



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Chief Bankruptcy Judge
Department B, Courtroom 32
501 I Street, 6th Floor
Sacramento, California

May 5, 2026 at 1:00 p.m.

Unless otherwise ordered, all matters before the Honorable Chief **Christopher Jaime** shall be simultaneously: (1) **In Person** at, **Sacramento Courtroom No. 32, 6th Floor** (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

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

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

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

Please also note the following:

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

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

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

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

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medica 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.

PRE-HEARING DISPOSITIONS INSTRUCTIONS:

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
Chief Bankruptcy Judge
Sacramento, California

May 5, 2026 at 1:00 p.m.

1. [25-24702](#)-B-13 GUILLERMO CERVANTES MOTION TO CONFIRM PLAN
 [JTN](#)-1 Robert W. Fong 3-24-26 [[48](#)]

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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

2. [26-21005](#)-B-13 CRAIG/JULIA PONCE OBJECTION TO CONFIRMATION OF
[EAT](#)-1 Peter L. Cianchetta PLAN BY CREDITOR MIDFIRST BANK
Thru #3 4-13-26 [[14](#)]

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 Creditor Midfirst Bank's filing its objection, Debtors filed an amended plan on April 14, 2026. The confirmation hearing for the amended plan is scheduled for June 23, 2026. The earlier plan filed February 26, 2026, is not confirmed.

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

The court will issue an order.

3. [26-21005](#)-B-13 CRAIG/JULIA PONCE OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Peter L. Cianchetta PLAN BY LILIAN G. TSANG
4-9-26 [[18](#)]

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, Debtors filed an amended plan on April 14, 2026. The confirmation hearing for the amended plan is scheduled for June 23, 2026. The earlier plan filed February 26, 2026, is not confirmed.

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

The court will issue an order.

4. [26-20407](#)-B-13 RAYMOND ALBARRAN
[ALG](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY REGAL INVESTMENTS, INC.
3-27-26 [[23](#)]

CONTINUED TO 5/19/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 5/7/26.

The court will issue an order.

5. [26-20909](#)-B-13 CLARENCE/MARYCRIS RAMOS OBJECTION TO CONFIRMATION OF
[JCW-1](#) Kathleen H. Crist PLAN BY ALLY BANK
Thru #7 3-31-26 [[14](#)]

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 Creditor filing its objection, Debtors filed an amended plan on April 28, 2026. The confirmation hearing for the amended plan is scheduled for June 9, 2026. The earlier plan filed February 23, 2026, is not confirmed.

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

The court will issue an order.

6. [26-20909](#)-B-13 CLARENCE/MARYCRIS RAMOS OBJECTION TO CONFIRMATION OF
[JCW-1](#) Kathleen H. Crist PLAN BY ALLY BANK
4-6-26 [[20](#)]

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 Creditor filing its objection, Debtors filed an amended plan on April 28, 2026. The confirmation hearing for the amended plan is scheduled for June 9, 2026. The earlier plan filed February 23, 2026, is not confirmed.

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

The court will issue an order.

7. [26-20909](#)-B-13 CLARENCE/MARYCRIS RAMOS OBJECTION TO CONFIRMATION OF
[LGT-1](#) Kathleen H. Crist PLAN BY LILIAN G. TSANG
4-10-26 [[24](#)]

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, Debtors filed an amended plan on April 28, 2026. The confirmation hearing for the amended plan is scheduled for

June 9, 2026. The earlier plan filed February 23, 2026, is not confirmed.
The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.
The court will issue an order.

8. [26-21310](#)-B-13 MANSOOR/NAZREEN ALI
[SMC-1](#) Colby D. LaVelle

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-7-26 [[16](#)]

LAURA NUNES VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). 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 grant the motion for relief from the automatic stay.

Laura Nunes ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 751 Cheshire Court, Manteca, California (the "Property"). Movant has provided the Declaration of Laura Nunes to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Declaration states that Movant is the legal owner of the property. Dkt. 18. Movant seeks to proceed with the unlawful detainer action filed in state court on November 10, 2025.

