



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**May 12, 2026 at 11:00 a.m.**

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Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (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/CourtAppearances>. 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 medical 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.

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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**May 12, 2026 at 11:00 a.m.**

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1. [26-21102](#)-C-13 REECE/RODINA VENTURA OBJECTION TO CONFIRMATION OF  
[CLH](#)-1 Jin Kim PLAN BY BENJAMIN ZAMORA  
VILLANUEVA  
4-22-26 [[30](#)]

DEBTOR DISMISSED: 04/24/26

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
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The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 19 days' notice was provided. Dkt. 34.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

**The Objection to Confirmation of Plan is overruled as moot.**

A review of the docket shows the case was dismissed on April 24, 2026. Therefore, the Objection is overruled as moot.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Benjamin Villanueva, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled as moot.

2. [26-21102](#)-C-13 REECE/RODINA VENTURA  
[DPC-2](#) Jin Kim

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-20-26 [[26](#)]

DEBTOR DISMISSED: 04/24/26

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
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The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 29.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

**The Objection to Confirmation of Plan is overruled as moot.**

A review of the docket shows the case was dismissed on April 24, 2026. Therefore, the Objection is overruled as moot.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Chapter 13 Trustee, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled as moot.

3. [26-21003](#)-C-13 DORIS PITTELL  
[DPC-1](#) Thomas L. Amberg

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-13-26 [[17](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan exceeds 60 months; and
2. Debtor has not provided Schedule I attachments for debtor's business.

**DISCUSSION**

Because claims are greater than scheduled, the plan will take 102 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor has not supplied insufficient information relating to the debtor's business income to assist the Chapter 13 Trustee in determining the debtor's full income and expenses.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

4. [26-20807](#)-C-13 AMOR BASA-HUDGENS  
[DPC-1](#) Pro Se

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-13-26 [[48](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 51.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. HOA claim misclassified as a Class 1 claim;
3. Debtor has not amended certain schedules; and
4. Debtor has not provided copies of all required income tax returns.

**DISCUSSION**

The debtor is \$6,600.00 delinquent in plan payments. Declaration, Dkt. 50. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

5. [25-27111](#)-C-13 TONY/SARETH SOK  
[DPC-1](#) Anthony O. Egbase

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-15-26 [[74](#)]

Thru #6

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 77.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors did not appear at the Meeting of Creditors;
2. Debtors have not provided proof of Social Security number or photo identification;
3. Debtors are delinquent in plan payments;
4. Debtors have not provided pay advices or copies to income tax returns.

**DISCUSSION**

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor is \$3,636.68 delinquent in plan payments. Declaration, Dkt. 76. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

6. [25-27111](#)-C-13 TONY/SARETH SOK  
[AOE](#)-3 Anthony O. Egbase

CONTINUED MOTION TO DISMISS  
CASE  
4-13-26 [[69](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an Order Shortening Time. The OST was entered on April 14, 2026. Dkt. 73.

**The Motion to Dismiss is ~~XXXXXXXXXX~~**

The debtors filed this Motion to Dismiss arguing that cause for dismissal exists because a plan has not been confirmed, no distributions have been made to creditors through a chapter 13 plan, and a motion for relief from automatic stay was previously granted.

Debtors argue that there is no cognizable prejudice to any creditor by dismissal of the case.

The case having previously been converted to a case under Chapter 13, the debtors seek dismissal pursuant to 11 U.S.C. § 1307(c), which states that a case may be dismissed or converted, whichever is in the best interests of creditors and the estate, for cause.

Debtors, without counsel, filed a statement asserting they should have not hired an attorney from out of town, and would like to dismiss the case because they would like to start over with an attorney they can meet with face to face. Dkt. 86.

At the hearing ~~XXXXXXXXXX~~

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the debtors, Tony and Sareth Sok, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is ~~XXXXXXX~~

7. [26-21217](#)-C-13 NAPOLEON/KRYSTLE APARICIO OBJECTION TO CONFIRMATION OF  
[DPC-1](#) Marc Voisenat PLAN BY DAVID P. CUSICK  
4-22-26 [[18](#)]

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
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The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 21.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

**The Objection to Confirmation of Plan is overruled as moot.**

The Chapter 13 trustee filed this Objection To Confirmation on April 22, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkt. 17, 27.

Therefore, the Objection is overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 trustee, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled as moot.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 112.

**The Motion to Confirm is denied.**

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 110) filed on April 3, 2026.

Chapter 13 Trustee, David Cusick, filed an Opposition (Dkt. 113) on April 28, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments;
2. Debtor does not list monthly contributions as income on his Schedule I and has not provided declarations of financial support from the individuals that provide the financial support;
3. Debtor did not file a declaration in support of the motion to confirm the plan; and
4. The Disclosure of Compensation of Attorney for Debtor is not consistent with the amount to be paid in the plan.

Debtor filed a declaration (dkt. 119) on May 6, 2026, asserting he has filed amended schedules to address the Trustee's issues, and he requests the court grant his motion.

**DISCUSSION**

The debtor is \$3,747.75 delinquent in plan payments. Declaration, Dkt. 114. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has supplied insufficient information relating to the debtor's income and financial support provided to debtor to assist the Chapter 13 Trustee in determining the debtor's ability to make the proposed plan payments.

