UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY
DATE: June 2, 2026
CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Chief Bankruptcy Judge
Sacramento, California

June 2, 2026 at 1:00 p.m.

1.	26-21505-B-13 NAR-1	CYNTHIA/CHARLES EPROSON Natali A. Ron	MOTION TO VALUE COLLATERAL OF ONEMAIN FINANCIAL GROUP, LLC. 5-19-26 [17]

Final Ruling

The motion to value collateral was filed pursuant to Local Bankruptcy Rule 9014-1(f)(2). However, there is no certificate of service indicating that the motion and supporting documents were served. *See* Local Bankr. R. 9014-1(e). Although this is grounds for denial of the motion, the court will allow the debtor to re-serve the motion with an appropriate certificate of service.

The hearing on the motion is **CONTINUED** to July 7, 2026, at 1:00 p.m. The debtor must re-serve the motion (and all related documents) and file a certificate of service by June 5, 2026, otherwise the motion will be denied at the continued hearing.

The hearing is ORDERED CONTINUED to July 7, 2026 at 1:00 p.m. for the reasons stated in the minutes.

The court will issue an order.

2. 25-26907-B-13 ANDREA RESLER MOTION TO CONFIRM PLAN
TLA-1 Thomas L. Amberg 4-10-26 [24]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

3. 25-26908-B-13 CURTIS WADE MOTION FOR RELIEF FROM
NLG-1 Mohammad M. Mokarram AUTOMATIC STAY
4-30-26 [18]

NEWREZ LLC VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion for relief from stay.

NewRez, LLC, as servicer for Wilmington Savings Fund Society, FSB, not its individual capacity but solely as Owner Trustee for Verus Securitization Trust 2022-1 ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 1730 Foxridge Circle, Auburn, California (the "Property"). Movant has provided the Declaration of Justin Alexander to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property. The Alexander Declaration states that there are 3 post-petition payments in default totaling $11,403.02.

From the evidence provided to the court, and only for purposes of this motion, the total debt secured by this Property is determined to be $554,421.37 as stated in the Alexander Declaration and Schedule D filed by the Debtor. The value of the Property is determined to be $558,283.00 as stated in Schedules A/B and D filed by Debtor.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay, including defaults in post-petition payments which have come due. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

The 14-day stay of enforcement under Rule 4001(a)(4) is waived.

No other or additional relief is granted by the court.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

4. 22-90412-B-13 ANTHONY HONCIANO MOTION TO VACATE DISMISSAL OF CASE
MSN-4 Mark S. Nelson 4-22-26 [83]

DEBTOR DISMISSED: 04/16/26

Final Ruling

The motion has been set for hearing on the 28-days notice required by Local Bankruptcy Rule 9014-1(f)(1). The court has reviewed the motion. The court has also reviewed and takes judicial notice of the docket in this Chapter 13 case. The court has determined that oral argument will not assist in the decision-making process or resolution of the amended motion. *See* Local Bankr. R. 9014-1(h); *Coss v. Caliber Homes, Inc./Fidelity*, 2019 WL 1460251, *1 (D. Ariz. 2019) (oral argument not mandatory before ruling on motion to reconsider). The court therefore issues these findings of fact and conclusions as a Final Ruling. *See* Fed. R. Civ. P. 52(a); Fed. R. Bankr. P. 7052.

The court's decision is to grant the motion to vacate dismissal.

Debtor moves to vacate the order dismissing this Chapter 13 case. The Chapter 13 case was dismissed on April 16, 2024, for failure to make plan payments. Debtor states that he lost his job and has picked up freelance jobs to supplement his income. On March 6, 2026, the Trustee filed a Notice of Default and Intent to Dismiss Case for failure to make payments. Debtor could have filed a new plan, dismissed the case, or cured the default of $1,268.00 on or before April 15, 2026. Debtor attempted to cure the default prior to the dismissal, but due to his client's failure to pay Debtor on time, Debtor's payment did not clear until April 20, 2026, after the case had been dismissed. Debtor has cured his default and is prepared to pay all future payments.

