



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

**Chief Judge Fredrick E. Clement**  
Sacramento Federal Courthouse  
501 I Street, 7<sup>th</sup> Floor  
Courtroom 28, Department A  
Sacramento, California

**DAY: WEDNESDAY**  
**DATE: MAY 28, 2025**  
**CALENDAR: 9:00 A.M. CHAPTER 13 CASES**

---

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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 **Court 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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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 media 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.

## PRE-HEARING DISPOSITION INSTRUCTIONS

---

### RULINGS

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

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

### CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

### ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, (" \$880," not " \$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

---

1. [22-20602](#)-A-13     **IN RE: ADRIANA CHRISTIAN**  
[MRL-1](#)

MOTION TO MODIFY PLAN  
4-8-2025    [\[54\]](#)

MIKALAH LIVIAKIS/ATTY. FOR DBT.  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Modify Chapter 13 Plan

**Notice:** LBR 3015-1(d)(2), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by movant, approved by the trustee

**Subject:** Amended Chapter 13 Plan, filed April 8, 2025

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor(s) seek approval of the proposed modified Chapter 13 Plan. The plan is supported by Schedules I and J filed on April 8, 2025, ECF No. 59. The Chapter 13 trustee has filed a non-opposition to the motion, ECF No. 61.

### **CHAPTER 13 PLAN MODIFICATION**

Chapter 13 plan modification is governed by 11 U.S.C. §§ 1322, 1323, 1325, 1329 and by Federal Rules of Bankruptcy Procedure 2002(a)(5) and 3015(g) and Local Bankruptcy Rule 3015-1. "[T]he only limits on modification are those set forth in the language of the Code itself, coupled with the bankruptcy judge's discretion and good judgment in reviewing the motion to modify." *In re Powers*, 202 B.R. 618, 622 (B.A.P. 9th Cir. 1996).

Chapter 13 debtors seeking plan modification have the burden of proving that all requirements of § 1322(a) and (b) and § 1325(a) have been met. See 11 U.S.C. §§ 1322(a)-(b), 1325(a), 1329(b)(1); see also *In re Powers*, 202 B.R. at 622 ("[Section] 1329(b)(1) protects the parties from unwarranted modification motions by ensuring that the proposed modifications satisfy the same standards as required of the initial plan."); see also *In re Barnes*, 32 F.3d 405, 407 (9th Cir. 1994); *In re Andrews*, 49 F.3d 1404, 1408 (9th Cir. 1995).

The court finds that the debtor has sustained this burden of proof. The court will grant the motion and approve the modification.

2. [24-25005](#)-A-13     **IN RE: JAMIE WOLSKY**  
[MWB-4](#)

MOTION TO CONFIRM PLAN  
4-2-2025    [\[46\]](#)

MARK BRIDEN/ATTY. FOR DBT.  
RESPONSIVE PLEADING

### **Tentative Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

**Disposition:** Denied

**Order:** Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

### **PLAN FEASIBILITY**

The proposed plan must be feasible. 11 U.S.C. § 1325(a)(6). Feasibility is a "factual determination" as to the plan's "reasonable likelihood of success." *First Nat'l Bank of Boston v. Fantasia (In re Fantasia)*, 211 B.R. 420, 423 (B.A.P. 1st Cir. 1997). The bankruptcy court needs to "be satisfied that the debtor has the present as well as the future financial capacity to comply with the terms of the plan." *Id.* As one court summarized feasibility, "Thus, a plan is not feasible and is not confirmable if a debtor's income will not support the plan's proposed payments. *In re Barnes*, 275 B.R. 889, 894 (Bankr. E.D. Cal.2002) ("[T]he debtors showed no disposable income with which to fund a plan.... [T]he debtors have been unable to actually pay the amount projected ... to the trustee."); *In re Bernardes*, 267 B.R. 690, 695 (Bankr. D.N.J. 2001) ("While the feasibility requirement is not rigorous ... the plan proponent must, at minimum, demonstrate that the Debtor's income exceeds expenses by an amount sufficient to make the payments proposed by the plan."); *In re Wilkinson*, 99 B.R. 366, 369 (Bankr. N.D. Ohio 1989) ("[D]ebtors will not be able to comply with the plan and make all payments thereunder."). *In re Buccolo*, 397 B.R. 527, 530 (Bankr. D.N.J. 2008), *aff'd*, 2009 WL 2132435 (D.N.J. July 13, 2009).