The debtor has not provided competent, admissible evidence supporting confirmation of the plan.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form

holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Jorge Garibay, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

9. [25-25531](#)-C-13 DASHENA WILLIAMS  
[BDK-2](#) Peter G. Macaluso

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY QUALITY  
FIRST HOME IMPROVEMENT, INC.  
12-1-25 [[46](#)]

Thru #11

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The objection was continued from February 24, 2026 before being transferred from Dept. A.

**The Objection to Confirmation of Plan is XXXXXXXXXX**

Creditor Quality First Home Improvement, Inc. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan undervalues the secured portion of the claim;  
and
2. Reduces the interest rate from 10% to 4%.

**DEBTOR'S OPPOSITION**

Debtor filed an Opposition (Dkt. 55) asserting that debtor will pay the full amount of the claim. Additionally, debtor contends that the interest to be paid is determined by the Supreme Court's holding in Till, and that the proper interest rate is 8%. Finally, debtor asserts the plan is feasible and complies with §§ 1322 & 1325.

**DISCUSSION**

At the hearing XXXXXXXXXX

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Quality First Home Improvement, Inc., having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is XXXXXXXXXX

10. [25-25531](#)-C-13 DASHENA WILLIAMS  
[PGM-1](#) Peter G. Macaluso

CONTINUED OBJECTION TO CLAIM OF  
QUALITY FIRST HOME IMPROVEMENT,  
INC., CLAIM NUMBER 2  
1-28-26 [[71](#)]

**No Tentative Ruling:**

The Motion has been set on Local Rule 3007-1(b)(1) procedure which requires 44 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 75.

**The Objection to Proof of Claim is ~~xxxxxxx~~**

Debtor objects to Proof of Claim No. 2 of Quality First Home Improvement, Inc. ("Creditor") in the amount of \$161,541.77, which is said to be secured in the amount of \$105,322.60 and unsecured in the amount of \$56,219.17. Debtor asserts the lien originated in the amount of \$34,000.00 and is secured and the balance, which consists of fees, costs, and interest, are unsecured.

**TRUSTEE'S RESPONSE**

Chapter 13 Trustee, David Cusick, filed a response (Dkt. 82) representing that a plan has not yet been confirmed, debtor is current in plan payments, Creditor's claim is listed as a Class 2A, and if the plan is confirmed the plan is funded to pay Creditor's claim.

**OPPOSITION**

Creditor filed opposition (Dkt. 84) asserting that its claim represents a contract debt that has been litigated and awarded and not the original mechanic's lien amount.

Creditor represent that debtor sought to avoid the lien in debtor's prior Chapter 7, which was denied because although the mechanic's lien was reduced to an abstract of judgment the lien remained a statutory lien that is not subject to § 522(f)(1)(A). Case No. 24-23040, dkt. 78.

Additionally, Creditor contends that this is just a collateral attack on the state court judgment because debtor unsuccessfully appealed the state court judgment and the judgment is now final.

**RESPONSE**

Debtor filed a response (dkt. 88) on March 17, 2026 standing by her previous assertions that the mechanic's lien is secured up to the original amount and the balance, which consists of fees, costs and interests, is unsecured.

**DEBTOR'S SUPPLEMENTAL BRIEF**

After the prior hearing, debtor filed a supplemental brief. Dkt. 97.

Debtor asserts the following in support of the objection:

- (1) In the prior Chapter 7 it was determined that the lien is a statutory lien even though it has been reduced to a recorded abstract of judgment;
- (2) The lien cannot be enlarged by attorney's fees, litigation costs, and later arising obligations;
- (3) Merger doctrine does not apply to statutory liens;
- (4) The unsecured portion of the lien was discharged in the Chapter 7 case;
- (5) The claim does not comply with FRBP 3001(c) because the writing attached to the claim does not support the amount claimed; and
- (6) Alternatively, if the unsecured portion is accepted, it must be bifurcated.

#### **CREDITOR'S SUPPLEMENTAL BRIEF**

Creditor filed a supplemental brief after the prior hearing. Creditor asserts the following in opposition to the objection:

- (1) Creditor's claim is judgment based and cannot be relitigated, reallocated, or reduced by recharacterizing its components;
- (2) Debtor incorrectly collapses the two distinct inquiries required under § 502 and § 506;
- (3) The objection is a collateral attack on the final state court judgment;
- (4) The mechanic's lien and judgment exist independently;
- (5) The prior Chapter 7 discharge only eliminates the debtor's in personam liability, but does not extinguish the underlying debt;
- (6) Debtor's argument only focuses on personal enforceability against debtor and ignores enforceability against property of the estate;
- (7) The state court judgment supports the claim;
- (8) Debtor's merger argument supports the existence of the claim; and
- (9) Any limitation on the claim must be determined under § 506, not § 502.

#### **DEBTOR'S SUR-REPLY**

Debtor filed a sur-reply (dkt. 99) on May 7, 2026. Debtor asserts that § 502(b)(1) makes enforceability of the claim the controlling standard and under California law the judgment beyond the \$34,000 is unenforceable. Debtor contends that Creditor's asserted procedure reverses the statutory

order for determining secured claims under § 502 and § 506. Debtor asserts that Creditor's argument that this is a collateral attack on the judgment fails as a matter of law, and Creditor has not carried its burden demonstrating the validity of its claim.

