



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

May 27, 2025 at 1:30 p.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.

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UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

May 27, 2025 at 1:30 p.m.

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1. [25-21106](#)-C-13 IGNACIO ROSALES OBJECTION TO CONFIRMATION OF
[LGT-1](#) Mikalah Liviakis PLAN BY LILIAN G. TSANG
4-23-25 [[17](#)]

Final Ruling: No appearance at the May 27, 2025 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 34 days' notice was provided. Dkt. 19.

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 23, 2025. Thereafter, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkt. 21, 24.

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.

2. [25-20907](#)-C-13 GAMALYEL VALENZUELA OBJECTION TO CONFIRMATION OF
[LGT-1](#) CARMONA AND FRANCIS PLAN BY LILIAN G. TSANG
Matthew DeCaminada 4-21-25 [[25](#)]

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 36 days' notice was provided. Dkt. 27.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), filed a supplemental document and opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtors have failed to list their 2024 income tax refunds from the IRS and FTB on their schedules; and
2. Debtors have not provided evidence of all of their income from the past 6 months.

DISCUSSION

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).

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, 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 sustained.

3. [25-21112](#)-C-13 RACHEL GOLSTON OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Jasmin Nguyen PLAN BY LILIAN G. TSANG
4-23-25 [[16](#)]

Final Ruling: No appearance at the May 27, 2025 hearing is required.

The trustee 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 Objection to Confirmation was dismissed without prejudice, the matter is removed from the calendar, and the Chapter 13 Plan filed on March 12, 2025, is confirmed.**

The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

4. [25-21117](#)-C-13 AARON MCCONVILLE
[LGT-1](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
5-2-25 [[21](#)]

Final Ruling: No appearance at the May 27, 2025 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 25 days' notice was provided. Dkt. 23.

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 May 2, 2025. Thereafter, the debtor filed an amended plan, making this Objection moot. Dkt. 26. The debtor, however; has failed to file a corresponding motion to confirm, which is required. 11 U.S.C. § 1324(a).

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.

5. [25-21029](#)-C-13 COURTNEY WHITE OBJECTION TO CONFIRMATION OF
[LGT-1](#) Mohammad M. Mokarram PLAN BY LILIAN G. TSANG
4-21-25 [[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 36 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

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

1. The plan fails to provide for all of debtor's projected disposable income to unsecured creditors.

DISCUSSION

The plan proposes a monthly payment of \$1,290.00, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(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, 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 sustained.

6. [25-21229](#)-C-13 VERNON DAVIS
[PLC-3](#) Peter Cianchetta

MOTION TO VALUE COLLATERAL OF
CARMAX BUSINESS SERVICES, LLC.
5-9-25 [[33](#)]

No 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 18 days' notice was provided. Dkt. 37.

The Motion to Value is ~~xxxxxx~~.

The debtor filed this Motion seeking to value the portion of Carmax Business services LLC's ("Creditor") claim secured by the debtor's property commonly known as 2018 Mazda CX-5 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$8,683.00. Declaration, Dkt. 35.

Creditor filed an opposition (dkt. 46) asserting that the replacement value of the property should be no less than \$12,000.00.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on April 25, 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

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 ~~xxxxxxxxxx~~

7. [25-20235](#)-C-13 JOSE/HANNA GONZALEZ
[LGT](#)-1 Peter Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
3-11-25 [[19](#)]

Final Ruling: No appearance at the May 27, 2025 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 21 days' notice was provided. Dkt. 21.

The Objection to Confirmation is dismissed without prejudice.

The trustee having filed an Ex Parte Motion to Dismiss the pending Objection on May 20, 2025, Dkt. 43; no prejudice to the responding party appearing by the dismissal of the Objection; Trustee having the right to request dismissal of the objection pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by debtors; **the Ex Parte Motion is granted, the Trustee's Objection is dismissed without prejudice, the court removes this Objection from the calendar, and the Chapter 13 Plan filed on January 21, 2025, is confirmed.**

The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

8. [25-21140](#)-C-13 ROWENA/CHRISTI MELENDEZ OBJECTION TO CONFIRMATION OF
[LGT-1](#) Seth Hanson PLAN BY LILIAN G. TSANG
5-5-25 [[15](#)]

Final Ruling: No appearance at the May 27, 2025 hearing is required.

