

**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: May 12, 2026

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

Chief Bankruptcy Judge

Sacramento, California

May 12, 2026 at 1:00 p.m.

1. [24-21118](#)-B-13 JOHN CAMPOS MOTION FOR RELIEF FROM
[JRB](#)-1 Mark A. Wolff AUTOMATIC STAY
4-13-26 [[84](#)]

J.A. 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 deny the motion without prejudice.

The motion fails to comply with the Local Bankruptcy Rules in the following respects: (1) the § 362 information sheet is not filed as a separate document, (2) notice is defective, i.e., the hearing is set for 11:00 a.m. when it should be set for 1:00 p.m., (3) the mandatory certificate of service is not used.

Beyond that, to the extent Movant requests relief to proceed with litigation against non-debtor defendants, there is no automatic stay to terminate. The automatic stay does not apply to non-debtors and/or non-debtor defendants.

The motion is ORDERED DENIED without prejudice.

The court will issue an order.

May 12, 2026 at 1:00 p.m.

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2. [25-25920](#)-B-13 JAIME/RHONDA MCPHEE MOTION TO CONFIRM PLAN
[DEF-3](#) David Foyil 3-17-26 [[60](#)]
Thru #3

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 **continue** the hearing on the motion to confirm the first amended plan to **May 26, 2026, at 1:00 p.m.**

The Chapter 13 trustee opposed the motion to confirm on due to the following issues: 1) Debtors failed to identify collateral for the Class 2 claim holders and 2) the motion to value collateral has not been approved yet thus the trustee cannot determine feasibility. The motion to value has since been granted, DEF-4.

As such, the court will continue this matter to May 26, 2026, at 1:00 p.m. to see if the plan is now feasible and to allow the parties to augment the evidentiary record. So long as the debtors agree to identify collateral for the Class 2 Claims in the order confirming and the trustee determines the plan is feasible with the granted motion to value, the plan may be confirmed on May 26, 2025.

Parties have until May 21, 2026, at 5:00 p.m. to file any further responses.

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

The court will issue an order.

3. [25-25920](#)-B-13 JAIME/RHONDA MCPHEE MOTION TO VALUE COLLATERAL OF
[DEF-4](#) David Foyil WESTLAKE FINANCIAL SERVICES
3-17-26 [[57](#)]

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 Westlake Financial Services at \$5,461.00.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred August 10, 2020, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$11,428.48. 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 \$5,461.00. 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.

4. [26-20020](#)-B-13 MICHAEL KIFLIT
[CLB-1](#) Peter G. Macaluso

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
4-9-26 [[70](#)]

PENNYMAC LOAN 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). 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.

PennyMac Loan Services, LLC, ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 1944 State Street, #16, San Diego, California (the "Property"). Movant has provided the Declaration of Michael McCullough to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The McCullough Declaration states that there are 15 pre-petition payments in default totaling \$26,893.49. Additionally, there are 2 post-petition payments in default totaling \$3,845.12.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments which have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

The court will grant relief under § 362(d)(4). *See Benzeen, Inc. v. JP Morgan Chase Bank (In re Benzeen, Inc.)*, 2018 WL 6627275 at *4 (9th Cir. BAP Dec. 18, 2018) (noting that request for § 362(d)(4) relief survives dismissal and foreclosure); *Azkam v. U.S. Bank N.A.*, 2020 WL 1700028 at *3 (E.D. Cal. April 8, 2020) ("An order granting relief under [§ 362(d)(4)] may survive the dismissal of the bankruptcy in some cases."). An order entered under § 362(d)(4) is binding in any other bankruptcy case purporting to affect such real property filed not later than two years after the date of entry of the order.

To obtain relief under § 362(d)(4), Movant must show and the court must affirmatively find the following three elements: (1) the Debtor's bankruptcy filing must have been part of a scheme; (2) the object of the scheme must have been to delay, hinder, or defraud creditors, and (3) the scheme must have involved either the transfer of some interest in the real property without the secured creditor's consent or court approval, or multiple bankruptcy filings affecting the property. *First Yorkshire Holdings, Inc. v. Pacifica L 22, LLC (In re First Yorkshire Holdings, Inc.)*, 470 B.R. 864, 870 (B.A.P. 9th Cir. 2012).

A scheme is an intentional construct - it does not happen by misadventure or negligence. *In re Duncan & Forbes Dev., Inc.*, 368 B.R. 27, 32 (Bankr. C.D. Cal. 2007). A § 362(d)(4)(A) scheme is an "intentional artful plot or plan to delay, hinder or defraud creditors." *Id.* It is not common to have direct evidence of an artful plot or plan to deceive others; the court must infer the existence and contents of a scheme

from circumstantial evidence. *Id.* Movant must present evidence sufficient for the trier of fact to infer the existence and content of the scheme. *Id.* See *Jimenez v. ARCPE 1, LLP (In re Jimenez)*, 613 B.R. 537, 545 (B.A.P. 9th Cir. 2020).