## DISCUSSION

Section 502(a) provides that a claim supported by a Proof of Claim is allowed unless a party in interest objects. Once an objection has been filed, the court may determine the amount of the claim after a noticed hearing. 11 U.S.C. § 502(b). The party objecting to a proof of claim has the burden of presenting substantial evidence to overcome the prima facie validity of a proof of claim, and the evidence must be of probative force equal to that of the creditor's proof of claim. Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991); see also United Student Funds, Inc. v. Wylie (In re Wylie), 349 B.R. 204, 210 (9th Cir. BAP 2006). Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and requires financial information and factual arguments. In re Austin, 583 B.R. 480, 483 (8th Cir. BAP 2018). Notwithstanding the prima facie validity of a proof of claim, the ultimate burden of persuasion is always on the claimant. In re Holm, 931 F.2d at p. 623.

Once a party has objected to a proof of claim, the creditor asserting the claim may not withdraw the claim except on order of the court. Fed. R. Bankr. P. 3006.

At the hearing **xxxxxxxxxx**

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Claim filed in this case by the debtor, Dashena Williams, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection to Proof of Claim Number 2 of Quality First Home Improvement, Inc. is **xxxxxxxx**

11. [25-25531](#)-C-13 DASHENA WILLIAMS  
[RAS-1](#) Peter G. Macaluso

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY TOWD  
POINT MORTGAGE TRUST 2022-3,  
U.S. BANK TRUST COMPANY,  
NATIONAL ASSOCIATION  
12-1-25 [[53](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The objection was continued from February 24, 2026 before being transferred from Dept. A.

**The Objection to Confirmation of Plan is XXXXXXXXXX**

Creditor Towd Point Mortgage Trust 2022-3, U.S. Bank Trust Company, National Association as Indenture Trustee ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not provide for prepetition arrears.

**DEBTOR'S OPPOSITION**

Debtor filed an Opposition on December 9, 2025. Dkt. 56. Debtor asserts that the debtor is not in arrears.

**RESPONSE**

Creditor filed a status report on February 10, 2026, representing that Creditor's counsel has not received a current pay history from Creditor despite repeated requests from counsel.

**DISCUSSION**

At the hearing XXXXXXXXXX

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Towd Point Mortgage Trust 2022-3, U.S. Bank Trust Company, National Association as Indenture Trustee, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is XXXXXXXXXX

12. [26-21132](#)-C-13 SCOTT BALLARDO  
[KMM-1](#) Peter G. Macaluso

OBJECTION TO CONFIRMATION OF  
PLAN BY MORGAN STANLEY MORTGAGE  
LOAN TRUST 2006-2  
4-23-26 [[36](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 39.

**The Objection to Confirmation of Plan is overruled.**

Creditor Morgan Stanley Mortgage Loan Trust 2006-2 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not provide for the arrears on creditor's claim; and
2. The plan is not feasible.

**DEBTOR'S OPPOSITION**

Debtor filed a reply on May 5, 2026. Dkt. 40. Debtor agrees with Creditor that the plan must provide for the arrears on Creditor's claim, and will increase the plan payment to \$2,585.00.

**DISCUSSION**

Debtor agrees that the plan must provided for the arrears and has increased the plan payment, which appears to resolve the objection.

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Morgan Stanley Mortgage Loan Trust 2006-2, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled, and the debtor's Chapter 13 Plan (Dkt. 11), is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

13. [24-20933](#)-C-13 ANDREA NIMMO  
[CRG-1](#) Carl R. Gustafson

MOTION TO MODIFY PLAN  
3-30-26 [[33](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. A Proof of Service has not filed showing the plan and motion were served.

**The Motion to Modify Plan is granted.**

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

After initially opposing the motion, the Chapter 13 trustee filed a non-opposition on April 30, 2026, after the debtor filed a response, declaration, and supplemental schedules. Dkt. 44.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Modify Plan filed by the debtor, Andrea Nimmo, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 37) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 16 days' notice was provided. Dkt. 12.

**The Motion to Extend the Automatic Stay is granted.**

Paul and Theresa Deocampo ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on February 27, 2026, after Debtor became delinquent in plan payments. Order, Bankr. E.D. Cal. No. 25-26323, Dkt. 25. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because debtor became ill and was unable to work and the debtors' remaining income was not enough to cover all expenses and plan payment.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 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, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at \*6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith

under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

*In re Elliot-Cook*, 357 B.R. at 814-15.

Debtor has sufficiently rebutted 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 court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Extend the Automatic Stay filed by Paul and Theresa Deocampo having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c) (3) (B) for all purposes and parties, unless terminated by operation of law or further order of this court.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 72.

**The Motion to Confirm is ~~xxxxxxx~~.**

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 71) filed on March 31, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 84) on April 28, 2026, opposing confirmation on the following grounds:

1. Plan does not clarify the existence of postpetition arrearages of Rushmore/Carrington Mortgage Service's claim, or how they will be cured.

U.S. Bank, Trust National Association filed an Opposition (Dkt. 80) on April 16, 2026, opposing confirmation on the following grounds:

1. Debtor's case and bankruptcy was not filed in good faith; and
2. The plan is not feasible.

**DISCUSSION**

At the hearing ~~xxxxxxxxxxx~~

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Holly Plichta, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is ~~xxxxxxxxxxx~~

16. [25-24834](#)-C-13 HOLLY PLICHTA  
[DVW](#)-1 Thomas Amberg

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
4-15-26 [[74](#)]

U.S. BANK TRUST NATIONAL  
ASSOCIATION VS.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 79.

