



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

May 26, 2026 at 11:00 a.m.

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.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

May 26, 2026 at 11:00 a.m.

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1. [26-21403](#)-C-13 TERENCE VALLELY OBJECTION TO CONFIRMATION OF
[DPC](#)-1 Eric J. Gravel PLAN BY DAVID P. CUSICK
4-29-26 [[15](#)]

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. 18.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation on April 29, 2026. Thereafter, the debtor filed an amended plan making this Objection moot. Dkt. 19. However, debtor has not filed a motion to confirm plan at this point in time.

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, Lilian Tsang, 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 46 days' notice was provided. Dkt. 31.

The Motion to Confirm is denied.

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

The Chapter 13 Trustee filed an Opposition (Dkt. 32) on May 12, 2026, opposing confirmation on the following grounds:

1. Claim of Planet Home Lending is misclassified as a Class 4 creditor; and
2. Debtors have not amended Schedule I.

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. Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. Planet Home Lending filed a Proof of Claim that represents that its claim includes an arrearage. Therefore, the claim must be included in Class 1 and not Class 4.

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 debtors, Nasser and Rania Erakat, 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.

3. [25-23115](#)-C-13 MARK FAGAN
[JLK-2](#) James L. Keenan

MOTION TO CONFIRM PLAN
4-3-26 [[43](#)]

Thru #5

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 53 days' notice was provided. Dkt. 47.

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 42) filed on April 2, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 48) on May 6, 2026, opposing confirmation on the following grounds:

1. Two filed plans associated with the motion;
2. Schedules I & J were filed almost one year ago; and
3. Debtor's counsel passed away after the motion was filed.

DISCUSSION

A review of both plans at dockets 42 and 46 show they are the exact same plan, that is further demonstrated by the file stamp on the plan at docket 46 includes the file stamp of docket 42.

A review of the docket indicates that debtor has obtained new counsel and that an order on the motion to substitute has been entered on the docket.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). 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 Confirm filed by the debtor, Mark Fagan, 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 debtor's Chapter 13 Plan (Dkt. 42) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Debtor's counsel 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 trustee will submit the proposed order to the court.

4. [25-23115](#)-C-13 MARK FAGAN
[JLK-1](#) James L. Keenan

CONTINUED MOTION TO CONFIRM
PLAN
1-27-26 [[28](#)]

Final Ruling: No appearance at the May 26, 2026 hearing is required.

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

The Motion to Confirm is denied as moot.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 30) filed on January 27, 2026.

On April 2, 2026, the debtor filed a new proposed plan. Filing a new plan is a de facto withdrawal of the pending plan. Therefore, the Motion to Confirm the Amended Plan is denied as moot, 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, Mark Fagan, 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 as moot, and the proposed Chapter 13 Plan is not confirmed.

5. [25-23115](#)-C-13 MARK FAGAN
[DPC-2](#) James L. Keenan

CONTINUED MOTION TO DISMISS
CASE
12-22-25 [[23](#)]

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 36 days' notice was provided. Dkt. 26.

The Motion to Dismiss is denied.

The motion was continued from the prior hearing to accompany the Motion to Confirm above. See Items 3 & 4.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on October 7, 2025.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 22.

Debtor filed an opposition (Dkt. 27) on January 13, 2026, asserting that debtor will will an amended plan prior to the hearing.

A review of the docket shows the debtor filed an amended plan and corresponding Motion to Confirm on April 2, which the has been tentatively granted.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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 denied without prejudice.

6. [26-21217](#)-C-13 NAPOLEON/KRYSTLE APARICIO OBJECTION TO CONFIRMATION OF
[MH-1](#) Marc Voisenat PLAN BY MARTIN HARRISON
4-23-26 [[22](#)]

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 24.

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.

Creditor Martin Harrison filed this Objection To Confirmation and a reservation of rights on April 23, 2026. The debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkts. 17, 27. Creditor filed a response that agrees the Objection is now moot. Dkt. 33.

