

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: April 22, 2025

CALENDAR: 1:00 P.M. CHAPTER 13 AND CHAPTER 11

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

April 22, 2025 at 1:00 pm.

1. 24-24600 -B-13 JAMES KEARNS Joshua Sternberg	MOTION FOR COMPENSATION FOR JOSHUA STERNBERG, DEBTORS ATTORNEY(S) 2-26-25 [29]
DEBTOR DISMISSED: 11/04/24	

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to deny without prejudice the motion for additional compensation.

Fees and Costs Requested

Joshua Sternberg ("Movant"), the attorney to Chapter 13 Debtor James Kearns ("Debtor"), makes a request for the allowance of \$3,105 in additional fees and \$0.00 in expenses. Movant and Debtor had agreed to the initial fee of \$4,000, which was paid pre-petition. The legal services agreed upon are stated in the Disclosure of Compensation of Attorney for Debtor(s). Dkt. 1, p. 8. Movant asserts that the initial agreed-upon fee was not sufficient to fully compensate the attorney for the legal services provided.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a trustee, examiner or professional person employed under § 327 or § 1103 and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

Here, Movant has filed an exhibit detailing the legal services provided. They consist of 6.9 hours toward reviewing intake notes and case review, phone calls with the Debtor, filing an emergency petition, monitoring foreclosure activity and sale date postponement, internal communications, reviewing documents, preparing balance due for bankruptcy petition, and subsequent attempts to contact Debtor. Noteworthy to the court is that the petition was a shell petition, no chapter 13 plan was filed, and the case was ultimately dismissed less than a month after it was filed for failure to timely file documents. Also Movant's application for additional fees was not signed by Debtor.

The court is not persuaded that Movant provided legal services that would justify an award for additional fees. In fact, Movant has already been sufficiently compensated \$4,000 for the very limited legal services he provided. As such, the motion for additional fees of \$3,105 is denied without prejudice.

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

April 22, 2025 at 1:00 p.m.
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The court will issue an order.

2. [25-20602](#)-B-13 TAHIR JAN
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
3-24-25 [[19](#)]

Final Ruling

The *initial* Chapter 13 Plan filed February 24, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to April 29, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the amended Form 122C-1 does not include the non-filing spouse's income received in January 2025. The Chapter 13 Trustee was provided with paystubs from January 2025. This case was filed February 12, 2025. Therefore, the January income is pre-petition and an amended Form 122C-1 is necessary.

Second, Debtor's profit and loss statements for July 2024 through January 2025 show an average monthly gross income of \$17,359.97. However, amended Schedule I and amended Form 122C-1 only list the gross income of \$8,000.00.

Third, it appears Debtor's income may be understated based on the profit and loss statements provided, and Debtor's disposable income is higher than reflected on the amended Schedule J and Form 122C-1. Until the Debtor further amends Schedules I, J and Form 122C-1 and clarifies this discrepancy, it cannot be determined if the plan was filed in good faith, or if it pays in all of the Debtor's disposable income for the remaining term of his plan. Once Form 122C-1 is amended to include the accurate gross income, Debtor will be above-median and a Form 122C-2 will also need to be completed and filed to accurately calculate Debtor's projected disposable income.

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on April 25, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on April 29, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on April 29, 2025, at 1:00 p.m.

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

The court will issue an order.

3. 25-20506-B-13 RODOLFO BENAVIDES OBJECTION TO CONFIRMATION OF
LGT-1 Pro Se PLAN BY TRUSTEE LILIAN G. TSANG
3-24-25 [19]

CONTINUED TO 6/03/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 5/28/25.

Final Ruling

No appearance at the April 22, 2025, hearing is required. The court will issue an order.

4. [25-20510](#)-B-13 FORTUNATO PORQUEZA AND OBJECTION TO CONFIRMATION OF
[LGT](#)-1 GLORIA RAMOS PLAN BY LILIAN G. TSANG
Mikalah Liviakis 3-20-25 [[16](#)]
WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed February 5, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [25-20616](#)-B-13 TEOFILLO RIVERA AND KARA OBJECTION TO CONFIRMATION OF
[LGT](#)-1 DOMINGUEZ RIVERA PLAN BY LILIAN G. TSANG
Thru #6 Gregory J. Smith 3-20-25 [[28](#)]
WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed February 13, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

6. [25-20616](#)-B-13 TEOFILLO RIVERA AND KARA OBJECTION TO CONFIRMATION OF
[SKI](#)-1 DOMINGUEZ RIVERA PLAN BY TD BANK, N.A.
Gregory J. Smith 2-25-25 [[12](#)]
WITHDRAWN BY M.P.