**The Motion for Relief from the Automatic Stay is XXXXXXXXXX**

At the prior hearing the debtor appeared and opposed the motion representing the debtor was seeking confirmation of a proposed plan that addressed Movant's issues. The motion was continued to accompany the motion to confirm above.

U.S. Bank, Trust National, as Trustee of the Truman 2021 SC9 Title Trust ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 3030 Hanson Hollow Road, Georgetown, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent three postpetition payments. Declaration, Dkt. 77.

Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property.

TRUSTEE'S RESPONSE

The Trustee filed a response stating he does not oppose the motion, and that he and the Creditor have both filed opposition to debtor's motion to confirm plan that is currently set for May 12, 2026. Dkt. 82

**DISCUSSION**

At the hearing XXXXXXXXXX

The court does not find cause exists pursuant to 11 U.S.C. § 362(d)(4) because this is only debtor's second bankruptcy case and neither case appears to have been filed in bad faith. And, the court notes that debtor was able to get a plan confirmed in the prior case. Case No. 23-21169, dkt. 32.

Language vacating stay

Based on the foregoing, the Motion is XXXXXXXXXX

## **Request for Waiver of Fourteen-Day Stay of Enforcement**

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule as adopted by the United States Supreme Court.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by U.S. Bank, Trust National, as Trustee of the Truman 2021 SC9 Title Trust ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the motion is **XXXXXXXXXX**

**IT IS FURTHER ORDERED** that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

17. [26-20937](#)-C-13 AARON/REBECCA DAVIS  
[DPC-1](#) Pauldeep Bains

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-13-26 [[20](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 23.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor is delinquent in plan payments.

**DISCUSSION**

The debtor is \$6,300.00 delinquent in plan payments. Declaration, Dkt. 22. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 33.

**The Objection to Confirmation of Plan is sustained.**

Creditor Synergy One Lending ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not provide for the arrears on Creditor's claim; and
2. Plan is not feasible.

**DISCUSSION**

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Synergy One Lending, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

19. [25-23241](#)-C-13 FRANCIS JOHN/JAEANNE CONTINUED OBJECTION TO CLAIM OF  
[CRG-1](#) SALUDEZ SOLANO COUNTY TAX COLLECTOR,  
Carl R. Gustafson CLAIM NUMBER 8  
2-13-26 [[20](#)]

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
-----

**The Motion is dismissed without prejudice.**

On May 4, 2026, the debtors filed a withdrawal of their objection. Dkt. 33. Federal Rule of Civil Procedure 41(a)(2), incorporated by Federal Rules of Bankruptcy Procedure 9014 and 7041, allows dismissal after a responsive pleading has been filed on terms the court considers proper.

The court finds withdrawal is warranted here. The Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection filed by Francis John Encajonado Saludez and Jaeanne Naval Saludez having been presented to the court, the movant having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is dismissed without prejudice.

20. [26-21141](#)-C-13 JOSEPH DEFAZIO  
[DPC-1](#) Pro Se

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-23-26 [[38](#)]

Thru #21

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 41.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor has not provided a photo ID or proof of Social Security number.
2. Debtor has not provided documents regarding their business;
3. Plan is overextended;
4. Plan is unclear as to the treatment of Columbia Bank's claim(s);
5. Plan relies on a motion to value that has not been filed;
6. Debtor has not amended Schedules

**DISCUSSION**

Debtor has not provided a photo ID or proof of Social Security number, which is required for the Meeting of Creditors to held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan before the Meeting of Creditors is concluded represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not filed all business documents including:

- A. Questionnaire,
- B. Two years of tax returns,
- C. Six months of profit and loss statements,
- D. Six months of bank account statements, and
- E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3).

That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

Because the plan payment is not enough to fund the plan, the plan will take 86 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The plan proposes valuing the secured claim of GM Financial. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

21. [26-21141](#)-C-13 JOSEPH DEFAZIO  
[KMM-1](#) Pro Se

OBJECTION TO CONFIRMATION OF  
PLAN BY MEGA CAPITAL FUNDING  
INC  
3-27-26 [[17](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is sustained.**

Creditor Mega Capital Funding Inc. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for the arrears on Creditors claim;  
and
2. Plan is not feasible.

**DISCUSSION**

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Mega Capital Funding Inc., having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

22. [26-21141](#)-C-13 JOSEPH DEFAZIO  
[SKI](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF  
PLAN BY AMERICREDIT FINANCIAL  
SERVICES, INC.  
4-16-26 [[27](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 34.

**The Objection to Confirmation of Plan is sustained.**

Creditor Americredit Financial Services, Inc. dba GM Financial ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for creditor's claim; and
2. Debtor has not provided proof of insurance for the motor vehicle that secures Creditor's claim.

**DISCUSSION**

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the retail value of Creditor's collateral as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Creditor opposes confirmation on the basis that the plan proposes paying its claim at five percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 6.75%, plus a 1.25% risk adjustment, for a 8.00% interest rate.