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 Martin Harrison, 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 48 days' notice was provided. Dkt. 131.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 128) filed on April 8, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 139) on May 6, 2026, opposing confirmation on the following grounds:

1. Plan relies on a motion to value that has yet been filed;
2. Plan misclassifies the claim of PHH/Ocwen;
3. Plan is not feasible;
4. Debtor has not amended Schedules; and
5. Plan may not pass the liquidation test

The debtor filed a response (dkt. 142) on May 19, 2026, asserting an amended plan will be filed.

DISCUSSION

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

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. Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. PHH/Ocwen filed a Proof of Claim that represents that its claim includes an arrearage. Therefore, the claim must be included in Class 1 and not Class 4.

The debtor has not explained and has not supplied sufficient information relating to the debtor's investments, properties and business expenses to assist the Chapter 13 Trustee in determining if 0% to unsecured creditors passes the liquidation test.

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, Vamba Freeman, 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.

8. [26-21427](#)-C-13 TRAVIS TORRES
[DPC-1](#) Matthew J. DeCaminada

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-29-26 [[13](#)]

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. 16.

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 amended Schedules;
2. Debtor has not filed the spousal waiver of right to claim exemptions; and
3. Plan is overextended.

DISCUSSION

The debtor has supplied insufficient information relating to the his non-filing spouses assets to assist the Chapter 13 Trustee in determining the value of the assets.

The debtor has claimed exemptions under section 703.140(b) of the California Code of Civil Procedure. The debtor is married but has not filed a joint petition with debtor's spouse. The debtor may not claim exemptions under section 703.140(b) because both spouses have not filed the required spousal waiver described in section 703.140(a) (2).

Because priority claims are greater than scheduled, the plan will take 65 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.

9. [24-20130](#)-C-13 KENNETH SHERMAN AND KATHY CONTINUED MOTION TO MODIFY PLAN
[SMJ](#)-2 OLIVER SHERMAN 2-10-26 [[43](#)]
Scott M. Johnson

Thru #10

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. 47.

The Motion to Modify is denied.

The motion was continued to allow the debtors to sale property that is in probate, which proceeds from the sale would pay off the plan.

The debtors filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 46) filed on February 10, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 52) on March 4, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent under the modified plan; and
2. Debtor has not explained the prior failure to pay.

DISCUSSION

The debtor is \$420 delinquent in plan payments under the confirmed plan and \$100.00 under the modified plan. Declaration, Dkt. 53. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 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, 1325(a), and 1329. 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 debtors, Kenneth and Kathy Ann Sherman, 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.

10. [24-20130](#)-C-13 KENNETH SHERMAN AND KATHY CONTINUED MOTION TO DISMISS
[DPC-2](#) OLIVER SHERMAN CASE
Scott M. Johnson 1-9-26 [[39](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The motion was continued from February 24, 2026 before being transferred from Dept. A.

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

The Chapter 13 Trustee filed a status report representing debtor is \$100.00 delinquent in plan payments under the modified plan. Dkt. 50.

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

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.

11. [26-20733](#)-C-13 GARY/CLEOFE ENDAYA
[GAL](#)-1 Gerald Glazer

OBJECTION TO CONFIRMATION OF
PLAN BY REGIONAL ACCEPTANCE
CORPORATION
4-14-26 [[34](#)]

Thru #12

No 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 42 days' notice was provided. Dkt. 38.

The Objection to Confirmation of Plan is xxxxxxxx

Creditor Regional Acceptance Corporation ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan impermissibly crams down the value of Creditor's collateral.

Debtors filed a reply (dkt. 54) on May 19, 2026, asserting there is no underlying debt owed to Creditor because debtors received their discharge in their chapter 7 case on January 26, 2026. Case No. 25-25687.