### Plan Overextension

The trustee calculates that the plan will take 106 months to complete. This exceeds the maximum length of 60 months allowed under 11 U.S.C. § 1322(d).

The plan does not account for the proof of claim filed by the Internal Revenue Service and the Franchise Tax Board. The Internal Revenue Claim is in the amount of \$51,383.72 and the Franchise Tax Board Claim is in the amount of \$30,742.32. Therefore, the plan is not feasible under 11 U.S.C. § 1325(a)(6).

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

3. [25-20312](#)-A-13     **IN RE: RAOUL ALEXIS**  
[THN-2](#)

MOTION TO CONFIRM PLAN  
4-10-2025    [\[36\]](#)

TERESA HUNG-NGUYEN/ATTY. FOR DBT.  
TRUSTEE NON-OPPOSITION

### **Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the movant, approved by the trustee

**Subject:** First Amended Chapter 13 Plan, filed April 10, 2025

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been

filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks confirmation of the First Amended Chapter 13 Plan, ECF No. 38. The plan is supported by Schedules I and J filed February 22, 2025, ECF No. 21. The Chapter 13 trustee has filed a non-opposition to the motion, ECF No. 45.

#### **CHAPTER 13 PLAN CONFIRMATION**

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

4. [21-20025](#)-A-13     **IN RE: HAROLD DEAN**  
[KMM-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
2-27-2025     [\[82\]](#)

LUCAS GARCIA/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.  
TOYOTA MOTOR CREDIT CORPORATION VS.

#### **Final Ruling**

The parties have resolved the matter by stipulation, Order, ECF No. 105. This matter will be dropped from calendar.

5. [24-20027](#)-A-13     **IN RE: RASUL SHEVCHENKO**  
[DPC-4](#)

CONTINUED MOTION TO DISMISS CASE  
4-16-2025     [\[74\]](#)

MARK SHMORGON/ATTY. FOR DBT.

#### **No Ruling**

6. [24-20027](#)-A-13     **IN RE: RASUL SHEVCHENKO**  
[MS-2](#)

MOTION TO APPROVE STIPULATION RESOLVING SECURED CLAIM OF  
UKRAINIAN FEDERAL CREDIT UNION (FRBP 9019)  
4-30-2025    [\[89\]](#)

MARK SHMORGON/ATTY. FOR DBT.  
STEPHEN REYNOLDS/ATTY. FOR MV.  
RESPONSIVE PLEADING

**No Ruling**

7. [24-20027](#)-A-13     **IN RE: RASUL SHEVCHENKO**  
[MS-2](#)

CONTINUED MOTION TO USE CASH COLLATERAL  
3-7-2025    [\[64\]](#)

MARK SHMORGON/ATTY. FOR DBT.

**No Ruling**

8. [24-20027](#)-A-13     **IN RE: RASUL SHEVCHENKO**  
[MS-3](#)

MOTION TO MODIFY PLAN  
4-18-2025    [\[83\]](#)

MARK SHMORGON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**No Ruling**

9. [24-24536](#)-A-13     **IN RE: RYAN BEJARANO**  
[GC-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
2-24-2025    [\[35\]](#)

JULIUS CHERRY/ATTY. FOR DBT.

**Final Ruling**

An order to confirm the plan was filed on May 13, 2025. As such,  
this matter has been resolved. No further appearances are necessary.

10. [25-21036](#)-A-13     **IN RE: SELENA COOK**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
5-12-2025    [\[23\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

**Tentative Ruling**

If the filing fee has not been paid in full by the time of the hearing, the case may be dismissed without further notice or hearing.

11. [25-20247](#)-A-13     **IN RE: KRYSTINE/ERIC FERRIS**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
4-28-2025    [\[41\]](#)

MICHAEL HAYS/ATTY. FOR DBT.  
5/5/2025 FINAL INSTALLMENT PAID \$156

**Final Ruling**

As the installment fees have been paid in full, the order to show cause is discharged. The case will remain pending.

12. [25-21247](#)-A-13     **IN RE: ERNESTO PLACENCIO**  
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK  
5-7-2025    [\[17\]](#)

PATRICIA WILSON/ATTY. FOR DBT.