Discussion

Movant presents evidence that it is the owner of the Property. Based on the evidence presented, Debtor would be at best a tenant at sufferance. Movant commenced an unlawful detainer action in California Superior Court, County of San Joaquin on November 10, 2025, with a Notice to Terminate Tenancy served on November 1, 2025. Dkt. 18.

Based upon the evidence submitted, the court determines that there is no equity in the property for either the Debtor or the Estate. 11 U.S.C. § 362(d)(2).

Movant has presented a colorable claim for title to and possession of this real property. As stated by the Bankruptcy Appellate Panel in *Hamilton v. Hernandez*, No. CC-04-1434-MaTK, 2005 Bankr. LEXIS 3427 (B.A.P. 9th Cir. Aug. 1, 2005), relief from stay proceedings are summary proceedings which address issues arising only under 11 U.S.C. § 362(d). *Hamilton*, 2005 Bankr. LEXIS 3427 at *8-*9 (citing *Johnson v. Righetti (In re Johnson)*, 756 F.2d 738, 740 (9th Cir. 1985)). The court does not determine underlying issues of ownership, contractual rights of parties, or issue declaratory relief as part of a motion for relief.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, to exercise its rights to obtain possession and control of property including unlawful detainer or other appropriate judicial proceedings and remedies to obtain possession thereof.

The 14-day stay of enforcement under Rule 4001(a)(4) is waived.

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

No other or additional relief is granted by the court.

The court will issue an order.

9. [26-21111](#)-B-13 TERRY/SAMANTHA RODRIGUE OBJECTION TO CONFIRMATION OF
[LGT-1](#) Julius J. Cherry PLAN BY LILIAN G. TSANG
4-13-26 [[15](#)]

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.

The trustee has requested that the court deny confirmation of the original filed plan because the debtors have since filed a subsequent plan. Debtors filed an amended plan on March 8, 2026. The confirmation hearing for the amended plan is scheduled for June 16, 2026. The earlier plan filed March 2, 2026, is not confirmed.

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

The court will issue an order.

10. [25-25414](#)-B-13 TAMI LEWIS
[TLA](#)-1 Thomas L. Amberg

MOTION TO MODIFY PLAN
3-30-26 [[17](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d) (2), 9014-1(f) (1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f) (1) (B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

Tentative Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition and may appear at the hearing to offer oral argument.

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

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on February 13, 2026, for failure to timely file documents (case no. 26-20564). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was set for hearing within 30 days of the filing of the instant case. 11 U.S.C. § 362(c)(3)(B).

Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 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, 209-210 (2008). This court does not utilize the *Sarafoglou* factors as urged by the Debtor. See *In Re Sarafoglou*, 345 B.R. 19 (Bankr. D. Mass. 2006).

Debtor asserts that they have a stable and consistent income now and are able to maintain regular work hours. Her prior case failed due to financial instability as a result of health concerns and a lack of regular work. This has now been remedied.

The Debtor has sufficiently rebutted, by clear and convincing evidence, 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 motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

13. [25-25417](#)-B-13 MICHAEL/BECKY ENSLEY MOTION FOR RELIEF FROM
[KMM-1](#) Mary Ellen Terranella AUTOMATIC STAY
3-25-26 [[17](#)]

GLOBAL LENDING SERVICES LLC
VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

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

Global Lending Services, LLC, ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2025 Kia K5 (the "Vehicle"). The moving party has provided the Declaration of Sheronda Hallums to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtor.

The Hallums Declaration states that there are three post-petition payments in default totaling \$2,583.92.

From the evidence provided to the court, and only for purposes of this motion, the debt secured by this asset is determined to be \$43,794.31, as stated in the Hallums Declaration, while the value of the Vehicle is determined to be \$35,000.00, as stated in Schedules A/B and D filed by Debtor.

Debtors Michael and Becky Ensley ("Debtor") filed an opposition asserting that Movant stopped accepting automatic payments from them after they filed for bankruptcy. Debtors state that they have paid nearly \$3,000 to Movant as of April 17, 2026, and will remedy the remaining delinquency of \$479.90 by the hearing on the motion. Debtors' Declaration has been filed in support of the opposition, Dkt. 24.