Because debtor is unable to pay debtor's claim over the proposed length of the plan, the plan payment is not enough to fund the plan. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Americredit Financial Services, Inc. dba GM Financial, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

23. [26-20943](#)-C-13 GWENELL EASTMAN  
[DPC-1](#) Eric V. Wood

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-15-26 [[17](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. Plan relies on a motion to avoid lien;
3. Plan relies on income from family member, but the debtor has not provided any evidence the family member can, and will, provide the support;
4. Plan does not provide monthly dividend for attorney's fees.

**DISCUSSION**

The debtor is \$5,975.00 delinquent in plan payments. Declaration, Dkt. 19. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan relies on a motion to avoid lien of Summitt at Liberty A 55+ Community Association that has not yet been filed. Before the court enters an order avoiding the lien, the plan's feasibility is uncertain.

The debtor has not demonstrated the plan is feasible because debtor has not provided evidence that the family member can, and will, provide the additional income support. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the

Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

24. [26-20944](#)-C-13 CRAIG/MELISSA BUNYARD  
[DPC-1](#) Matthew J. DeCaminada

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-13-26 [[12](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 15.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor is overextended.

**DISCUSSION**

Because priority claims are greater than scheduled, the plan will take 95 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

25. [26-20945](#)-C-13 LISA DELLSITE  
[DPC-1](#) Peter G. Macaluso

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-13-26 [[23](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 26.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan is overextended.

**DISCUSSION**

Because priority claims are greater than scheduled, the plan will take 87 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

26. [26-21145](#)-C-13 JOSHUA OROZCO  
[DPC-1](#) Jin Kim

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-23-26 [[24](#)]

Thru #26

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 27.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is not eligible for Chapter 13 relief because the debtor is over the secured debt limit;
2. Debtor has not provided all Business documents; and
3. The plan is not feasible.

**DISCUSSION**

To be a debtor under chapter 13, the debtor must have less than \$1,580,125.00. 11 U.S.C. § 109(e). Debtor's secured claims total \$3,780,065.25, which is more than the maximum amount allowed to be a debtor under chapter 13.

The debtor has not filed all business documents including, Business Income and Expense Form. 11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

27. [26-21145](#)-C-13 JOSHUA OROZCO  
[GJP](#)-1 Jin Kim

OBJECTION TO CONFIRMATION OF  
PLAN BY FRANK M. NEWTON AND  
CHARLES F. LEE  
4-23-26 [[20](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 23.

**The Objection to Confirmation of Plan is sustained.**

Creditors Frank Newton and Charles Lee ("Creditors") oppose confirmation of the Chapter 13 plan on the basis that:

1. Plan is not filed in good faith;
2. Plan is not feasible.

**DISCUSSION**

Whether the debtor can afford the plan payments as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Frank Newton and Charles Lee, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

28. [26-20248](#)-C-13 MICHELE EVETS  
[DPC-2](#) Arete Kostopoulos

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
4-13-26 [[31](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f) (1) procedure which requires 28 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 34.

**The Objection to Claimed Exemptions is sustained, and the exemptions are disallowed.**

The Chapter 13 trustee filed this Objection objects to the debtor's claimed exemptions pursuant to Cal. Code of Civ. P. § 704.020 because 5 handguns and armor cannot be claimed under this section, and these items are not ordinarily and necessary.

Debtor filed an Amended Schedule C. However, it still appears that debtor continues to claim the exemption that the Trustee objects to.

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Civ. Proc. Code § 703.580(b); In re Tallerico, 532 B.R. 774, 780-89 (Bankr. E.D. Cal. 2015). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." In re Diaz, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

Section 704.020 provides an exemption for "[h]ousehold furnishings, appliances, provisions, wearing apparel, and other personal effects" that are ordinarily and necessary to the debtor.

Whether the debtor is entitled to exempt handguns and armour under this section as Trustee argues, the debtor has not carried his burden to show the items are exempt. Cal. Civ. Proc. Code § 703.580(b).

The trustee's Objection is sustained, and the claimed exemptions are disallowed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Claimed Exemptions filed by Chapter 13 Trustee David Cusick having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that Objection is sustained, and the claimed exemptions for handguns and armour under California Code of Civil Procedure § 704.020 are disallowed in their entirety.

29. [23-23550](#)-C-13 JON/TRACY MCLINN  
[SKI](#)-1 Thomas L. Amberg

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
4-10-26 [[44](#)]

SANTANDER CONSUMER USA INC.  
VS.

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 33 days' notice was provided. Dkt. 51.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion for Relief from the Automatic Stay is granted.**

Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. ("Movant") filed this Motion seeking relief from the automatic stay as to the debtors' 2023 Jeep Wrangler (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtors are delinquent \$395 in the Vehicle Return Fee payments. Declaration, Dkt. 48. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the debtors have no equity in the property because it was leased. *Id.*

#### **DEBTOR'S RESPONSE**

Debtors filed a response on April 14, 2026. Dkt. 52. Debtors represent they have no basis to oppose the motion.

#### **DISCUSSION**

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtors are delinquent in payments. The court also finds cause exists pursuant to 11 U.S.C. § 362(d)(2) because the debtors have no equity in the property because it is leased.

#### **Request for Waiver of Fourteen-Day Stay of Enforcement**

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, that the court grant relief from the Rule as adopted by the United States Supreme Court because the debtors have already surrendered the property and

May 12, 2026 at 11:00 a.m.

