. Plan relies on a Motion to Value Collateral that had not been decided.

DISCUSSION

A review of the docket shows that debtor's Motion to Value Collateral was granted without any opposition at the hearing on March 24, 2026. Dkts. 35 & 36. Therefore, this issue has been resolved.

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 the Chapter 13 Trustee, David Cusick, 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 debtors' Chapter 13 Plan (Dkt. 3), is confirmed. Counsel for 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.

36. [26-20687](#)-C-13 JESSICA SODERLING
[DPC-1](#) Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-1-26 [[28](#)]

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 20 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

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

1. The plan will take longer than 60 months to complete;
2. The plan relies on the refinance or sale of property; and
3. The plan relies on monthly support from friends and family.

The debtor filed a reply (Dkt. 33) on April 14, 2026, asserting the debtor will increase the lump sum payment by \$20,000 and market the property in June.

DISCUSSION

On April 7, 2026, ex-husband Jay Soderling filed a declaration stating that he will contribute \$4,600.00 per month to ensure plan payments are timely made. This resolves one of the Trustee's issues.

Because claims are greater than scheduled, the plan will take 101 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The plan proposes selling debtor's property. Before the specifics of what, and or how many properties, are sold, the plan's feasibility is uncertain.

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, David Cusick, 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.

37. [26-20589](#)-C-13 PAULA GUZMAN
[DPC-1](#) Mary Ellen Terranella

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
3-13-26 [[12](#)]

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 39 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

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

1. The plan fails the liquidation test.

DISCUSSION

The debtor has non-exempt assets totaling at least \$18,592.00. The plan provides for a five percent dividend to unsecured claims, which is less than the 49.5% 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.

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, David Cusick, 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.

38. [26-21590](#)-C-13 KIRAN SANWAL
[LCE](#)-1 Pro Se

MOTION TO DISMISS CASE
3-24-26 [[8](#)]

Final Ruling: No appearance at the April 21, 2026 hearing is required.

The above captioned case was dismissed on April 13, 2026. Dkt. 16. Therefore, the Motion to Dismiss filed by LC Equity Group, Inc. is denied as moot.

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 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 is denied as moot.

39. [23-20693](#)-C-13 RODERICK/LOTTIE STEARNE MOTION TO MODIFY PLAN
[MET-1](#) Mary Ellen Terranella 3-9-26 [[34](#)]

Final Ruling: No appearance at the April 21, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 39.

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 Modify Plan is granted.

The debtors filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on April 7, 2026. Dkt. 45. The Trustee requests that the order confirming state that unsecured creditors will receive a dividend of no less than 13%, so that creditor have a more accurate picture of what they will be receiving.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, 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 Motion to Modify Plan filed by the debtors, Roderick and Lottie Stearne, 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 is granted, the Modified Chapter 13 Plan (Dkt. 37) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for 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.

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 39 days' notice was provided. Dkt. 16.

The Objection to Confirmation of Plan is overruled.

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

1. The plan does not provide for all of debtor's community debts;
2. Debtor's Schedule A/B is incomplete; and
3. Debtor's disposable income does not include tax refunds over \$2,000.00.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on April 6, 2026. Dkt. 17. Debtor represents he has amended his Schedules to include all of his community debts and non-filing spouse's debt. Debtor has amended his Schedules A/B to include the missing information requested by Trustee. Finally, debtor agrees to turnover any tax refunds greater than \$2,000.00 and include this provision in the order confirming.

DISCUSSION

A review of the docket confirms that debtor has amended his Schedules as the Trustee requested. And, with the included provision in the order confirming that debtor will turnover any tax refunds greater than \$2,000.00, all of the trustee's issues appear to have been resolved.

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 the Chapter 13 Trustee, David Cusick, 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. 3), is confirmed. Counsel for 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.

41. [26-21597](#)-C-13 JOSEPH CANNING
[MRL](#)-1 Mikalah Liviakis

MOTION TO VALUE COLLATERAL OF
ONEMAIN FINANCIAL GROUP, LLC
4-1-26 [8]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 11.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of OneMain Financial Grop, LLC's ("Creditor") claim secured by the debtor's property commonly known as 2015 Chevrolet Silverado (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$10,580.00. Declaration, Dkt. 10.

DISCUSSION

Upon review of the record, the court finds the value of the Property is \$10,580.00. Therefore, Creditor's secured claim is determined to be \$10,580.00. 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 OneMain Financial Grop, LLC ("Creditor") secured by property commonly known as 2015 Chevrolet Silverado (the "Property") is determined to be a secured claim in the amount of \$10,580.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

42. [26-20399](#)-C-13 REX REYES
[DPC-1](#) Kristy A. Hernandez

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
3-13-26 [[12](#)]

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 39 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

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

1. The plan will take longer than 60 months to complete; and
2. Debtor is delinquent in plan payments.

DISCUSSION

Because priority tax claims were filed that were not provided for in the plan, the plan will take at least 102 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor is \$2,695.00 delinquent in plan payments. Declaration, Dkt. 14. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 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, David Cusick, 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.

43. [25-27111](#)-C-13 TONY/SARETH SOK
[AOE](#)-3 Anthony Egbase

MOTION TO DISMISS CASE O.S.T.
4-13-26 [[69](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f) (3) notice which requires an Order Shortening Time. The OST was entered on April 14, 2026. Dkt. 73.

The Motion to Dismiss is ~~XXXXXXXXXX~~

The debtors filed this Motion to Dismiss arguing that cause for dismissal exists because a plan has not been confirmed, no distributions have been made to creditors through a chapter 13 plan, and a motion for relief from automatic stay was previously granted.

Debtors argue that there is no cognizable prejudice to any creditor by dismissal of the case.

The case having previously been converted to a case under Chapter 13, the debtors seek dismissal pursuant to 11 U.S.C. § 1307(c), which states that a case may be dismissed or converted, whichever is in the best interests of creditors and the estate, for cause.

At the hearing ~~XXXXXXXXXX~~

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 debtors, Tony and Sareth Sok, 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 ~~XXXXXXXXXX~~

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an Order Shortening Time. The OST was entered on April 15, 2026. Dkt. 21.

The Motion to Extend the Automatic Stay is granted.

Paul and Amanda Staley ("Debtors") seek to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtors' prior bankruptcy case was dismissed on January 31, 2026, after Debtors became delinquent in plan payments and did not file a modified plan to cure the delinquency. Order, Bankr. E.D. Cal. No. 25-22172, Dkt. 41. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because debtors' counsel did not attend the hearing on the Motion to Dismiss.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)).

Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814-15.

Debtors have sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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 Extend the Automatic Stay filed by Paul and Amanda Staley 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 is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c) (3) (B) for all purposes and parties, unless terminated by operation of law or further order of this court.