Movant's contention that the mere lack of equity is "cause," as set forth in 11 U.S.C. § 362(d)(1) is without merit. Lack of equity is one of the two necessary elements for relief from the automatic stay under 11 U.S.C. § 362(d)(2). The fact that a debtor has no equity in a vehicle is not sufficient, standing alone, to grant relief from the automatic stay under 11 U.S.C. § 362(d)(1). *In re Suter*, 10 B.R. 471, 472 (Bankr. E.D. Penn. 1981); *In re Mellor*, 734 F.2d 1396, 1400 (9th Cir. 1984). Movant has not adequately plead or provided an evidentiary basis for granting relief for "cause."

Beyond that, the Debtors are seeking to remedy the delinquency and have already made several payments leaving a small outstanding balance which they anticipate will be paid prior to the hearing on the motion. Thus, the lack of equity in the Vehicle alone is not sufficient cause to grant relief from stay.

Finally, the motion is not necessary and is denied as such on this alternative and independent basis. Movant is a Class 4 creditor in Debtors' Chapter 13 Plan (filed October 1, 2025), dkt. 3 at § 3.10, which was confirmed on December 8, 2025. Dkt. 14. With regard to Class 4 claims, the confirmed Plan provides as follows: "Upon confirmation of the plan, the automatic stay of 11 U.S.C. § 362(a) and the co-debtor stay of 11 U.S.C. § 1301(a) are ... (2) modified to allow the holder of a Class 4 secured claim to exercise its rights against its collateral and any nondebtor in the event of a default under applicable law or contract[.]" Dkt. 3, page 2, at § 3.11(a)(2). Of course, if the Debtors are current, as the opposition states they will be by the time of the hearing, then there is no default and therefore no basis for

Movant to exercise any rights under applicable law or contract.
The motion is ORDERED DENIED for reasons stated in the minutes.
The court will issue an order.

14. [26-21118](#)-B-13 IRENE SILVA-PREJEAN AND OBJECTION TO CONFIRMATION OF
[LGT](#)-1 ROOSEVELT PREJEAN PLAN BY LILIAN G. TSANG
Pro Se 4-9-26 [[20](#)]

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.

The trustee has requested that the court deny confirmation of the original filed plan because the debtors have since filed a subsequent plan. Debtors filed an amended plan on March 9, 2026. The motion to confirm the amended plan has not been filed, served, and set for hearing. However, the earlier plan filed March 6, 2026, is not confirmed.

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

The court will issue an order.

15. [26-20020](#)-B-13 MICHAEL KIFLIT CONTINUED OBJECTION TO
[FW-1](#) Peter G. Macaluso CONFIRMATION OF PLAN BY FREEDOM
Thru #18 MORTGAGE CORPORATION
2-18-26 [[35](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/21/26.

No appearance at the hearing is required.

The court will issue an order.

16. [26-20020](#)-B-13 MICHAEL KIFLIT CONTINUED OBJECTION TO
[LGT-1](#) Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN
G. TSANG
2-17-26 [[32](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/21/26.

No appearance at the hearing is required.

The court will issue an order.

17. [26-20020](#)-B-13 MICHAEL KIFLIT CONTINUED OBJECTION TO
[PHL-1](#) Peter G. Macaluso CONFIRMATION OF PLAN BY BANK OF
STOCKTON
2-18-26 [[38](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/21/26.

No appearance at the hearing is required.

The court will issue an order.

18. [26-20020](#)-B-13 MICHAEL KIFLIT CONTINUED OBJECTION TO
[RAS-1](#) Peter G. Macaluso CONFIRMATION OF PLAN BY PHH
MORTGAGE CORPORATION
3-11-26 [[54](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 5/21/26.

No appearance at the hearing is required.

The court will issue an order.

19. [26-21120](#)-B-13 MARIA ROCHA OBJECTION TO CONFIRMATION OF
[JCW-1](#) Gabriel E. Liberman PLAN BY ALLY BANK
Thru #20 4-13-26 [[19](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition. No appearance at the hearing is necessary.