The trustee 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 Objection to Confirmation was dismissed without prejudice, the matter is removed from the calendar, and the Chapter 13 Plan filed on March 14, 2025, is confirmed.**

The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

9. [25-21155](#)-C-13 TIMOTHY/JILLIAN WINTERS OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Julius Cherry PLAN BY LILIAN G TSANG
5-6-25 [[31](#)]

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 21 days' notice was provided. Dkt. 33.

The Objection to Confirmation of Plan is sustained.

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

1. The plan misclassifies the claim of Travis Credit Union as a Class 4 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. Creditor's claim represents it matures during the pendency of the plan and, therefore; must be paid through the plan. 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, 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 sustained.

10. [25-21260](#)-C-13 FARRON/VALERIE DRYLIE
[LGT-1](#) Patricia Wilson

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
5-6-25 [[18](#)]

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 21 days' notice was provided. Dkt. 20.

The Objection to Confirmation of Plan is sustained.

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

1. The plan provides for payments longer than 5 years;
2. The Meeting of Creditors has not yet concluded.;
3. The Disclosure of Compensation of Attorney for Debtors fails to comply with the standardized form; and
4. The debtors have failed to provide the Class 1 Checklist.

DISCUSSION

The plan mathematically requires a payment of \$5,018.00 per month, which is greater than the proposed \$4,857.00 payment.

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

Appearance at the Meeting of Creditors 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, 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 sustained.

11. [25-20964](#)-C-13 KENNETH/NATALIE JAMACA
[KMM-1](#) Richard Hall

OBJECTION TO CONFIRMATION OF
PLAN BY TOYOTA MOTOR CREDIT
CORPORATION
4-24-25 [[14](#)]

Thru #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 33 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

Creditor Toyota Motor Credit Corporation ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The interest rate on Creditor's claim is too low.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at zero 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, 7.5%, plus a 1.25% risk adjustment, for a 8.75% interest rate.

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 Toyota Motor Credit 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 sustained.

12. [25-20964](#)-C-13 KENNETH/NATALIE JAMACA
[LGT-1](#) Richard Hall

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
4-23-25 [[11](#)]

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. 13.

The Objection to Confirmation of Plan is sustained.

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

1. The Meeting of Creditors has not yet concluded; and
2. The debtors have failed to provide required documents including, proof of identification, proof of social security number, 2024 tax returns, Business Case Questionnaire, business tax returns, P & L Statements, Inventory and Equipment, Accounts Recievables, and bank statements.

DISCUSSION

Appearance at the Meeting of Creditors 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 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).

The debtor has not provided all business documents. 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, 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 sustained.

13. [25-20869](#)-C-13 ANDREAS TZORTZIS
[FWP](#)-1 Zheng Liu

OBJECTION TO CONFIRMATION OF
PLAN BY DITKOF PROPERTIES, LLC
4-24-25 [[56](#)]

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 33 days' notice was provided. Dkt. 58.

The Objection to Confirmation of Plan is sustained.

Creditor Ditkof Properties LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor has not yet set the plan for a confirmation hearing; and
2. The debtor has failed to appear at the Meeting of Creditors.

DISCUSSION

Local Bankruptcy Rul 3015-1(d)(1) requires that the debtor file and serve the chapter 13 plan **with** a motion to confirm it. LBR 3015(d)(1) (emphasis supplied). To date, no such motion to confirm has been filed.

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 Ditkof Properties 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.

14. [25-20679](#)-C-13 CHANCHAI VUE
[LGT-1](#) Peter Cianchetta

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
4-8-25 [[16](#)]

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. 18.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), filed a supplemental document and opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for all of the debtor's disposable income to unsecured creditors.

DISCUSSION

The plan proposes a dividend of 67% to unsecured creditors, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(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 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 sustained.

15. [25-20881](#)-C-13 LATESHA WILLIAMS-FOREMAN MOTION TO CONFIRM PLAN
[PSB-2](#) Pauldeep Bains 3-27-25 [[19](#)]

Final Ruling: No appearance at the May 27, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f) (1) procedure which requires 35 days' notice. The Proof of Service shows that 61 days' notice was provided. Dkt. 24.