**Final Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Continued to September 9, 2025, at 9:00 a.m.

**Order:** Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation.

*In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to September 9, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than July 1, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than August 19, 2025. The evidentiary record will close after August 19, 2025; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

13. [24-25771](#)-A-13     **IN RE: WILLIAM/FRANCES MEROSHNEKOFF**  
[FF-12](#)

MOTION TO CONFIRM PLAN  
4-22-2025    [\[108\]](#)

GARY FRALEY/ATTY. FOR DBT.  
RESPONSIVE PLEADING

### **Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the movant, approved by the trustee

**Subject:** Amended Chapter 13 Plan, filed April 22, 2025

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks confirmation of the Amended Chapter 13 Plan, ECF No. 112. The plan is supported by Schedules I and J filed, April 22, 2025, ECF No. 113. The debtor did not attach the amendment cover sheet to the schedules but did file it separately, ECF No. 114. The coversheet does distinguish that the amendments are to Schedules I/J. The court will not deny the motion on this basis but asks that in the future the debtor attach the coversheet to the schedules. The Chapter 13 trustee has filed a non-opposition to the motion, ECF No. 116.

### **CHAPTER 13 PLAN CONFIRMATION**

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

14. [24-23175](#)-A-13     **IN RE: DAVID FRIAS**  
[BLG-2](#)

MOTION TO MODIFY PLAN  
3-11-2025    [\[56\]](#)

CHAD JOHNSON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

### **Final Ruling**

**Motion:** Plan Modification

**Notice:** LBR 9014-1(f)(1); written opposition filed by debtors

**Disposition:** Continued to July 8, 2025, at 9:00 a.m.

**Order:** Civil minute order

The trustee and the debtor have filed a joint status report on May 13, 2025, ECF No. 67. Due to the modified plan relying on the completion of a Worker's Compensation case, the debtor and trustee have required a continued to July 8, 2025, after the Worker's Compensation hearing is to conclude on May 29, 2025. The court will continue this matter to July 8, 2025.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the motion to modify is continued to July 8, 2025, at 9:00 a.m.

IT IS FURTHER ORDERED that if the trustee elects to oppose the debtor's motion to modify, then not later than 14 days prior to the continued hearing date the trustee shall file a status report updating the motion to modify. The status report shall provide a concise list explaining the remaining issues and indicate the amount of any plan delinquency.

15. [24-23175](#)-A-13     **IN RE: DAVID FRIAS**  
[DPC-2](#)

CONTINUED MOTION TO DISMISS CASE  
2-14-2025    [\[50\]](#)

CHAD JOHNSON/ATTY. FOR DBT.

**Final Ruling**

**Motion:** Continued Motion to Dismiss

**Notice:** Continued from March 25, 2025

**Disposition:** Continued to July 8, 2025, at 9:00 a.m.

**Order:** Civil minute order

The trustee and the debtor have filed a joint status report on May 13, 2025, ECF No. 67. Due to the modified plan relying on the completion of a Worker's Compensation case, the debtor and trustee have required a continued to July 8, 2025, after the Worker's Compensation hearing is to conclude on May 29, 2025. Since the motion to dismiss is dependent on the motion to modify, the court will continue this matter to July 8, 2025.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the motion to dismiss is continued to July 8, 2025, at 9:00 a.m.

IT IS FURTHER ORDERED that if the trustee elects to oppose the debtor's motion to modify, then not later than 14 days prior to the continued hearing date the trustee shall file a status report updating this motion to dismiss. The status report shall provide a concise list explaining the remaining issues and indicate the amount of any plan delinquency.

16. [24-25581](#)-A-13     **IN RE: TRINA BRYANT**  
[TLB-1](#)

AMENDED MOTION TO CONFIRM PLAN  
5-9-2025    [\[38\]](#)

TRINA BRYANT/ATTY. FOR MV.

### **Final Ruling**

**Motion:** Confirmation of a Chapter 13 Plan

**Disposition:** Denied without prejudice

**Order:** Civil minute order

The movant has filed a motion for confirmation of their Chapter 13 plan. The plan will be denied without prejudice for the following reason.

### **NOTICE**

(a) 21-Day Notices to the Debtor, Trustee, Creditors, and Indenture Trustees. Except as (h), (i), (l), (p), and (q) provide otherwise, the clerk or the court's designee must give the debtor, the trustee, all creditors, and all indenture trustees at least 21 days' notice by mail of:

(9) *the time to object to confirming a Chapter 13 plan.*

Fed. R. Bankr. P. 2002 (emphasis added).