The court's decision is to **continue the hearing to May 12, 2026 at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the creditors has filed objection to confirmation of the plan for making the interest on the creditors claim 6.75%. The court takes judicial notice of the prime rate of interest as published in a leading newspaper. *Bonds, Rates & Credit Markets: Consumer Money Rates*, Wall St. J., April 30, 2026, http://online.wsj.com/mdc/public/page/mdc_bonds.html. The current prime rate is 6.75%. To set the appropriate rate, courts utilize the "formula approach" of *Till v. SCS Credit Corp.*, 124 S.Ct. 1951 (2004), which takes into consideration the national prime rate and adjusts it for a greater risk of default posed by a debtor. Courts have typically adjusted the interest rate by 1% to 3%. The court finds that an interest rate of 8.75% to be appropriate, as requested by the creditor.

The plan filed March 18, 2026, 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 May 8, 2026, 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 May 12, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 12, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to May 12, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

20. [26-21120](#)-B-13 MARIA ROCHA OBJECTION TO CONFIRMATION OF
[NLG-1](#) Gabriel E. Liberman PLAN BY NEWREZ LLC
4-14-26 [[23](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition. No appearance at the hearing is necessary.

The court's decision is to continue the hearing to May 12, 2026 at 1:00 p.m., and conditionally overrule the objection.

Objecting creditor The Bank of New York Mellon holds a deed of trust secured by the Debtor's residence. The creditor asserts \$14,883.30 in pre-petition arrearages but has not yet filed a proof of claim. Although the creditor states that it will file a proof of claim prior to the claims bar deadline, the creditor provides no evidence to support the basis for the amount of claimed pre-petition arrears. The creditor does not provide a declaration from any individual who maintains or controls the bank's loan records or any other supporting evidence. Without a proof of claim or evidence to support its assertion, the creditor's objection is overruled.

The objection is overruled.

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 May 8, 2026, 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 overruled 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 May 12, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 12, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY OVERRULED and CONTINUED to May 12, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

21. [23-23733](#)-B-13 OLIVER/DINAH JARATA
[DFH](#)-9 Drew Henwood

MOTION TO MODIFY PLAN
3-30-26 [[83](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

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). Opposition was withdrawn. 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. The sole opposition by the Chapter 13 Trustee has been withdrawn. 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

23. [18-90947](#)-B-13 RONALD HOLLIS
[LGT](#)-1 Brian S. Haddix

MOTION TO DETERMINE FINAL CURE
AND MORTGAGE PAYMENT RULE
3002.1
3-27-26 [[90](#)]

Final Ruling

The *Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of the Mortgage Claim* filed by the Chapter 13 Trustee on March 27, 2026, is unopposed and is GRANTED.

The defaults of all non-responding parties are entered. Fed. R. Civ. P. 55; Fed. R. Bankr. P. 7055, 9014-1(c).

Pursuant to Fed. R. Bankr. P. 3002.1(g)(4), debtor Ronald Hollis has cured all arrearages, if any, and paid all postpetition amounts required by the plan to be made as of the date of the motion.

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

The court will prepare an order.

24. [26-21152](#)-B-13 ROSE LIZOLA OBJECTION TO CONFIRMATION OF
[KMM](#)-1 Julius J. Cherry PLAN BY RANLIFE, INC.
Thru # 25 3-20-26 [[16](#)]

Final Ruling

Debtors and creditor RANLIFE Inc. entered into a stipulation resolving the objection to confirmation of plan. An order was entered on April 27, 2026, removing the hearing from calendar. Dkt. 33.

25. [26-21152](#)-B-13 ROSE LIZOLA OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Julius J. Cherry PLAN BY LILIAN G. TSANG
4-13-26 [[21](#)]

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.

The trustee has requested that the court deny confirmation of the original filed plan because the debtors have since filed a subsequent plan. Debtors filed a first amended plan on March 5, 2026 and a second amended plan on March 9, 2026. The motion to confirm the second amended plan has not been filed, served, or set for hearing. The earlier plans filed March 4, 2026, and March 5, 2026 are not confirmed.