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 Confirm is granted.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 18) filed on March 26, 2025.

The Chapter 13 Trustee has withdrawn her opposition and no other opposition to the Motion has been filed.

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, Latesha Shameek Williams-Foreman, 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. 18) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), 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.

16. [25-20682](#)-C-13 JOSE SALGADO
[KMG-1](#) Peter Macaluso

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
4-7-25 [[24](#)]

NAVOLUTIONS, INC. VS.

No 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 29 days' notice was provided. Dkt. 34.

The Motion for Relief from the Automatic Stay is ~~xxxxxx~~.

Navolutions, Inc., Matthew White, and Kristine White ("Movants") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 4419 77th Street, Sacramento, CA (the "Property").

Movants argue cause for relief from stay exists pursuant to 11 U.S.C. § 362(d) (1) because the the loan was not paid off when due on September 1, 2024. Declaration, Dkt. 28.

Movants also argue 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. Movants contend that the property was previously owned by HBA Enterprises when the loan was made and the deed of trust was issued. On May 2, 2024, HBA Enterprises signed a grant deed of the property to debtor, which was recorded on June 18, 2024. Additionally, Movants assert that the debtor's homestead exemption is limited to \$189,050 pursuant to 11 U.S.C. § 522(p).

DEBTOR'S OPPOSITION

Debtor filed an Opposition on April 22, 2025. Dkt. 35. Debtor asserts that cause does not exist for relief because: (1) the property is insured; (2) the debtor is current on plan payments; (3) equity exists in the property; and (4) a chapter 13 plan of reorganization is pending.

MOVANTS' REPLY

Movants filed a reply on April 28, 2025. Dkt. 38. Movants assert that Movants' deed of trust is valid, the debtor acknowledges that he voluntarily transferred the property to HBA Enterprises on May 28, 2021, and the claimed homestead exemption does not apply pursuant to 11 U.S.C. § 522(p).

DISCUSSION

This matter was continued to see if the debtor would be able to file a confirmable plan. Since the prior hearing, the debtor has filed an amended

plan (dkt. 57) on May 16, 2025. The motion to confirm the plan is set to be heard on June 24, 2025. Dkts. 53 & 54.

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 Navolutions, Inc., Matthew White, and Kristine White ("Movants") 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 **xxxxxxx**

17. [24-25088](#)-C-13 VALERIE WILLIAMS
[25-2033](#) Peter Cianchetta
MFC-2

WILLIAMS V. FLEMING ET AL

MOTION TO DISMISS ADVERSARY
PROCEEDING/NOTICE OF REMOVAL
AND/OR MOTION TO DISMISS
CAUSE(S) OF ACTION FROM
COMPLAINT
4-10-25 [[6](#)]

No 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 47 days' notice was provided. Dkt. 9.

The Motion to Dismiss Adversary Proceeding is ~~XXXXXX~~.

Jacqueline Flemming, as an individual, Jacqueline Flemming as Trustee of The Jacqueline Fleming Trust, Superior Loan Servicing and Asset Default Management, Inc. ("Defendants") moves for the court to dismiss all claims against it in Valerie Williams's ("Plaintiff-Debtor") Complaint according to Federal Rule of Civil Procedure 12(b)(6).

REVIEW OF COMPLAINT

The Complaint alleges the following grounds:

- A. Sale of property commonly known as 4861 Iowa Avenue, Sacramento, California is void; and
- B. Violation of the automatic stay.

APPLICABLE LAW

In considering a motion to dismiss, the court starts with the basic premise that the law favors disputes being decided on their merits. Federal Rule of Civil Procedure 8 and Federal Rule of Bankruptcy Procedure 7008 require that a complaint have a short, plain statement of the claim showing entitlement to relief and a demand for the relief requested. FED. R. CIV. P. 8(a). Factual allegations must be enough to raise a right to relief above the speculative level. *Id.* (citing 5 C. WRIGHT & A. MILLER, FED. PRACTICE AND PROCEDURE § 1216, at 235-36 (3d ed. 2004) ("[T]he pleading must contain something more . . . than . . . a statement of facts that merely creates a suspicion [of] a legally cognizable right of action")).