DISCUSSION

At the hearing xxxxxxxxxxxx

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 Regional Acceptance Corporation, 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 xxxxxxxxxxxx

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 50 days' notice was provided. Dkt. 25.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 24) filed on April 6, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 48) on May 12, 2026, opposing confirmation on the following grounds:

1. Debtors are delinquent in plan payments;
2. Plan relies on a motion to value collateral that has yet to be filed;
3. The plan's nonstandard provisions are not clear as to Calvet's class 1 claim; and
4. The trustee notes the objection filed by Regional Acceptance in Item 11 above.

Exeter Finance LLC filed an Opposition (Dkt. 43) on May 8, 2026, opposing confirmation on the following grounds:

1. Plan does not provide for Exeter's claim.

Debtor's filed a reply (Dkt. 52) on May 19, 2026, asserting they will be current on plan payments by the hearing, and have now filed an amended Schedule J.

DISCUSSION

The debtor is \$6,500.00 delinquent in plan payments. Declaration, Dkt. 49. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

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

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 claim 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).

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 debtors, Gary and Cleofe Endaya, 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.

13. [26-21435](#)-C-13 HUSAYN CAMPBELL
[DPC-1](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
4-29-26 [[30](#)]

Thru #14

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. 33.

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 pay advices, tax returns, photo identification, or proof of Social Security number;
2. Plan is incomplete;
3. Plan fails the liquidation test;
4. Debtor is delinquent; and
5. Schedules are inaccurate.

DISCUSSION

The debtor has not made a plan payment and is delinquent. Declaration, Dkt. 32. 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 non-exempt assets totaling \$23,468.00. The plan does not provide for 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).

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.

14. [26-21435](#)-C-13 HUSAYN CAMPBELL
[KMM](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY WESTERN ALLIANCE BANK
4-17-26 [[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 39 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

Creditor Western Alliance Bank as serviced by Servbank N.A. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan fails to fully provide for the curing of the default 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 Western Alliance Bank as serviced by Servbank 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 sustained.

15. [26-20338](#)-C-13 DEBRA KING
[BDK-1](#) Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY QUALITY
FIRST HOME IMPROVEMENT, INC.
3-12-26 [[24](#)]

No 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 19 days' notice was provided. Dkt. 32.

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 improperly disregards Creditor's lien.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on March 24, 2026. Dkt. 34. Debtor does not assert that a valid mechanic's lien was filed, that a civil action was filed, nor that the filing occurred 85 days after the lien was recorded.

Debtor asserts at the end of the civil action the lien will either be subject to § 522(f), or if unavoidable then it will be paid through the plan.

DISCUSSION

There appears to be no disagreement that at this point Creditor holds a valid mechanic's lien that has not yet been reduced to judgment. A review of the filed claims in this case does not show that Creditor has filed a claim.

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 ~~XXXXX~~

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 14 days' notice was provided. Dkt. 13.

The Motion to Extend the Automatic Stay is granted.

Cole Mullin ("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 April 9, 2026, after Debtor became delinquent in plan payments in debtor's Central District of California case. Declaration, Dkt. 12. 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 his partner's parents became ill, which required Debtor and debtor's partner to move to El Dorado Hills to take care of the partner's parents..

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 Cole Mullin 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)(2) notice which requires 14 days' notice. The Proof of Service shows that 25 days' notice was provided. Dkt. 12.

The Motion to Extend the Automatic Stay is granted.

Oscar Quezada ("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 November 4, 2025, after Debtor became delinquent in plan payments. Order, Bankr. E.D. Cal. No. 25-22351, Dkt. 48. 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 his wife needed surgery and the family car needed unexpected maintenance.

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 Oscar Quezada 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.

18. [25-27054](#)-C-13 GINGER BROWN
[PGM](#)-3 Peter G. Macaluso

CONTINUED MOTION TO VALUE
COLLATERAL OF FIRST BANK
3-9-26 [[77](#)]

DEBTOR DISMISSED: 04/27/26

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The case having previously been dismissed, the Motion is dismissed 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 Motion to Value having been presented to the court, the case having been previously dismissed, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is dismissed as moot, the case having been dismissed.