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

The court will issue an order.

26. [21-23755](#)-B-13 DONALD VUONG
[LGT](#)-1 Colby D. LaVelle

MOTION FOR DENIAL OF DISCHARGE
OF DEBTOR UNDER 11 U.S.C.
SECTION 727(A)
4-1-26 [[84](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee has filed a motion to withdraw its pending motion. The motion 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 and the case will proceed in this court.

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

27. [26-21355](#)-B-13 NERY LIMON
David C. Johnston

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-9-26 [[16](#)]

MARYAM MAJIDI VS.

Final Ruling

The motion has not 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. However, the absence of an opposition does not necessarily mean that relief will automatically be granted. *Rivas-Almendarez v. Holder*, 362 Fed.Appx. 606 (9th Cir. 2010). An unopposed motion will not be granted when the motion lacks merit. *Nunez v. Nunez (In re Nunez)*, 196 B.R. 150, 156 (9th Cir. BAP 1996); *In re Millspaugh*, 302 B.R. 90, 95 (Bankr. D. Idaho 2003).

The matter will be resolved without oral argument. See Local Bankr. R. 1001-1(f), 9014-1(h). No appearance at the hearing is required.

The court's decision is to deny (without prejudice) the motion as procedurally defective and as not filed in compliance with the court's local rules.

Maryam Z. Majidi ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 3519 S. Mourfield Avenue, Stockton, California (the "Property"). Movant has provided the Declaration of Allen Schnibben to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property. The Declaration states that Movant is the legal owner of the property acquiring title from the county tax collector in a tax foreclosure sale in San Joaquin County. Exh. A, Dkt. 20. Movant seeks to proceed with the unlawful detainer action filed in state court.

There are a number of problems with the motion.

First, the motion was filed on April 9, 2026, with a hearing a date of May 5, 2025. The notice of hearing filed with the motion on April 9, 2026, states the motion is filed, set, and served under Local Bankr. R. 9014-1(f)(1). Local Bankr. R. 9014-1(f)(1) requires at least 28 days' notice prior to the hearing date. Not counting the day the motion was filed, Fed. R. Bankr. P. 9006(a)(1), only 26 days' notice was given. The notice of hearing is also dated May, 2, 2026. Notice is defective and non-compliant with the court's local rules.

Second, the declaration filed in support of the motion was not filed until April 21, 2026, which is only 13 days prior to the hearing date. The declaration should have been filed with the motion making it also non-compliant with the court's local rules.

Third, the motion and all related documents were filed without the local rule-required docket control numbers.

Fourth, there is currently no evidence on record that a unlawful detainer action has been filed or when it was filed. There is no evidence that a notice to quit was filed and served. A state court case number is provided; however, it is not the court's job to consult the state court docket. It is the Movant's attorney's job to provide the court with necessary exhibits.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

28. [24-21358](#)-B-13 CHARMAYNE SHULTZ CONTINUED MOTION TO DISMISS
[DPC-3](#) Peter G. Macaluso CASE
2-20-26 [[110](#)]

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). Written 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 the motion to dismiss case.

The debtor's motion to modify, PGM-4, has not been opposed and was granted by the court. See Item #29.

Cause no longer exists to dismiss this case. The motion is denied.

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

The court will issue an order.

29. [24-21358](#)-B-13 CHARMAYNE SHULTZ MOTION TO MODIFY PLAN
[PGM-4](#) Peter G. Macaluso 3-23-26 [[116](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

30. [26-20965](#)-B-13 RODRICK HUERTA-MOORE
[LGT-1](#) Kristy A. Hernandez

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-9-26 [[12](#)]

Final Ruling

The *initial* Chapter 13 Plan filed February 25, 2026, 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 May 12, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor's proposed chapter 13 plan provides \$9,160.86 to priority claims. However, proofs of claims have been filed by the Internal Revenue Service and the Franchise Tax Board asserting that Debtor owes \$23,506.76 in priority unsecured debt. The proposed plan is not feasible to provide for the full amount of priority claims pursuant to 11 U.S.C. § 1322.

