

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

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

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: May 14, 2024

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

May 14, 2024 at 1:00 p.m.

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

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to sustain the objection and deny confirmation of the plan.

First, Debtor is \$5,900.00 delinquent in plan payments through January 2024. The next scheduled payment of \$5,900.00 is due on February 25, 2024. All sums required by the plan have not been paid and the Debtor may not be able or willing to make the plan payments based on his current delinquency under the pending plan. 11 U.S.C. §§ 1325(a)(2), (a)(6).

Second, the Debtor has failed to provide the Trustee with business documents including six months of profit and loss statements and copies of Debtor's liability riders and workers' compensation riders, if applicable, for Debtor's business. 11 U.S.C. § 521(e)(2)(A); FRBP 4002(b)(3). These are required 7 days before the date set for the first meeting of creditors, 11 U.S.C. § 521(e)(2)(A)(I).

Third, although Debtor filed amended Form 122C-1 on May 3, 2024, Debtor's Schedule J still reflects a net disposable income of \$5,900.00. Dkt. 18, p. 30. The plan provides for a plan payment of \$8,760.00 commencing in month 7. Debtor has failed to show that he can afford the increased plan payment.

Fourth, Debtor's Statement of Financial Affairs at Line 9 references *Julie Cooper vs. Kris Cooper* (8004063) and describes the nature of the case as dissolution of marriage and that Debtor is seeking reduction in support of payments. Dkt. 18, p. 34. Debtor's Schedules I and J do not reference a domestic support obligation.

Fifth, Debtor's Statement of Financial Affairs at Line 27 indicates that Debtor's business Cen-Cal Farms, Inc., was operating from January 2020 to September 2021 and was suspended by the FTB. Dkt. 18, p. 38. However, Debtor has submitted a tax return for Cen-Cal Farms for the 2022 tax year.

The plan filed January 7, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a).

May 14, 2024 at 1:00 p.m.
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The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

4. [24-90074](#)-B-13 ARCELIA OLIVERA
[LGT](#)-1 Gregory J. Smith

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

Final Ruling

This matter was continued from May 7, 2024, to allow the Chapter 13 Trustee to file a response by 5:00 p.m. Friday, May 10, 2024, as to whether its objections to confirmation been resolved. The Trustee timely filed a supplemental reply stating that various issues remain unresolved including missing pay advices from debtor's non-filing spouse, a complete copy of debtor's 2022 state income tax return, and failure of debtor's plan to commit her entire projected disposable income as required by 11 U.S.C. § 1325(b).

Therefore, the Trustee's objection to confirmation will be sustained. The continued hearing on May 14, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.