Discussion

Federal Rule of Civil Procedure 60(b)(1), applicable by Federal Rule of Bankruptcy Procedure 9024, permits the court to relieve a party from a final judgment or order for "mistake, inadvertence, surprise, or excusable neglect[.]" Fed. R. Civ. P. 60(b)(1); Fed. R. Bankr. P. 9024. Relief for excusable neglect is governed by the *Pioneer-Briones* factors, *i.e.*, (1) the danger of prejudice to any non-moving party if the dismissal is vacated; (2) the length of delay and the potential impact of that delay on judicial proceeding; (3) the reason for the delay, including whether the delay was within the reasonable control of the movant; and (4) whether the debtor's conduct was in good faith. *Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993); *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 381 (9th Cir. 1997).

Danger of prejudice to creditors is minimal. Debtor moved quickly after this case was dismissed to set aside the dismissal order. Vacating dismissal will not delay these proceedings since the Debtor is prepared to begin making monthly plan payments. Dismissal also resulted from the debtor's payment not having been processed in time. Debtor had made the payment to the trustee, it was processing when the dismissal was granted. The payment soon cleared after the case dismissed. There is no indication of any bad faith by the Debtor. Further, no creditors have opposed the motion to vacate.

The Debtor's motion to vacate the order dismissing this Chapter 13 case will be granted, the dismissal order at dkt. 81 vacated, and this case ordered reinstated. Further, by vacating the dismissal order which caused the automatic stay of 11 U.S.C. § 362(a) to terminate, upon entry of the order vacating the dismissal order the automatic stay is revived. *State Bank of Southern Utah v. Gledhill (In re Gledhill)*, 76 F.3d 1070, 1079-1080 and n.8 (10th Cir. 1996); *Ramirez v. Whelen (In re Ramirez)*, 188 B.R. 413, 416 (9th Cir. BAP 1995) ("Occasionally, it might suffice to revive the stay by way of motion for reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b), which are applicable in bankruptcy by virtue of Federal Rules of Bankruptcy Procedure 9021 and 9023 [sic].") (Klein, J., concurring)

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

5. 25-27014-B-13 DPR-1 | KENNETH CARPENTER AND NANCY GRIMALDY-CARPENTER David P. Ritzinger | MOTION TO CONFIRM PLAN 4-18-26 [23]

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. *See* Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

The Debtors are delinquent in the amount of $693.12. An additional payment of $1,308.08 will be due by the date of the hearing on this matter. The Debtors do not appear to be able to make plan payments proposed and have not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

6.	25-25516-B-13 DAC-3	AMMAR/LORETTA HASSAN Douglas A. Crowder	CONTINUED MOTION TO CONFIRM PLAN 3-18-26 [47]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

7. 26-20020-B-13 FW-1
Thru #10
See Also #26

MICHAEL KIFLIT
Peter G. Macaluso

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY FREEDOM MORTGAGE CORPORATION
2-18-26 [35]

Final Ruling

The case having been dismissed at Item #26, LGT-2, the objection to confirmation is dismissed as moot.

The objection is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

8. 26-20020-B-13 LGT-1

MICHAEL KIFLIT
Peter G. Macaluso

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG
2-17-26 [32]

Final Ruling

The case having been dismissed at Item #26, LGT-2, the objection to confirmation is dismissed as moot.

The objection is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

9. 26-20020-B-13 PHL-1

MICHAEL KIFLIT
Peter G. Macaluso

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY BANK OF STOCKTON
2-18-26 [38]

Final Ruling

The case having been dismissed at Item #26, LGT-2, the objection to confirmation is dismissed as moot.