Second, the Debtor is delinquent in the amount of \$550.00. An additional payment of \$550.00 will be due by the date of the hearing on this matter. The Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

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 May 8, 2026, 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 May 12, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on May 12, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to May 12, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

31. [26-20868](#)-B-13 LORENZO/DANA KEARNEY
[LGT](#)-1 Arete Kostopoulos

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-9-26 [[15](#)]

CONTINUED TO 6/02/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 5/21/26.

No appearance at the hearing is required.

The court will issue an order.

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

It appears that the debtor has filed two claims as Class 4 claims when they should be class 2 claims. Redwood Credit Union has filed a proof of claim that shows a delinquency of \$668.00. The United States Bankruptcy Court for the Eastern District of California has adopted a claim classification structure in Chapter 13 cases. General Order 18-03 adopts Form EDC 3-080, a standard form Chapter 13 plan, and Local Rule 3015-1(a) makes use of the Form 3-080 standard form Chapter 13 plan mandatory in Chapter 13 cases.¹

Class 2 includes all secured claims that are modified by this plan, or that have matured or will mature before the plan is completed. Class 4 claims mature after the completion of this plan, are not in default, and are not modified by this plan. Therefore, the claim by Redwood Credit Union should be placed in Class 2, rather than Class 4 due to the delinquency and the fact that the loan will mature during the plan.

Further, Sailfish Servicing, LLC, is also listed as a Class 4 claim, however this loan is also delinquent and will mature after the completion of the case. Class 1 includes all delinquent secured claims that mature after the completion of this plan, including those secured by Debtor's principal residence. Therefore, the Sailfish Servicing claim should also be listed as a Class 1 Claim, rather than a Class 4 claim.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and **is not** confirmed.

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

The court will issue an order.

¹Local Bankruptcy Rule 3015-1(a) states as follows:
(a) Mandatory Form Plan. All chapter 13 debtors, as well as the trustee and holders of unsecured claims, when proposing a plan pursuant to 11 U.S.C. §§ 1321, 1323, and 1329(a), shall utilize Form EDC 3-080, the standard form Chapter 13 Plan.

33. [26-21073](#)-B-13 JOEL SIEGEL AND SASHA GOLOBE-SIEGEL
[LGT](#)-1 Mohammad M. Mokarram
WITHDRAWN BY M.P.

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-13-26 [[15](#)]

Final Ruling

The Chapter 13 Trustee has filed a motion to withdraw its pending 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 and the case will proceed in this court.

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

34. [25-23474](#)-B-13 GENOLA SCOTT
[PGM-3](#) Peter G. Macaluso

MOTION TO VALUE COLLATERAL OF
LES SCHWAB TIRE CENTERS OF
CALIFORNIA LLC
4-6-26 [[63](#)]

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 value the secured claim of Les Schwab Tire Centers of California, LLC, at \$1,290.00.

In the Chapter 13 context, the replacement value of personal property used by a debtor for personal, household, or family purposes is "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." See 11 U.S.C. § 506(a)(2). The time limitation to offer the fair market value of personal property, including furniture, appliances, and boats, is more than one year prior to the filing of the petition. See 11 U.S.C. § 1325(a).

The total dollar amount of the obligation to creditor is \$1,290.00 in secured claim amounts and 856.74 in unsecured claims as stated in the Claim No. 3. Debtors assert that they had included unnecessary services in their valuation of the Personal Property and that the price a retail merchant would charge for the Personal Property is \$1,290.00 as stated in the creditor's claim. Therefore, the Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$1,290.00. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

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

The court will issue an order.

35. [25-27277](#)-B-7 SCOTT SMITH
[DEF](#)-2 David Foyil

CONTINUED MOTION TO CONFIRM
PLAN
1-21-26 [[26](#)]

CASE CONVERTED: 04/14/26

Final Ruling

The case having been converted to one under chapter 7 on April 14, 2026, the motion is dismissed as moot.

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

The court will issue an order.