The movant did not provide a sufficient period of notice of the hearing on the motion or the time fixed for filing objections. Federal Rule of Bankruptcy Procedure 2002(a)(9) requires at least 21 days' notice of the time fixed for filing objections to confirmation of a plan. Federal Rule of Bankruptcy Procedure 2002(b) requires no less than 28 days' notice of the hearing to consider confirmation of a chapter 13 plan. However, notice must also be compliant under Local Bankruptcy Rule 3015-1(d)(1).

**Modified Plans Proposed Prior to Confirmation.** If the debtor modifies the chapter 13 plan before confirmation pursuant to 11 U.S.C. § 1323, the debtor shall file and serve the modified chapter 13 plan together with a motion to confirm it. Notice of the motion shall comply with Fed. R. Bankr. P. 2002(a)(9), which requires twenty-one (21) days of notice of the time fixed for filing objections, as well as LBR 9014-1(f)(1). *LBR 9014-1(f)(1) requires twenty-eight (28) days' notice of the hearing and notice that opposition must be filed fourteen (14) days prior to the hearing. In order to comply with both Fed. R. Bankr. P. 2002(b) and LBR 9014-*

*1(f)(1), parties in interest shall be served at least  
thirty-five (35) days prior to the hearing.*

LBR 3015-1(d)(1) (emphasis added).

To comply with both Federal Rule of Bankruptcy Procedure 2002(a)(9) and (b)(3) and Local Bankruptcy Rule 9014-1(f)(1), creditors and parties in interest must be given at least 35 days' notice of the motion. See LBR 3015-1(d)(1). Creditors and parties in interest received less than 35 days' notice mandated by these rules.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's Motion to Confirm has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice.

17. [25-21781](#)-A-13     **IN RE: WENNY MARTINEZ**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
5-2-2025     [\[11\]](#)

CARL GUSTAFSON/ATTY. FOR DBT.  
RESPONSIVE ENTRY: 5/13/2025

#### **Final Ruling**

This matter has been resolved. The attorney has filed a corrected signature page including his e-mail address as requested by the court, ECF No. 17. No further appearances are necessary.

18. [25-21881](#)-A-13     **IN RE: SCOTT WENDORF AND SUZANNE TOLMICH**  
WENDORF  
[FEC-1](#)

ORDER TO SHOW CAUSE  
5-13-2025    [\[39\]](#)

STEPHAN BROWN/ATTY. FOR DBT.

**\*[Since posting its original rulings, the court has changed its intended ruling on this matter].**

#### **Final Ruling**

The debtors have filed a response to the order to show cause, ECF No. 45. Debtors have requested that the case be dismissed due to recent rulings regarding relief from the automatic stay. *Id.* The court will sustain the order to show cause. This case is dismissed.

19. [25-22184](#)-A-13     **IN RE: JAMES/CHRISTINA FRANK**  
[MET-1](#)

MOTION TO EXTEND AUTOMATIC STAY  
5-6-2025    [\[8\]](#)

MARY TERRANELLA/ATTY. FOR DBT.

#### **Tentative Ruling**

**Motion:** Extend the Automatic Stay

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

#### **EXTENSION OF THE STAY**

Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11 U.S.C. § 362(c)(3)(B). Procedurally, the automatic stay may be extended only "after notice and a hearing *completed* before the expiration of the 30-day period" after the filing of the petition in the later case. *Id.* (emphasis added). To extend the stay, the court must find that the filing of the *later case* is in good faith as to the creditors to be stayed, and the extension of the stay may be made subject to conditions or limitations the court may impose. *Id.*

The debtors' original chapter 13 case was dismissed due to plan delinquency, Declaration of Debtors James and Christina Frank, ECF No. 10. One of the debtors experience serious health issues that caused him to be out of work in late 2024. Dec., ECF No. 10, 2:7-8. He did not receive disability at that time and lost pay from being off work. *Id.* at 2:8-9. He is now employed and has shoulder surgery scheduled this month; however, he is eligible for disability and medical leave so plan payments can be paid. *Id.* at 2:9-12. The plan has been filed along with all necessary schedules. The debtors are bringing this motion to protect their residential home.