The objection is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

10. 26-20020-B-13 RAS-1

MICHAEL KIFLIT
Peter G. Macaluso

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY PHH MORTGAGE CORPORATION
3-11-26 [54]

Final Ruling

The case having been dismissed at Item #26, LGT-2, the objection to confirmation is dismissed as moot.

The objection is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

11. 25-25325-B-13 JUAN ALVAREZ
Pro Se

MOTION TO DISGORGE FEES
5-18-26 [132]

Final Ruling

This motion has been denied by order filed May 27, 2026.

Removed from calendar. No appearance at the hearing on June 2, 2026, is necessary.

12. 26-21438-B-13 LGT-1 | DONALD/ALLISON HAMPTON Peter G. Macaluso | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 4-24-26 [12]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. *See* Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A written reply has been filed to the objection.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. *See* Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. *See* Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers. No appearance at the hearing is necessary.

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

First, the trustee filed the objection to confirmation due to the continued Meeting of Creditors having not been concluded and an Amended Schedule I was necessary to accurately reflect the debtor's income. The debtor has filed a response to the trustee's objection, but the response states that tax returns have been given to the trustee. The Meeting of Creditors has since concluded but an amended Schedule I has still not been filed, so that issue is unresolved.

The plan filed March 17, 2026, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.

13. 26-21244-B-13 JUSTIN FORD Natali A. Ron
KMM-1

OBJECTION TO CONFIRMATION OF PLAN BY J.P. MORGAN MORTGAGE TRUST 2023-DSC2
4-30-26 [46]

Final Ruling

The *initial* Chapter 13 Plan filed April 17, 2026, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to June 9, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan**.

First, the plan fails to specify a cure of the pre-petition arrearage owed to J.P. Morgan Mortgage Trust 2023-DSC2 in Class 4 for in the amount of $7,114.35 according to the creditors objection. The arrearage has not been accounted for and thus the plan does not comply with 11 U.S.C. § 1325(a)(1).

Further, and not mentioned in the creditors objection, is that the secured creditor's claim is listed as a Class 4 claim despite there being pre-petition arrears. The United States Bankruptcy Court for the Eastern District of California has adopted a claim classification structure in Chapter 13 cases. General Order 18-03 adopts Form EDC 3-080, a standard form Chapter 13 plan, and Local Rule 3015-1(a) makes use of the Form 3-080 standard form Chapter 13 plan mandatory in Chapter 13 cases.[1]

The mandatory form Chapter 13 plan classifies long-term secured debts on which the last payment is due after the plan term and which are in default when the petition is filed as Class 1 claims. Class 1 claims are paid by the Trustee. Class 1 of the mandatory form Chapter 13 plan states as follows:

> Class 1 includes all delinquent secured claims that mature after the completion of this plan, including those secured by Debtor's principal residence. . . .
>
> Trustee shall maintain all post-petition monthly payments to the holder of each Class 1 claim whether or not this plan is confirmed or a proof of claim is filed.

EDC 3-080, § 3.07 & § 3.07(b).

The Debtor seeks to classify the Movant's mortgage as a Class 4 claim. Classification of the Movant's mortgage as a Class 4 claim would permit the Debtor to make postpetition mortgage payments directly to their lender rather than through the Trustee. Class 4 of the mandatory form Chapter 13 plan states as follows:

> Class 4 includes all secured claims paid directly by Debtor or third party. Class 4 claims mature after the completion of this plan, are not in default, and are not modified by this plan. These claims shall be paid by Debtor or a third person whether or not a proof of claim is filed or the plan is confirmed.

EDC 3-080, § 3.10.

[1] Local Bankruptcy Rule 3015-1(a) states as follows:
(a) Mandatory Form Plan. All chapter 13 debtors, as well as the trustee and holders of unsecured claims, when proposing a plan pursuant to 11 U.S.C. §§ 1321, 1323, and 1329(a), shall utilize Form EDC 3-080, the standard form Chapter 13 Plan.