Section 362(d)(4) "does not require that it be the debtor who has created the scheme or carried it out, or even that the debtor be a party to the scheme at all." *Duncan & Forbes*, 368 B.R. at 32. "The language of § 362(d)(4) is likewise devoid of any requirement of a finding of bad faith by the Debtor." *In re Dorsey*, 476 B.R. 261, 267 (Bankr. C.D. Cal. 2012).

The Debtor received an interest in the subject property after an unauthorized grant deed was executed by the original Borrower to the Debtor. Ex. 4. The Debtor has not claimed the subject property on their Schedule A or D. The Debtor has filed non-opposition to the motion for relief from stay under § 362(d)(1) and (4). As such, the court will grant the motion for stay relief under § 362(d)(4).

The court will 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 conduct a nonjudicial foreclosure sale pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, at the nonjudicial foreclosure sale to obtain possession of the Property.

This order shall be binding in any other case purporting to affect the Property filed not later than 2 years after the date of the entry of such order by the court, except that in a subsequent case under this title the Debtor may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.

As to relief from the co-debtor, the motion for relief from stay is granted in regards to the co-debtor. A party in interest may seek relief from the co-debtor stay in chapter 13 and 12 cases. 11 U.S.C. §§ 1301(c), 1201(c). The second ground for relief under both of these provisions is that "the plan filed by the debtor proposes not to pay such claim." *Id.* §§ 1301(c)(2), 1201(c)(2). Under these provisions, if the plan fails to provide any amount to the creditor on its claim for which the co-debtor is also liable, the creditor is entitled to relief from stay. The creditor's claim has not been provided for in the plan. As such, relief from stay as to the co-debtor is granted.

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

The court will issue an order.

5. [25-25826](#)-B-13 ABUBACARR SAHO
[CLH](#)-2 Cindy Lee Hill

CONTINUED MOTION TO CONFIRM
PLAN
3-9-26 [[50](#)]

Final Ruling

The motion to confirm was continued to allow the parties to determine if the plan was confirmable after debtor had resolved a majority of the trustee's concerns raised in the opposition. The trustee has since filed a withdrawal of her opposition and has stated all issues have been resolved.

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.

6. [24-24736](#)-B-13 JOSEPH/RACHELLE FILSTRUP CONTINUED MOTION TO AMEND
[25-2013](#) CRG-1 2-17-26 [[28](#)]
FILSTRUP V. SALLIE MAE BANK

Final Ruling

Motion granted by order filed May 5, 2026. Dkt. 48. Removed from calendar. No appearance is required on May 12, 2026, at 1:00 p.m.

7. [26-21244](#)-B-13 JUSTIN FORD
[HRH](#)-1 Natali A. Ron

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-28-26 [[36](#)]

PNC BANK, NATIONAL
ASSOCIATION VS.

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 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 **conditionally granted and continue the matter to May 19, 2026, at 1:00 p.m.**

PNC Bank, National Association ("Movant") seeks relief from the automatic stay with respect to assets identified as a 2023 Bobcat T66 Compact Truck Loader, a 2023 Bobcat E35 Mini Excavator, and a Bobcat HB880 Hydraulic Breaker. The moving party has provided the Declaration of Michael McGinley to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtor.

The McGinley Declaration states that there are 16 pre-petition payments in default totaling \$52,472.64.

From the evidence provided to the court, and only for purposes of this motion, the debt secured by this asset is determined to be \$186,510.59, as stated in the McGinley Declaration, while the value of the Vehicle is determined to be \$97,000.00, as stated in Schedules A/B and D filed by Debtor.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay since the Debtor and the estate have not made pre-petition payments. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). Further, the movant states that the Debtor is not the owner of the assets, but is solely the guarantor of the underlying agreement.

No other or additional relief is granted by the court.

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

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, May 15, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted 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 19, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on May 19, 2026, at 1:00 p.m.

8. [22-90267](#)-B-13 ROBEN/RAWINA TAMRAZ MOTION UNDER RULE 3002-1(G) (4)
[LGT](#)-2 Thomas P. Hogan TO DETERMINE FINAL CURE AND
Thru #9 PAYMENT OF THE MORTGAGE CLAIM.
RE: US BANK TRUST NATIONAL
ASSOCIATION. (CLAIM NO. 2)
4-10-26 [[76](#)]

Final Ruling

Continued to June 9, 2026, at 1:00 p.m. by stipulation filed May 8, 2026. Dkt. 83. No appearance on May 12, 2026, at 1:00 p.m. is required.