36. [24-23684](#)-B-13 JESUS GARCIA-GURROLA MOTION TO MODIFY PLAN
[JCK-1](#) Gregory J. Smith 4-17-26 [[30](#)]
Thru #37
DEBTOR DISMISSED: 04/16/26

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). However 35-days' notice was not provided to interested parties. The motion to modify was served on April 17, 2026, and set to be heard on May 5, 2026. This does not provide sufficient notice to the trustee, creditors, and all interested parties. As such, the motion will be **continued to June 16, 2026, at 1:00 p.m.** to allow the debtors to provide proper service and notice to the trustee, creditors, and all interested parties.

No appearances are necessary at the May 5, 2026 hearing.

The motion is ORDERED CONTINUED to June 16, 2026, at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

37. [24-23684](#)-B-13 JESUS GARCIA-GURROLA MOTION TO VACATE DISMISSAL OF
[JCK-2](#) Gregory J. Smith CASE
4-19-26 [[35](#)]
DEBTOR DISMISSED: 04/16/26

Final Ruling

An order dismissing this Chapter 13 case was entered on April 17, 2026. Debtor Jesus Garcia-Gurrola ("Debtor") moved to vacate that order two days later, on April 19, 2026.

Filed within 14 days of the date the dismissal order was entered, Debtor's motion is governed by Fed. R. Civ. P. 59(e) applicable by Fed. R. 9023. *First Ave. West Building, LLC v. James (In re Onecast Media, Inc.)*, 439 F.3d 558, 561-62 (9th Cir. 2006). There are four grounds on which a Rule 59(e) motion may be granted: (1) to correct manifest errors of law or fact upon which the judgment rests; (2) to present newly discovered or previously unavailable evidence; (3) to prevent manifest injustice; or (4) if amendment is justified by an intervening change in controlling law. *Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011).

Relief is appropriate here to correct a manifest error of fact. This case was dismissed on the same day the Debtor filed a motion to modify in response to a notice of default. The motion to modify was the correct response. So as to not cause harm to the Debtor, the court GRANTS the motion to reconsider and VACATES the dismissal order entered on April 17, 2026, at Docket 28, effective immediately. See *Perez-Reyes v. National Distribution Centers, LLC*, 2018 WL 7077183 (C.D. Cal. 2018) (granting ex parte application under Rule 59(e)).

Further, by vacating the dismissal order which caused the automatic stay of 11 U.S.C. § 362(a) (and any co-debtor stay of 11 U.S.C. § 1301) to terminate, upon filing of the order vacating the dismissal order the stays are revived for all purposes and as to all parties in interest. *State Bank of Southern Utah v. Gledhill (In re Gledhill)*, 76 F.3d 1070, 1079-1080 and n.8 (10th Cir. 1996); *Ramirez v. Whelen (In re Ramirez)*, 188 B.R. 413, 416 (9th Cir. BAP 1995) ("Occasionally, it might suffice to revive the stay by way of motion for reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b), which are applicable in bankruptcy by virtue of Federal Rules of Bankruptcy Procedure 9021 and 9023 [sic].") (Klein, J., concurring)

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

The court will issue an order.

38. [25-26492](#)-B-13 FLAVIO PEREZ
[PGM](#)-2 Peter G. Macaluso
DEBTOR DISMISSED: 04/01/26

MOTION TO CONFIRM PLAN
3-23-26 [[67](#)]

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

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

The court will issue an order.

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the fourth amended plan.

First, the trustee has requested debtor's business income and expenses be filed so that the trustee can see if the plan is feasible. The debtor has since filed this document for the trustee's review. Trustee has also requested verification of debtor's monthly income of \$3,520.00. This issue may have been resolved.

Second, feasibility of the plan is contingent upon the sale of real property. The trustee has requested a copy of the listing agreement and a declaration from Debtor's realtor as to the marketing efforts made to date. As such, there are remaining issues with feasibility and the plan cannot yet be confirmed.

Further, this case was filed on November 15, 2024. No plan has been confirmed. The Debtor shall have one final opportunity to file, set, and serve a fifth amended plan by May 19, 2026. If the fifth amended plan is timely filed, or if timely filed and not confirmed, this case will be dismissed. See 11 U.S.C. § 1307(c)(1), (3), and (4).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.