Presumably, the Debtor's placement of the Movant's mortgage in Class 4 rather than Class 1 is based on *Cohen v. Lopez (In re Lopez)*, 372 B.R. 40 (9th Cir. BAP 2007), adopted and affirmed, 550 F.3d 1202 (9th Cir. 2008). Although *Lopez* states that §§ 1326(c) and 1322 of the Bankruptcy Code permit debtors to make payments outside the plan - or directly to creditors rather than through the trustee - it also recognizes that any right to make such direct payments is not absolute and the circumstances under which direct payments may be made are within the discretion of the bankruptcy court. *Id.* at 46-47, 53. This was confirmed in *Geisbrecht v. Fitzgerald (In re Geisbrecht)*, 429 B.R. 682, 685 (9th Cir. BAP 2010), wherein the Ninth Circuit Bankruptcy Appellate Panel stated: "In this appeal we are asked to determine whether [*Lopez*] allows a debtor the absolute right to pay an unimpaired claim directly to the creditor if the plan is otherwise confirmable. We find that a debtor has no absolute right to make such payments[.]" *See also Id.* at 690. In addition to ratifying the bankruptcy court's discretion to define the circumstances in which debtors may or may not make direct payments in a confirmed plan, *Geisbrecht* also explained that the bankruptcy court may properly exercise that discretion through local rules or general orders. *Id.* at 690-91; *see also In re Steinbaugh*, 2013 WL 5883765, *2 (Bankr. D. Idaho 2013) ("[*Geisbrecht*] held the bankruptcy court has discretion to determine when direct payments may not be appropriate."). The Eastern District of California Bankruptcy Court has done precisely that.

Consistent with *Geisbrecht*, this court has previously held that the Eastern District of California Bankruptcy Court has permissibly exercised its discretion to define the circumstances under which debtors in this district may and may not make direct payments to creditors. *See e.g., In re Vera*, case no. 18-23710 (Bankr. E.D. Cal. 2018), dkts. 102, 114. In short, the mandatory form Chapter 13 plan places long-term secured debts that are in default when the petition is filed in Class 1 (which are paid by the Trustee) and permits placement of long-term secured debts that are not in default when the petition is filed in Class 4 (which are paid directly by the debtor or a third-party).

That the Eastern District of California Bankruptcy Court has exercised its discretion differently than bankruptcy courts in other California districts does not mean that debtors in this district are denied *Lopez* rights. As the court also explained in *Vera*, in an appropriate case and under appropriate circumstances a debtor in the Eastern District of California could confirm a plan that provides for direct payments to the creditor on a debt that was in default when the petition was filed. Indeed, that "safety valve" exists in Local Bankruptcy Rule 1001-1(f) which states as follows:

> Modification of Requirements. The Court may sua sponte or on motion of a party in interest for cause, modify the provisions of these Rules in a manner not inconsistent with the Federal Rules of Bankruptcy Procedure to accommodate the needs of a particular case or proceeding.

As an initial matter here, the Debtor's inclusion of the Movant's claim in Class 4 of the plan is improper and renders the plan unconfirmable. A review of the Movant's proof of claim reflects that the Debtor's mortgage was in default when the petition was filed. Accordingly, under the applicable classification structure, the Movant's mortgage belongs in Class 1.

The court is also not persuaded that this case presents appropriate circumstances for a modification of the claim classification under Local Rule 3015-1(a). A modification is not warranted because the court is not persuaded that the plan is feasible if the Movant's mortgage is included in Class 4 and paid directly by the Debtor.

It is apparent from Movant's proof of claim that the Debtor's prepetition default includes a deficiency for principal and interest and, thus, a deficiency resulting from sporadic underpayment of the amount contractually due Movant. Movant reported $7,114.35 in prepetition arrears on its proof of claim. That amount includes $2,174.10 in "principal and interest," $3,291.89 in "prepetition fees," a "projected escrow shortage" of $1,648.36, less "funds on hand" in the amount of $0.00.