19. [26-21356](#)-C-13 JONATHAN/SHERRY ANN TAEU OBJECTION TO DISCHARGE BY DAVID
[DPC-1](#) Mikalah Liviakis P. CUSICK
4-28-26 [[14](#)]

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 17.

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 Objection to Discharge is sustained.

The Chapter 13 Trustee ("Objector") objects to Jonathon and Sherry Taeu's ("Debtors") discharge in this case. Objector argues that Debtors are not entitled to a discharge in the instant bankruptcy case because Debtor previously received a discharge in a Chapter 7 case.

Debtors filed a Chapter 7 bankruptcy case on June 30, 2023. Case No. 23-22202. Debtors received a discharge on September 18, 2025. Case No. 23-22202, Dkt. 39.

The instant case was filed under Chapter 13 on March 13, 2026.

11 U.S.C. § 1328(f) provides that a court shall not grant a discharge if a debtor has received a discharge "in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter." 11 U.S.C. § 1328(f)(1).

Here, Debtors received a discharge under 11 U.S.C. § 727 on September 18, 2025, which is less than four years preceding the date of the filing of the instant case. Case No. 23-22202, Dkt. 39. Therefore, pursuant to 11 U.S.C. § 1328(f)(1), Debtors are not eligible for a discharge in the instant case.

Therefore, the Objection is sustained. Upon successful completion of the instant case, the case shall be closed without the entry of a discharge, and Debtor shall receive no discharge in the instant 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 Objection to Discharge filed by David P. Cusick, the Chapter 13

Trustee ("Objector") 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 to Discharge is sustained, and upon successful completion of the instant case, Case No. 26-21356, the case shall be closed without the entry of a discharge.

20. [26-21456](#)-C-13 PHONESAVANH NONHPRASITH OBJECTION TO CONFIRMATION OF
[BHR](#)-3 Stephan M. Brown PLAN BY U.S. BANK NATIONAL
ASSOCIATION
4-30-26 [[40](#)]

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f) (2) notice which requires 14 days' notice. A Proof of Service was not filed with the Objection.

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.

Creditor U.S. Bank National Association filed this Objection To Confirmation on April 30, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkts. 45, 47.

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 U.S. Bank National Association, 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.

21. [26-21456](#)-C-13 PHONESAVANH NONHPRASITH OBJECTION TO CONFIRMATION OF
[DS-1](#) Stephan M. Brown PLAN BY TH MSR HOLDINGS LLC
4-27-26 [[35](#)]

Final Ruling: No appearance at the May 26, 2026 hearing is required.

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. 37.

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.

Creditor TH MSR Holdings LLC filed this Objection To Confirmation on April 27, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkts. 45, 47.

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 TH MSR Holdings 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 overruled as moot.

22. [26-21456](#)-C-13 PHONESAVANH NONHPRASITH OBJECTION TO CONFIRMATION OF
[NLG-1](#) Stephan M. Brown PLAN BY NEWREZ LLC
5-12-26 [[57](#)]

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 14 days' notice was provided. Dkt. 60.

The Objection to Confirmation of Plan is sustained.

Creditor NewRez LLC as servicer for Deutsche Bank National Trust Company as Indenture Trustee for MortgageIT Trust 2005-1 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not fully provide for Creditor's claim.

EBTOR'S OPPOSITION

Debtor filed an Opposition on May 12. Dkt. 61. Debtor represents the amended plan was noticed for hearing for June 23, 2026, and opposition should be filed in response for that day.

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 NewRez LLC as servicer for Deutsche Bank National Trust Company as Indenture Trustee for MortgageIT Trust 2005-1, 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.

DEBTOR DISMISSED: 01/06/25

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. A Proof of Service has not been filed with the motion.

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 Motion to Vacate is denied.

Debtor filed this Motion seeking to vacate this court's Order (Dkt. 36) granting relief from the automatic stay and making a finding pursuant to 11 U.S.C. § 362 (d) (4).