For the reasons stated in the motion and supporting papers, the court finds that the filing of the current case is in good faith as to the creditors to be stayed. The motion will be granted.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

A motion to extend the automatic stay has been presented to the court in this case. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted, and the automatic stay of § 362(a) is extended in this case. The automatic stay shall remain in effect to the extent provided by the Bankruptcy Code.

20. [25-21492](#)-A-13     **IN RE: MARK DOSHIER-MCCLARREN**  
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK  
5-7-2025    [\[13\]](#)

NIKKI FARRIS/ATTY. FOR DBT.

### **Final Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Continued to September 9, 2025, at 9:00 a.m.

**Order:** Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to September 9, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than July 1, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If

the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than August 19, 2025. The evidentiary record will close after August 19, 2025; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

21. [24-23495](#)-A-13     **IN RE: ANDY DANG**  
[JTN-2](#)

MOTION TO CONFIRM PLAN  
4-14-2025    [\[39\]](#)

JASMIN NGUYEN/ATTY. FOR DBT.  
RESPONSIVE PLEADING

### **Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the movant, approved by the trustee

**Subject:** First Amended Chapter 13 Plan, filed February 25, 2025

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. TeleVideo Sys., Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks confirmation of the First Amended Chapter 13 Plan, ECF No. 32. The plan is supported by Schedules I and J filed, ECF No. 29. The Chapter 13 trustee has filed a response to the motion regarding notice concerns, ECF No. 49. The court finds that notice is proper.

## CHAPTER 13 PLAN CONFIRMATION

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

22. [22-23196](#)-A-13      **IN RE: MARCEL LONGMIRE AND BRANDI WASHINGTON**  
[BLG-4](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF BANKRUPTCY LAW  
GROUP, PC FOR CHAD M JOHNSON, DEBTORS ATTORNEY(S)  
4-16-2025    [\[53\]](#)

CHAD JOHNSON/ATTY. FOR DBT.  
DEBTORS DISMISSED: 03/21/25  
TRUSTEE NON-OPPOSITION

### Final Ruling

**Application:** Allowance of Final Compensation and Expense  
Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Approved

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### COMPENSATION AND EXPENSES

In this Chapter 13 case, attorney Chad M. Johnson has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$3,280.00 and reimbursement of expenses in the amount of \$51.20. The applicant also asks that the court allow on a final basis all prior applications for fees and costs that the court has previously allowed on an interim basis.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a debtor's attorney in a Chapter 13 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1), (4)(B). Reasonable

compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on a final basis. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Chad M. Johnson's application for allowance of final compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows final compensation in the amount of \$3,280.00 and reimbursement of expenses in the amount of \$51.20. The aggregate allowed amount equals \$3,331.20. The court approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

IT IS FURTHER ORDERED that the trustee is authorized to pay the fees allowed by this order from the available funds of the plan in a manner consistent with the terms of the confirmed plan.

23. [24-25699](#)-A-13     **IN RE: DENISE JOHNSON-KAUL**  
[PLG-1](#)

MOTION TO MODIFY PLAN  
4-10-2025    [\[18\]](#)

RABIN POURNAZARIAN/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**\*[Since posting its original rulings, the court has changed its intended ruling on this matter].**

### **Final Ruling**

**Motion:** Plan Modification

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Withdrawn

**Order:** Civil minute order

### **TRUSTEE REPLY – Fed. R. Civ. P. 41**

The debtor filed a motion to withdraw the motion to modify under Fed. R. Civ. P. 41; Fed. R. Bankr. P. 9014, 7041.

Federal Rule of Civil Procedure 41 governs the circumstances where a party may withdraw a motion or objection. Fed. R. Civ. P. 41, *incorporated by* Fed. R. Bankr. P. 7041, 9014(c) (applying rule dismissal of adversary proceedings to contested matters). A motion or objection may be withdrawn without a court order only if it has not been opposed or by stipulation “signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A). In all other instances, a motion or objection may be withdrawn “only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2).

Here, the debtor has signaled the abandonment of his motion to modify a chapter 13 plan. Neither the trustee, nor any creditor, has expressed opposition to the withdrawal of the debtor’s motion. No unfair prejudice will result from withdrawal of the motion and the court will accede to the debtor’s request.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the motion to modify is withdrawn.