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Movant is in possession

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is granted.

No other or additional relief is granted by the court.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by Santander Consumer USA Inc. dba Chrysler Capital as servicer for CCAP Auto Lease Ltd. ("Movant ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Property, under its security agreement, loan documents granting it a lien in the asset identified as a 2023 Jeep Wrangler ("Property"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Property to the obligation secured thereby.

**IT IS FURTHER ORDERED** that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.

30. [26-20252](#)-C-13 MOHAMMAD KHAN  
[MK-9](#) Pro Se

MOTION TO SET ASIDE DISMISSAL  
OF CASE  
3-9-26 [[36](#)]

DEBTOR DISMISSED: 02/20/26

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 65 days' notice was provided. Dkt. 35.

**The Motion to Vacate is denied.**

Mohammad Khan ("Debtor") filed this Motion seeking to vacate this court's Order (Dkt. 30) dismissing the case on the basis that Debtor's civil rights due process was discriminated against.

The court issued its Order dismissing the case after debtor failed to timely file documents.

**APPLICABLE LAW**

Federal Rule of Civil Procedure Rule 60(b), as made applicable by Federal Rule of Bankruptcy Procedure 9024, governs the reconsideration of a judgment or order. Grounds for relief from a final judgment, order, or other proceeding are limited to:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

FED. R. CIV. P. 60(b). A Rule 60(b) motion may not be used as a substitute for a timely appeal. *Latham v. Wells Fargo Bank, N.A.*, 987 F.2d 1199, 1203 (5th Cir. 1993). The court uses equitable principles when applying Rule

60(b). See 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2857 (3d ed. 1998). The so-called catch-all provision, Federal Rule of Civil Procedure 60(b)(6), is "a grand reservoir of equitable power to do justice in a particular case." *Uni-Rty Corp. V. Guangdong Bldg., Inc.*, 571 F. App'x 62, 65 (2d Cir. 2014) (citation omitted). While the other enumerated provisions of Rule 60(b) and Rule 60(b)(6) are mutually exclusive, relief under Rule 60(b)(6) may be granted in extraordinary circumstances. *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 863 & n.11 (1988).

A condition of granting relief under Rule 60(b) is that the requesting party show that there is a meritorious claim or defense. This does not require a showing that the moving party will or is likely to prevail in the underlying action. Rather, the party seeking the relief must allege enough facts that, if taken as true, allow the court to determine if it appears that such defense or claim could be meritorious. 12 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE ¶¶ 60.24[1]-[2] (3d ed. 2010); see also *Falk v. Allen*, 739 F.2d 461, 463 (9th Cir. 1984).

Additionally, when reviewing a motion under Rule 60(b), courts consider three factors: "(1) whether the plaintiff will be prejudiced, (2) whether the defendant has a meritorious defense, and (3) whether culpable conduct of the defendant led to the default." *Falk*, 739 F.2d at 463 (citations omitted).

Another consideration is the importance of finality of judgments. The standard for determining whether a Rule 60(b)(1) motion is filed within a reasonable time is a case-by-case analysis. The analysis considers "the interest in finality, the reason for delay, the practical ability of the litigant to learn earlier of the grounds relied upon, and prejudice to other parties." *Gravatt v. Paul Revere Life Ins. Co.*, 101 F. App'x 194, 196 (9th Cir. 2004) (citations omitted); *Sallie Mae Servicing, LP v. Williams (In re Williams)*, 287 B.R. 787, 793 (B.A.P. 9th Cir. 2002) (citation omitted).

## **DISCUSSION**

Debtor is not new to bankruptcy as this is debtor's 12th case. Debtor has filed 4 cases within the last five years. Case No. 25-20043, Case No. 23-12755, Case No. 20-13855, and Case No. 20-12774. All of debtor's cases have been dismissed without entry of discharge.

This case was dismissed for failing to timely file all required documents. Debtor has still not filed any of the required documents necessary to prosecute a case.

And, a review of the court's records indicates that debtor filed a subsequent case on April 29, 2026. Case No. 26-22411.

Given debtor's history of serial filings in this court, and his new case filed on April 29, the court is not persuaded that reconsideration of the order dismissing the case is appropriate. The debtor has not demonstrated that he is able, or wants, to fulfill all of the necessary duties of the debtor to prosecute a case under chapter 13.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the

Civil Minutes for the hearing.

The Motion to Vacate filed by Mohammad Khan having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied.

31. [26-20853](#)-C-13 MELTER LASAT  
[DPC](#)-1 Scott M. Johnson

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-13-26 [[13](#)]

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
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The movant having filed a Notice of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion was dismissed without a court order, and the matter is removed from the calendar.**

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 17.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor has not provide an explanation or other evidence as to what happened to the \$48,000.00 withdrawn from debtor's bank account;
2. The plan is incomplete;
3. The plan does not pass the liquidation test.

**DISCUSSION**

Whether the plan provides for all of debtor's income as the Trustee argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has not explained and has supplied insufficient information relating to the withdrawal of a large amount from debtor's bank account to assist the Chapter 13 Trustee in determining the value of the assets.