The court issued its Order granting relief from stay after reviewing the case record and the debtor's history of filing multiple bankruptcies. The civil minutes from the hearing on the Motion (dkt. 34) details the debtor's grievances with the mortgage lender, banks, and the court.

NewRez LLC dba Shellpoint Mortgage Servicing filed opposition (dkt. 207) on May 18, 2026. In its opposition NewRez details the many motions debtor has filed either seeking reconsideration of the order, or to set aside/vacate the order.

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 has filed at least 5 motions seeking reconsideration, or to set aside/vacate, the order granting relief from stay under 11 U.S.C. § 362(d). Debtor's motion continues to assert her grievances towards the bank, mortgage lender, trustee, and the court, but does not provide anything of substance that is different from that previously filed.

The Court is not persuaded debtor has a meritorious claim and should vacate the Court's Order granting relief.

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 Linda Catron 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.

24. [26-22273](#)-C-13 GAUTAM SANWAL
[LCE-1](#) Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-24-26 [7]

LC EQUITY GROUP, INC. 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 only 13 days' notice was provided. Dkt. 29.

The Motion for Relief from the Automatic Stay is xxxxxx.

Balboa LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 689 El Toro Way, Pinole, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) & (d)(2) because the day after the filing of this case, debtor was granted a 2% interest in the property by Rosario Del Camen Garcia, who is a debtor in a separate Chapter 13 case in the Northern District of California where relief from the stay has already been granted.

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 a transfer of an interest in the Property without consent of the secured creditor or court approval.

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 Motion for Relief from the Automatic Stay filed by Balboa LLC ("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 xxxxxxx

25. [26-21081](#)-C-13 RI HUANG
[TBK-1](#) Taras Kurta

MOTION TO INCUR DEBT
4-13-26 [[13](#)]

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 22.

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 to Incur Debt is granted.

Debtor Ri Xin Huang filed this Motion seeking authority to incur debt to purchase a replacement commuter vehicle.

The proposed financing is in the principal amount of \$19,300.00, paid at 9.49% interest over a 72 month term. Monthly payments are proposed to be \$352.60.

The Chapter 13 Trustee filed non-opposition on May 11, 2026. Dkt. 26.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

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 Incur Debt filed by Ri Xin Huang 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 debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the 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. 21.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 3) filed on February 27, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 23) on April 14, 2026, opposing confirmation on the following grounds:

1. The plan does not provide for future tax refunds over \$2,000.00.

DISCUSSION

The plan proposes a monthly payment of \$310.00. However, debtor has a history of high income tax refunds, and the plan proposes to pay less than 100% on unsecured claims. The payment, with such high tax refunds each year, is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b) (1).

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, Ri Xin Huang, 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.

27. [26-20585](#)-C-13 LINNA TEP
[DPB](#)-1 Douglas P. Broomell

MOTION TO VALUE COLLATERAL OF
ONEMAIN FINANCIAL GROUP LLC
4-17-26 [[22](#)]

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 25.

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 to Value is granted.

The debtor filed this Motion seeking to value the portion of OneMain Financial Group LLC's ("Creditor") claim secured by the debtor's property commonly known as a 2011 Cadillac Escalade (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$5,600.00. Declaration, Dckt. 24.

The Chapter 13 Trustee filed non-opposition on May 11, 2026. Dkt. 36.

DISCUSSION

Upon review of the record, the court finds the value of the Property is \$5,600.00. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$5,600.00. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is granted, and the claim of OneMain Financial Group LLC ("Creditor") secured by property commonly known as 2011 Cadillac Escalade (the "Property") is determined to be a secured claim in the amount of \$5,600.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

Thru #29

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. 100.

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 is overextended;
3. Debtor has not provided tax returns, pay advices, or proof of Social Security number;
4. Compensation to debtor's attorney does not comply with the local rules; and
5. Debtor has not amended the Schedule J.

DISCUSSION

The debtor has not made a plan payment and is \$1,600.00 delinquent in plan payments. Declaration, Dkt. 99. 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).