A complaint should not be dismissed unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim that would entitle him to the relief. *Williams v. Gorton*, 529 F.2d 668, 672 (9th Cir. 1976). Any doubt with respect to whether to grant a motion to dismiss should be resolved in favor of the pleader. *Pond v. Gen. Elec. Co.*, 256 F.2d 824, 826-27 (9th Cir. 1958). For purposes of determining the propriety of a dismissal before trial, allegations in the complaint are taken as true and are construed in the light most favorable to the plaintiff. *McGlinchy v.*

Shell Chem. Co., 845 F.2d 802, 810 (9th Cir. 1988); see also Kossick v. United Fruit Co., 365 U.S. 731, 731 (1961).

Under the Supreme Court's formulation of Federal Rule of Civil Procedure 12(b)(6), a plaintiff cannot "plead the bare elements of his cause of action, affix the label 'general allegation,' and expect his complaint to survive a motion to dismiss." Ashcroft v. Iqbal, 556 U.S. 662, 687 (2009). Instead, a complaint must set forth enough factual matter to establish plausible grounds for the relief sought. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556 (2007) ("[A] plaintiff's obligation to provide the 'grounds' of his 'entitle[ment] to relief' requires more than labels and conclusions, and a formulaic recitation of a cause of action's elements will not do.").

In ruling on a motion to dismiss brought under Federal Rule of Civil Procedure 12(b)(6), the Court may consider "allegations contained in the pleadings, exhibits attached to the complaint, and matters properly subject to judicial notice." Swartz v. KPMG LLP, 476 F.3d 756, 763 (9th Cir. 2007). The court need not accept unreasonable inferences or conclusory deductions of fact cast in the form of factual allegations. Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir. 2001). Nor is the court "required to" accept legal conclusions cast in the form of factual allegations if those conclusions cannot reasonably be drawn from the facts alleged." Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994) (citations omitted).

A complaint may be dismissed as a matter of law for failure to state a claim for two reasons: either a lack of a cognizable legal theory, or insufficient facts under a cognizable legal theory. Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1988) (citation omitted).

PLAINTIFF-DEBTOR'S OPPOSITION

Plaintiff-Debtor filed an Opposition on April 23, 2025. Dkt. 10. Plaintiff-Debtor concedes that the first cause of action is moot because the Defendants recorded a rescission of the trustee's deed on sale of the property on March 30, 2025.

Plaintiff-Debtor contends that the Defendants had not kept themselves apprised of the Court's docket, and had they done so they would have seen that the Order dismissing the case was vacated. Additionally, Defendants' counsel continued to receive notice of all filings in the case even after the case was erroneously dismissed.

Plaintiff-Debtor further asserts that she called Defendant Superior Loan Servicing after the case was filed and before the foreclosure informing it of the bankruptcy case.

DEFENDANT'S REPLY

Defendant filed a Reply on May 20, 2025. Dckt. 18. Defendant represents that the debtor has now introduced extrinsic evidence, which then converts the motion to dismiss to a motion for summary judgment. Therefore, the Defendants seek a continuance to allow further briefing and introduce evidence rebutting the debtor's evidence.

REVIEW OF MOTION

The Motion responds to the Complaint's claims with the following grounds:

- A. Defendants relied upon the order dismissing the case; and
- B. Defendants were never given notice that the order dismissing the case was vacated.

DISCUSSION

At the hearing ~~xxxxxxxxxx~~

The Motion to Dismiss Adversary Proceeding is ~~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 Adversary Proceeding filed by Jacqueline Flemming, as an individual, Jacqueline Flemming as Trustee of The Jacqueline Fleming Trust, Superior Loan Servicing and Asset Default Management, Inc. ("Defendants") 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 ~~xxxx~~.

18. [25-21299](#)-C-13 JOSE FLORES AND ANGELA OBJECTION TO CONFIRMATION OF
[LGT-1](#) MAGINNISS PLAN BY LILIAN G. TSANG
Kristy Hernandez 5-2-25 [[19](#)]

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 25 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

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

1. The Meeting of Creditors has not been held.

DISCUSSION

Appearance at the Meeting of Creditors is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan before being 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, 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 sustained.