The debtor has non-exempt assets and the Trustee intends to object to debtor's claim of exemption, which would provide additional non-exempt assets if he is successful. The plan provides for a 6% percent dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

33. [26-21261](#)-C-13 SCOTT DENTY  
[DPC-1](#) Eric Schwab

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-23-26 [[17](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor has filed two distinct and conflicting plans;
2. Debtor has not filed all tax returns;
3. Plan relies on a motion to value collateral and motions to avoid liens that have not yet been filed;
4. Debtor has not provided the DSO checklist; and
5. Plan relies on debtor receiving income from a third party, but has not provided evidence the third party can, or will, provide the support.

**DISCUSSION**

Debtor cannot have two plans confirmed at the same time. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(1).

The plan proposes valuing the secured claim of Tri Counties Bank and motions to avoid liens. Before the court enters an order valuing that secured claim, or granting the motions to avoid liens, the plan's feasibility is uncertain.

The debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to

the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

34. [24-24263](#)-C-13 EMANUEL/LENIECE JOHNSON CONTINUED MOTION TO DISMISS  
[DPC-2](#) Gary Fraley CASE  
2-2-26 [[40](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 50 days' notice was provided. Dkt. 43.

**The Motion to Dismiss is granted, and the case is dismissed.**

At the prior hearings, debtors' counsel asserted the debtors were sending the delinquent payments to the wrong address, but otherwise had the money to cure the delinquency. The hearing was continued to see if the debtors have cured the delinquency.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$8,416.23 delinquent in plan payments, which is supported by declaration. Dkt. 42.

Additionally, the Trustee argues cause to dismiss exists because debtor has not provided all requested tax returns. Id.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

The debtor has not provided all necessary tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

35. [26-21265](#)-C-13 RODNEY ENGBERSON  
[DPC-1](#) Lucas B. Garcia

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-23-26 [[12](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 15

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors have not filed all tax returns;
2. Plan fails the liquidation test;
3. The plan does not provide for a dividend for attorney's fees.

**DISCUSSION**

The debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has non-exempt assets totaling \$11,225.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

36. [26-21572](#)-C-13 MICHAEL/MARTHEA CALDWELL MOTION FOR RELIEF FROM  
[CL-1](#) Peter G. Macaluso AUTOMATIC STAY  
4-28-26 [[12](#)]  
SCHOOLSFIRST FEDERAL CREDIT  
UNION VS.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 17.

**The Motion for Relief from the Automatic Stay is granted.**

SchoolsFirst Federal Credit Union ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 3931 7<sup>th</sup> Avenue, Sacramento, CA (the "Property"), to allow an unlawful detainer action to be litigated in state court.

Movant argues relief is warranted under 11 U.S.C. § 362(d)(1) and (d)(2) because the debtor does not have an ownership interest in or a right to maintain possession of the Property. Declaration, Dkt. 14.

Upon review of the record, the court finds Movant has presented a colorable claim for title to and possession of this real property. Cause for relief exists pursuant to 11 U.S.C. § 362(d)(1) to allow the unlawful detainer action to be litigated on the merits in a court of competent jurisdiction.

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 the Property, including unlawful detainer or other appropriate judicial proceedings and remedies to obtain possession thereof.

**Request for Waiver of Fourteen-Day Stay of Enforcement**

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule as adopted by the United States Supreme Court. The court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by SchoolsFirst Federal Credit Union ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant and its agents, representatives and successors, to exercise and enforce all nonbankruptcy rights and remedies to obtain possession of the property commonly known as 3931 7<sup>th</sup> Avenue, Sacramento, California.

**IT IS FURTHER ORDERED** that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

37. [26-21273](#)-C-13 SAMSON VATAMANU  
[ANG-1](#) Eric J. Gravel

OBJECTION TO CONFIRMATION OF  
PLAN BY BMO BANK N.A.  
4-20-26 [[19](#)]

Thru #38

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 23 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is overruled as moot.**

Creditor BMO Bank N.A. filed this Objection to Confirmation on April 20, 2026. Thereafter, the debtor filed an amended plan, but not corresponding Motion to Confirm, which would make this Objection moot. Dkt. 28.

Therefore, the Objection is overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the BMO Bank N.A., having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled as moot.

38. [26-21273](#)-C-13 SAMSON VATAMANU  
[DPC-1](#) Eric J. Gravel

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-22-26 [[22](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 25.

**The Objection to Confirmation of Plan is overruled as moot.**

The Chapter 13 trustee filed this Objection to Confirmation on April 22, 2026. Thereafter, the debtor filed an amended plan, but not corresponding Motion to Confirm yet, which would make this Objection moot. Dkt. 28.

Therefore, the Objection is overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled as moot.

39. [26-20979](#)-C-13 ALONDRA GARCIA  
[DPC-1](#) Ryan Keenan

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-15-26 [[10](#)]

**Final Ruling:** No appearance at the May 12, 2026 hearing is required.  
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The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 13.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

**The Objection to Confirmation of Plan is overruled as moot.**

The Chapter 13 trustee filed this Objection to Confirmation on April 15, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion to Confirm, making this Objection moot. Dkt. 14, 17.

Therefore, the Objection is overruled.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is overruled as moot.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 42 days' notice was provided. Dkt. 24.

**The Motion to Confirm is denied.**

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 19) filed on March 6, 2026.