Final Ruling

TD Bank, N.A. having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed February 13, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

7. [25-20431](#)-B-13 MITCHELL MILES OBJECTION TO CONFIRMATION OF
 [LGT](#)-1 David A. Boone PLAN BY LILIAN G. TSANG
 3-24-25 [[15](#)]

CONTINUED TO 5/20/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 5/15/25.

Final Ruling

No appearance at the April 22, 2025, hearing is required. The court will issue an
order.

8. [24-21452](#)-B-13 JUAN ABARCA AND THERESA MOTION TO CONFIRM PLAN
[LTF](#)-4 DOMINGUEZ-ABARCA 2-28-25 [[77](#)]
Lars Fuller,

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed February 28, 2025, will be confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

9. [24-25556](#)-B-13 EXIQUIO/ARCHANA GUERRA MOTION TO CONFIRM PLAN
[JCK](#)-1 Kathleen H. Crist 2-26-25 [[24](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

10. [25-20580](#)-B-13 IVAN FERREIRA OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Arete Kostopoulos PLAN BY LILIAN G. TSANG
3-21-25 [[15](#)]

CONTINUED TO 5/20/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 5/15/25.

Final Ruling

No appearance at the April 22, 2025, hearing is required. The court will issue an
order.

11. [25-20583](#)-B-13 RYAN/STEFFANIE NELSON
[LGT](#)-1 Fred A. Ihejirika

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
3-21-25 [[12](#)]

Final Ruling

The *initial* Chapter 13 Plan filed February 11, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to April 29, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Paragraph 2.01 of Debtors' plan provides for a monthly plan payment of \$1,504.89. Debtors have failed to provide admissible evidence that his plan is mathematically feasible. Due to the filed Claim 4-1 of the Internal Revenue Service, the current plan payment proposal causes the plan to take 78.84 months to fund. Trustee's calculations indicate that Debtors' plan payment will need to be at least \$1,977.48 per month in order for the plan term of 60 months to be feasible.

Second, the plan does not provide for all of Debtors' projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). The pay stubs for the 60 days prior to filing of Joint Debtor's part-time job are necessary. If necessary, amended Schedules I and J and Form 122C-1 should also be filed.

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on April 25, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on April 29, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on April 29, 2025, at 1:00 p.m.

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

The court will issue an order.

12. [25-20485](#)-B-13 STEVEN KAMP
Thru #13 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY HSBC BANK USA, NATIONAL
ASSOCIATION
3-19-25 [[23](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to HSBC Bank USA, National Association filing its objection, Debtor filed an amended plan on April 3, 2025. The confirmation hearing for the amended plan is scheduled for May 20, 2025. The earlier plan filed February 18, 2025, is not confirmed.

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

The court will issue an order.

13. [25-20485](#)-B-13 STEVEN KAMP
LGT-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY TRUSTEE LILIAN G. TSANG
3-20-25 [[26](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

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

Subsequent to the Chapter 13 Trustee filing its objection, Debtor filed an amended plan on April 3, 2025. The confirmation hearing for the amended plan is scheduled for May 20, 2025. The earlier plan filed February 18, 2025, is not confirmed.

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

The court will issue an order.

14. [25-20493](#)-B-13 MARCUS PLONG
[LGT](#)-1 Seth L. Hanson

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
3-24-25 [[17](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed February 4, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

15. [24-25197](#)-B-13 DENISE REES
[LGT](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
1-2-25 [[26](#)]

Final Ruling

This matter was continued from April 15, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, April 18, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 59, sustaining the objection, shall become the court's final decision. The continued hearing on April 22, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

16. [24-23489](#)-B-11 SUKHRAJ PAMMA
[CAE](#)-1

CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
8-7-24 [[1](#)]

17. [24-23489](#)-B-11 SUKHRAJ PAMMA
[FDA](#)-3

MOTION TO CONVERT CASE FROM
CHAPTER 11 TO CHAPTER 7 AND/OR
MOTION TO APPOINT TRUSTEE
3-21-25 [[358](#)]

Motion continued to June 24, 2025 at 2:00 p.m. No appearance at the hearing is required. Removed from calendar.

18. [24-23489](#)-B-11 SUKHRAJ PAMMA
[FWP](#)-2

MOTION FOR RELIEF FROM
AUTOMATIC STAY
3-24-25 [[364](#)]

DFS FINANCE VS.