Local Rule 2016-1(c)(4) states that debtor's counsel is entitled to 25% of the flat fee when the petition is filed, an additional 25% when the plan is confirmed and the remaining fee the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. The plan's provision to pay the full amount at the time the petition is filed does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

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.

29. [25-26286](#)-C-13 HONORATO NAVARRO
[RAS](#)-1 Jennifer L. Dickinson

OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
5-6-26 [[102](#)]

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. 104.

The Objection to Confirmation of Plan is sustained.

Creditor Deutsche Bank National Trust Company, As Trustee For The Registered Holders Of Morgan Stanley ABS Capital I Inc. Trust 2007-HE5 Mortgage Pass-Through Certificates, Series 2007-HE5 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for the 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 Deutsche Bank National Trust Company, As Trustee For The Registered Holders Of Morgan Stanley ABS Capital I Inc. Trust 2007-HE5 Mortgage Pass-Through Certificates, Series 2007-HE5, 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.

Final Ruling: No appearance at the May 26, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 33.

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 Objection to Claimed Exemptions is sustained.

The Chapter 13 trustee filed this Objection objects to the debtor's claimed exemptions for dental equipment in the amount of \$20,000.00 under Cal. Code of Civ. P. § 703.140(b)(6) because the amount claimed is greater than the aggregate amount allowed of \$10,950.00.

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.

The trustee's Objection is sustained, and the claimed exemption is 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 dental equipment under California Code of Civil Procedure § 703.140(b)(6) is disallowed.

31. [24-24390](#)-C-13 TARRA WASILCHEN MOTION TO MODIFY PLAN
[PLC](#)-3 Peter L. Cianchetta 3-27-25 [[49](#)]

Motion continued to July 28, 2026 at 11:00 a.m. per the order entered at dkt. 132.

32. [24-24390](#)-C-13 TARRA WASILCHEN CONTINUED OBJECTION TO CLAIM OF
[PLC](#)-4 Peter L. Cianchetta DAVID BRUCE CHAPMAN, CLAIM
NUMBER 15
7-16-25 [[75](#)]

Objection continued to July 28, 2026 at 11:00 a.m. per the order entered at dkt. 133.

Thru #34

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 14 days' notice was provided. Dkt. 11.

The Motion to Extend the Automatic Stay is granted.

Denise Kellenberger ("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 April 17, 2026, after Debtor became delinquent in plan payments. Order, Bankr. E.D. Cal. No. 24-25238, Dkt. 57. 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's spouse was unable to secure sufficient hours as a substitute teacher.

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 Denise Kellenberger 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.

34. [26-22593](#)-C-13 DENISE KELLENBERGER
[MS-2](#) Mark Shmorgon

MOTION TO VALUE COLLATERAL OF
AMERICAN CREDIT ACCEPTANCE
5-12-26 [[12](#)]

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 14 days' notice was provided. Dkt. 15.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of American Credit Acceptance's ("Creditor") claim secured by the debtor's property commonly known as a 2017 Ford Escape SE Sport Utility 4D (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$3,725.00. Declaration, Dkt. 14.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on December 27, 2019, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$3,725.00. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$3,725. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is granted, and the claim of American Credit Acceptance ("Creditor") secured by property commonly known as 2017 Ford Escape SE Sport Utility 4D (the "Property") is determined to be a secured claim in the amount of \$3,725.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

Tentative Ruling:

The Motion has not been set pursuant to Local Rule. The Proof of Service shows that 19 days' notice was provided. Dkt. 124.

The Motion to Dismiss is denied

Heather Tully ("Movant") filed this motion asserting that she no longer objects to the closure of this case, and requests it be closed.

Debtor filed a response asserting that debtor and debtor's counsel are unable to determine what relief is being sought. Dkt. 125.

To the extent that the Movant seeks to have the case dismissed, she has not provided any basis, or demonstrated that cause exists, to dismiss this bankruptcy case.

Based on the foregoing, cause does not exist to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

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 Heather Tully, 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 denied.