

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: May 7, 2024

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

May 7, 2024 at 1:00 p.m.

1. [23-90404](#)-B-13 RUDY/ANITA RAMOS MOTION TO MODIFY PLAN
[SSH](#)-1 Simran Singh Hundal 3-20-24 [[28](#)]

Final Ruling

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

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

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

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

The court will issue an order.

May 7, 2024 at 1:00 p.m.

Page 1 of 5

2. [23-90607](#)-B-13 KRISTOPHER COOPER CONTINUED OBJECTION TO
[LGT](#)-1 David C. Johnston CONFIRMATION OF PLAN BY LILIAN
Thru #3 G. TSANG, CHAPTER 13 TRUSTEE
2-8-24 [[30](#)]

NO TRUSTEE REPORT AT 341 MEETING HELD 5/01/24 APPEARS ON THE COURT'S DOCKET. THIS MATTER IS CONTINUED TO 5/14/24 AT 1:00 P.M.

Final Ruling

No appearance at the May 7, 2024, hearing is required. The court will issue an order.

3. [23-90607](#)-B-13 KRISTOPHER COOPER MOTION FOR CONTEMPT
[SSA](#)-2 David C. Johnston 4-15-24 [[52](#)]

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.

The court's decision is to continue the matter to to allow additional briefing and a contempt hearing after a response is filed and served.

Creditor Rolling F Credit Union ("Creditor") requests a court order requiring Debtor Kristopher Cooper ("Debtor") and his non-debtor son Myles Cooper to file and serve a response to the allegations presented in Creditor's motion and appear personally on this matter and show cause, if any, why they should not be held in civil contempt for failing to comply with the amended order on stipulation to modify the automatic stay.

Debtor and Creditor entered into a stipulation agreeing that the automatic stay pursuant to 11 U.S.C. § 362 will terminate and be of no effect in favor of Debtor and his non-debtor son Myles Cooper effective January 24, 2024, as against Creditor with regard to a 2015 GMC Sierra Pick-Up ("Vehicle"). The parties stipulated that Debtor and his son were to surrender and return the Vehicle to Creditor within one week following the expiration of the automatic stay at a time and place designated by Creditor. The parties further stipulated that Debtor and/or his son were to provide proof of insurance to Creditor and that Creditor is designated loss payee on any insurance documents. The parties additionally stipulated that Creditor may dispose of the Vehicle through sale and exercise any rights for the deficiency balance against non-debtor Myles Cooper, and establish its proof of claim or amended proof of claim in Debtor's bankruptcy proceedings.

An amended order on stipulation was signed by the court on January 24, 2024, and entered on the court's docket on April 15, 2024. Debtor and his son failed to comply with the terms of the stipulation and amended order.

Debtor shall file and serve a response no later than **5:00 p.m. on May 14, 2024,** explaining his failure to comply with the amended order on stipulation to modify the automatic stay and why he should not be held in contempt by the court.

A contempt hearing will be held in the **Sacramento Courtroom, Courtroom 32, Sixth Floor, Robert T. Matsui Building, 501 I Street, Sacramento, California, on May 21, 2024, at 11:00 a.m.** Debtor Kristopher Kooper, Creditor's representative, and their respective attorneys shall appear in person at the hearing. Telephonic appearances are not permitted.

The court will order sanctions if the Debtor is found to be in contempt. Sanctions may include, but are not necessarily limited to, monetary fines, daily monetary fines, and, if warranted and appropriate, detention and incarceration to coerce compliance with

this court's order. Failure of the Debtor to appear will be deemed a further contempt for which the court may issue process to authorize the United States Marshals Service to detain the Debtor and bring him before the court.

The court will issue an order.

4. [24-90060](#)-B-13 LUIS/ANGELA OLIVEIRA CONTINUED OBJECTION TO
[LGT](#)-1 David C. Johnston CONFIRMATION OF PLAN BY LILIAN
Thru #5 G. TSANG
3-26-24 [[24](#)]

NO TRUSTEE REPORT AT 341 MEETING HELD 5/01/24 APPEARS ON THE COURT'S DOCKET. THIS MATTER IS CONTINUED TO 5/14/24 AT 1:00 P.M.

Final Ruling

No appearance at the May 7, 2024, hearing is required. The court will issue an order.

5. [24-90060](#)-B-13 LUIS/ANGELA OLIVEIRA CONTINUED OBJECTION TO
[RAS](#)-1 David C. Johnston CONFIRMATION OF PLAN BY
DEUTSCHE BANK NATIONAL TRUST
COMPANY
3-12-24 [[21](#)]

NO TRUSTEE REPORT AT 341 MEETING HELD 5/01/24 APPEARS ON THE COURT'S DOCKET. THIS MATTER IS CONTINUED TO 5/14/24 AT 1:00 P.M.

Final Ruling

No appearance at the May 7, 2024, hearing is required. The court will issue an order.

6. [24-90074](#)-B-13 ARCELIA OLIVERA
[LGT](#)-1 Gregory J. Smith

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-10-24 [[13](#)]

Final Ruling

The Chapter 13 Trustee ("Trustee") filed an objection to confirmation of the initial Chapter 13 plan filed February 16, 2024. 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 14, 2024, at 1:00 p.m.**

The Trustee objects to confirmation of the plan on grounds that debtor Arcelia Olivera ("Debtor") failed to provide a complete copy of her 2022 state income tax return, completed copies of her 2023 federal and state income tax returns, a detailed month-by-month income analysis for both herself and her non-filing spouse for the 60 days prior to the filing of this case, an explanation as to a pension or annuity income of \$8,740, and properly filed Form 122C-1 and 122C-2. Without this information, it cannot be determined whether Debtor's plan is feasible and proposed in good faith. 11 U.S.C. §§ 1325(a)(6), (b).

Debtor filed a response stating that she has provided the Trustee with a completed 2022 state tax return, 2023 federal and state tax returns, and pay advices. Debtor also states that the \$8,740 income was a pension hardship withdrawal and not a loan transaction. Debtor further explains that the reason her proposed monthly plan payment varies is because she and her non-filing spouse are near retirement age and they "do not want to retire and then consider filing a Chapter 7." The court infers from this response that Debtor acknowledges that not all her monthly disposable income will be used to pay general unsecured creditors because she intends to save some for retirement. Debtor proposes to increase the distribution to general unsecured creditors from 48% to 76% by reducing her expenses.

The Trustee shall file a reply no later than 5:00 p.m. on May 10, 2024, as to whether its issues raised are resolved. The matter will be continued to May 14, 2024, at 1:00 p.m.

The court will issue an order.