Viewed in isolation, the prepetition arrears attributable to insufficient principal and interest payments might be seen as de minimus. But viewed in a larger picture and under the totality of the circumstances, the Debtor's mortgage default is representative of the Debtor's overall inability to pay creditors a contractually required amount at the time payment is contractually due the creditor. In fact, the Claims Register includes a number of proofs of claims filed by creditors to whom timely contractual payments were not made.

The court is not persuaded that the Debtor's plan, which proposes to modify the claim classification structure in the form Chapter 13 plan to allow direct payments on a mortgage in default when the petition was filed, is feasible as required by § 1325(a)(6).

The plan filed April 17, 2026, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on June 5, 2026, to file and serve a response to the objection(s). *See* Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 9, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on June 9, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to June 9, 2026 at 1:00 p.m. to for reasons stated in the minutes.

The court will issue an order.

14. 26-20545-B-13 BRYAN BABCOCK AMENDED MOTION TO CONFIRM PLAN
JCK-3 Gregory J. Smith 4-23-26 [37]
Thru #15

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. *See* Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not confirm the first amended plan.

First, the proposed plan fails to provide for the proof of claim filed by Internal Revenue Service asserting that the Debtor owes $30,890.02 in priority debt. The debtor concedes that this priority debt was not accounted for in the plan and seeks to correct this issue in the order confirming. Substantial issues like this shall not be corrected in the order confirming and this is sufficient grounds to deny the motion to confirm.

Second, the plan does not comply with 11 U.S.C. § 1325(b)(1)(B) since the Debtor's projected disposable income is not being applied to make payments to unsecured creditors. The Calculation of Disposable Income (Form 122C-2) shows that the Debtor's monthly disposable income is $1,142.68 and the Debtor must pay no less than $68,560.80 to unsecured non-priority creditors. The Debtor's plan proposes to pay only $24,013.84 to general unsecured creditors.

For the reasons stated above, the amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

15. 26-20545-B-13 JCK-4 | BRYAN BABCOCK Gregory J. Smith | MOTION FOR COMPENSATION BY THE LAW OFFICES OF JOHN C. KYLE & GREGORY J. SMITH FOR GREGORY J. SMITH, DEBTORS ATTORNEY(S) 4-24-26 [45]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to deny the motion for compensation.

Local Bankruptcy Rule 2016-1(e) states:

> Debtor's counsel shall elect compensation under subdivision (b) or subdivision (c) in the *first* Chapter 13 plan filed, i.e., Chapter 13 plan § 3.05, EDC 3-080. Any failure to elect compensation in the *first* Chapter 13 plan filed shall be deemed an election to seek compensation and expenses under subdivision (b). Except as provided in Rule 60, that election, or failure to elect, is irrevocable. Fed. R. Civ. P. 60, incorporated by Fed. R. Bankr. P. 9024.

(Emphasis added).

The first plan was filed on February 2, 2026, Dkt. 3, and no box in the attorney fee provision of § 3.05 is checked. That failure is deemed to be an election to seek compensation under LBR 2016-1(b), i.e., by motion and court approval, and not the flat fee under LBR 2016-1(c). Counsel may not attempt to seek payment through the amended plan through after failing to check the attorney fee provision absent a Rule 60(b) motion. As such, the motion for compensation will be denied.

The motion for compensation is ORDERED DENIED.

The court will issue an order.

16.	26-21355-B-13 SKI-1	NERY LIMON David C. Johnston	OBJECTION TO CONFIRMATION OF PLAN BY AMERICREDIT FINANCIAL SERVICES, INC. 4-29-26 [22]

Final Ruling

CONTINUED TO 6/30/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 6/18/26.

The court will issue an order.

17. 26-20868-B-13 LGT-1 | LORENZO/DANA KEARNEY Arete Kostopoulos | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 4-9-26 [15]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

18. 26-21970-B-13 GEL-1 | AMARI DAVISON Pro Se | MOTION FOR RELIEF FROM AUTOMATIC STAY 5-14-26 [20]

THE MESA LAGUNA RIDGE, LP
VS.