9. [22-90267](#)-B-13 ROBEN/RAWINA TAMRAZ MOTION FOR RELIEF FROM
[RAS](#)-1 Thomas P. Hogan AUTOMATIC STAY
4-10-26 [[70](#)]

U.S. BANK TRUST NATIONAL
ASSOCIATION VS.

Final Ruling

Continued to June 9, 2026, at 1:00 p.m. by stipulation filed May 8, 2026. Dkt. 82. No appearance on May 12, 2026, at 1:00 p.m. is required.

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 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). 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 permit the requested modification and confirm the modified plan.

The Chapter 13 Trustee raised opposition to the motion to modify stating that 1) a correction in plan payments was needed for section 7.01, 2) clarification of attorney fee dividend was needed and 3) treatment of Ford Motor Credit's secured claim needed clarification. The trustee was not opposed to these issues being resolved in the order confirming. Debtor has filed a response stating all issues would be clarified and remedied in the order confirming. As such, the motion to modify can be confirmed.

The modified plan does comply 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.

11. [26-21286](#)-B-13 TINA WILSON MOTION FOR CONTEMPT AND/OR
[PLC-2](#) Peter L. Cianchetta MOTION FOR SANCTIONS FOR
Thru #12 VIOLATION OF THE AUTOMATIC STAY
4-1-26 [[17](#)]

THIS MATTER WILL BE CONTINUED TO JUNE 18, 2026, AT 10:00 A.M. FOR AN EVIDENTIARY HEARING. THE EVIDENTIARY HEARING IS SUBJECT TO FURTHER CONTINUANCE.

No appearances are required on May 12, 2026, at 1:00 p.m.

Quality Loan Service Corporation may file and serve a response or opposition by May 26, 2026.

Debtor may file and serve a reply by June 2, 2026.

The court will issue a separate order setting the evidentiary hearing which will include additional dates for the submission and exchange of alternate direct testimony declarations, exhibits, and the filing of evidentiary objections.

12. [26-21286](#)-B-13 TINA WILSON MOTION FOR CONTEMPT AND/OR
[PLC-3](#) Peter L. Cianchetta MOTION FOR SANCTIONS FOR
VIOLATION OF THE AUTOMATIC STAY
4-14-26 [[27](#)]

THIS MATTER WILL BE CONTINUED TO JUNE 18, 2026, AT 10:00 A.M. FOR AN EVIDENTIARY HEARING. THE EVIDENTIARY HEARING IS SUBJECT TO FURTHER CONTINUANCE.

No appearances are required on May 12, 2026, at 1:00 p.m.

Respondent Solotodo LLC may file and serve a response or opposition by May 26, 2026.

Debtor may file and serve a reply by June 2, 2026.

The court will issue a separate order setting the evidentiary hearing which will include additional dates for the submission and exchange of alternate direct testimony declarations, exhibits, and the filing of evidentiary objections.

13. [26-20092](#)-B-13 STANLEY/JANELLE ORR
[LGT](#)-2 Douglas B. Jacobs

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
4-7-26 [[30](#)]

Final Ruling

The objection has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1) and Federal Rule of Bankruptcy Procedure 4003(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). The debtors have filed non-opposition admitting that there is an error in the exemptions and that they will file new a Schedule C and an amended plan, Dkt. no. 39. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to sustain the objection and the exemptions are disallowed in their entirety.

The court will issue an order.

14. [26-21120](#)-B-13 MARIA ROCHA CONTINUED OBJECTION TO
[JCW-1](#) Gabriel E. Liberman CONFIRMATION OF PLAN BY ALLY
Thru #15 BANK
4-13-26 [[19](#)]

Final Ruling

This matter was continued from May 5, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, May 8, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 30, sustaining the objection, shall become the court's final decision. The continued hearing on May 12, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

15. [26-21120](#)-B-13 MARIA ROCHA CONTINUED OBJECTION TO
[NLG-1](#) Gabriel E. Liberman CONFIRMATION OF PLAN BY NEWREZ
LLC
4-14-26 [[23](#)]

Final Ruling

This matter was continued from May 5, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, May 8, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 31, sustaining the objection, shall become the court's final decision. The continued hearing on May 12, 2026, 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. [26-20965](#)-B-13 RODRICK HUERTA-MOORE
[LGT](#)-1 Kristy A. Hernandez

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

Final Ruling

This matter was continued from May 5, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, May 8, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 15, sustaining the objection, shall become the court's final decision. The continued hearing on May 12, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.