

**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 9, 2023**

**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 9, 2023 at 1:00 p.m.**

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1. [23-90032](#)-B-13 RACHELLE LUPEKHA MOTION FOR COMPENSATION BY THE  
[CRG](#)-2 Carl R. Gustafson LAW OFFICE OF LINCOLN LAW, LLP  
FOR CARL R GUSTAFSON, DEBTORS  
ATTORNEY(S)  
4-5-23 [[27](#)]

**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 compensation.

**Fees and Costs Requested**

Carl R. Gustafson ("Movant"), the attorney to Chapter 13 Debtor, makes his first request for the allowance of \$2,367.50 in fees and \$148.44 in expenses. This is calculated from a reduced rate of \$375.00 per hour for 3.60 attorney hours and \$185.00 per hour for 10.10 paralegal hours, less the retainer paid pre-petition. The period for which the fees are requested is for January 17, 2023, through March 28, 2023.

According to the Disclosure of Compensation of Attorney for Attorneys, Movant received as a retainer \$851.00 from Debtor's brother Robert Tomassi prior to the filing of the petition. The Rights and Responsibilities of Chapter 13 Debtors and their Attorneys states that the Debtor and Movant opted out of Local Bankr. R. 2016-1 and will be paid by fee application.

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's services in the relevant period included preparing and filing Debtor's bankruptcy case, preparing for the meeting of creditors, and addressing the Chapter 13 Trustee's objection to confirmation. Movant states that he responded to several creditor collections after the plan was filed and has aided the Debtor to understand and comply with her duties under the plan. The court finds that the compensation sought is reasonable, actual, and necessary, and the court will approve the motion.

Movant is allowed, and the Trustee is authorized to pay, the following amounts as compensation to this professional in this case:

Fees	\$2,367.50
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Costs and Expenses \$148.44

The motion is ORDERED GRANTED for fees of \$2,367.50 and costs and expenses of \$148.44.

The court will issue an order.