Chapter 13 Trustee filed an Opposition (Dkt. 25) on April 14, 2026, opposing confirmation on the following grounds:

1. Debtor has not provided information related to selling the real property;
2. Plan does not pass the liquidation test;
3. Plan is underfunded; and
4. Debtor may have additional net monthly income to include in the plan payments.

**DISCUSSION**

The debtor has supplied insufficient information relating to the sale of real property to assist the Chapter 13 Trustee in determining the value of the feasibility of the plan.

The plan provides for a zero percent dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a) (4).

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed because the plan payment does not include Trustee fees and class 1 payments. That is reason to deny confirmation. 11 U.S.C. § 1325(a) (6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Andrea Moore, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 64 days' notice was provided. Dkt. 29.

**The Motion to Confirm is denied.**

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 27) filed on March 10, 2026.

Chapter 13 Trustee filed an Opposition (Dkt. 34) on April 28, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments;
2. DSO checklist not provided;
3. Debtor has not provided all business documents;
4. Plan is underfunded; and
5. Schedules have not been amended.

**DISCUSSION**

The debtor is \$3,140.00 delinquent in plan payments. Declaration, Dkt. 35. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The debtor has not filed all business documents including:

- A. Questionnaire,
- B. Two years of tax returns,
- C. Six months of profit and loss statements,
- D. Six months of bank account statements, and
- E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed and claims filed in the case may be greater than scheduled. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Confirm filed by the debtor, Thomas Eaton, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is denied, and the plan is not confirmed.

42. [26-21189](#)-C-13 KIESHA HAGGERTY  
[DPC-1](#) Candace Y. Brooks

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
4-23-26 [[28](#)]

Thru #43

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 20 days' notice was provided. Dkt. 31.

**The Objection to Confirmation of Plan is sustained.**

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan is overextended.

**DEBTOR'S OPPOSITION**

The debtor filed an Opposition on April 27, 2026. Dkt. 35. Debtor asserts that she does not owe income tax for tax year 2025 and anticipates the IRS will amend its proof of claim.

**DISCUSSION**

Because claims are greater than scheduled, the plan will take 69 months to complete. The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim. Until the proof of claim is amended, the plan will take longer than 60 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

43. [26-21189](#)-C-13 KIESHA HAGGERTY  
[EAT-1](#) Candace Y. Brooks

OBJECTION TO CONFIRMATION OF  
PLAN BY LAKEVIEW LOAN  
SERVICING, LLC  
4-13-26 [[20](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 26.

**The Objection to Confirmation of Plan is sustained.**

Creditor Lakeview Loan Servicing, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for Creditor's prepetition arrearages.

**DEBTOR'S OPPOSITION**

Debtor filed an Opposition on April 27, 2026. Dkt. 32. Debtor disputes that she owes prepetition arrearages on Creditor's claim.

**DISCUSSION**

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by Lakeview Loan Servicing, LLC, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.

44. [26-21197](#)-C-13 NIKEILEN HIGGINS  
[DVW](#)-1 Pro Se

MOTION FOR RELIEF FROM  
AUTOMATIC STAY AND/OR MOTION TO  
CONFIRM TERMINATION OR ABSENCE  
OF STAY  
4-23-26 [[23](#)]

21ST MORTGAGE CORPORATION  
VS.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 19 days' notice was provided. Dkt. 28.

**The Motion for Confirming the Automatic Stay is Not in Effect is granted.**

21<sup>st</sup> Mortgage Corporation ("Movant") filed this Motion seeking to confirm that no automatic stay is in effect as to the debtor, co-debtor, and bankruptcy estate.

Movant argues this is debtor's fourth case that is pending within the prior year, and the three other cases were all dismissed within 1 year of the filing of this caes.

The applicable Bankruptcy Code provision for the matter before the court is 11 U.S.C. § 362(c)(4). That section provides:

In relevant part, 11 U.S.C. § 362(c) provides:

(c) Except as provided in subsections (d), (e), (f), and (h) of this section—

(4) (A) (i) if a single or joint case is filed by or against the debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed .... the stay under subsection (a) shall not go into effect upon the filing of the later case; and

(ii) on request of a part in interest, the court shall promptly enter an order confirming the stay is not in effect;

11 U.S.C. § 362(c).

Debtor has filed three prior cases that have all been dismissed within the prior year: (1) Case No. 25-25022, dismissed on October 6, 2025; (2) Case No. 25-25963, dismissed on December 2, 2025; (3) Case No. 25-27254, dismissed on January 1, 2026.

Therefore, this being the debtor's fourth case, and the prior three cases all having been dismissed within the prior year, the automatic stay under 11 U.S.C. § 362(a) did not go into effect upon the filing of this case.

The court shall issue an order confirming that the automatic stay did not go into effect upon the filing of this case..

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion for Relief from the Automatic Stay filed by 21<sup>st</sup> Mortgage Corporation ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted and it is CONFIRMED that the automatic stay did not go into effect upon the filing of this case.

45. [26-20739](#)-C-13 FEUY SAECHAO  
[DPC-1](#) Gabriel Liberman

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY DAVID  
P. CUSICK  
4-8-26 [[12](#)]

**Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 15.

**The Objection to Confirmation of Plan is sustained.**

The matter was continued to allow the continued Meeting of Creditors to proceed on May 8, 2026, and see if the debtor would appear.

The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor did not appear at the Meeting of Creditors.

**DISCUSSION**

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.