Final Ruling

The hearing on the **motion is continued to June 30, 2026, at 1:00 p.m.**

The motion was filed, set, and served under Local Bankr. 9014-1(f)(2) so all time limits in 11 U.S.C. § 362(e) have been waived. See Local Bankr. R. 9014-1(f)(2)(B).

Movant shall file and serve a reply by June 16, 2026. The reply shall address the effect, if any, of the debtor's prior Chapter 7 case (no. 25-27067), the discharge entered in the Chapter 7 case on March 30, 2026, and the effect of the discharge injunction on the lawful detainer action pending when this Chapter 13 case was filed. Movant shall also identify the amount of post-petition rent it asserts the debtor owes and will owe through June 16, 2026, and further identify any attempts by the debtor to pay post petition rent.

19. 26-21272-B-13 LGT-1 | EDUARDO PLASCENCIA AND VERONICA RUVALCABA, Eric J. Gravel | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 4-24-26 [12]

Final Ruling

The *initial* Chapter 13 Plan filed March 10, 2026, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to June 9, 2026, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan**.

First, the Disclosure of Compensation of Attorney for Debtor form filed on May 20, 2026 is incorrect. The form does not match the standardized form as provided on the Eastern District of California Court's website and is missing required language.

Second, At the Section 341 Meeting of Creditors on April 22, 2026, Joint Debtor informed the Trustee that she gave her mother a 2020 GMC about a year ago as a form of payment. Debtor states the vehicle was worth approximately $27,000.00 at the time of the transfer. This transfer or payment is not reflected in the Statement of Financial Affairs. The Trustee requests an amended Statement of Financial Affairs which reflects this preference payment. As such the plan is not confirmable.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on June 5, 2026, to file and serve a response to the objection(s). *See* Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 9, 2026, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on June 9, 2026, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED and CONTINUED to June 9, 2026 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

20. 25-20485-B-13 STEVEN KAMP
Thru #21 Pro Se

OBJECTION TO CONFIRMATION OF PLAN BY HSBC BANK USA, NATIONAL ASSOCIATION
5-5-26 [120]

Final Ruling

The motion to modify having been denied at Item #21, SMK-4, the objection to confirmation is dismissed as moot.

The objection is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

21. 25-20485-B-13 STEVEN KAMP MOTION TO MODIFY PLAN
SMK-4 Pro Se 4-8-26 [109]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. *See* Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to not permit the requested modification and not confirm the modified plan.

First, the trustee states that the plan fails to provide for the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is at least the amount that would be paid on such claim if the estate of the Debtor was liquidated under a Chapter 7 of this title on such date as required by 11 U.S.C. § 1325(a)(4). The bankruptcy estate if liquidated in a Chapter 7 case would result in a 100% payout plus interest to general unsecured claim holders. As such, the chapter 13 plan must provide general unsecured claim holders full payment of their claims plus 4.15% Federal Judgment Rate of Interest which was in effect the week the petition was filed. The current plan as proposed does not provide the Federal Judgment Rate of Interest and thus is not confirmable.

Second, the plan fails to specify a cure of the post-petition arrearage owed to HSBC Bank USA in Class 1 in the amount of $6,242.43. Further, the plan fails to specify a cure of the post-petition arrearage owed to Flagship Credit Acceptance or First Citizens Bank in Class 2 and fails to suspend the post-petition delinquency. This will cause the claim to be delinquent immediately upon confirmation. The plan does not comply with 11 U.S.C. § 1325(a)(1).

Last, the Chapter 13 plan payments are inconsistent and the plan does not appear to fund overall according to the trustee's math displayed in the opposition to the motion. Thus, an amended plan is necessary and the plan is not feasible.

The modified plan does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

The motion is ORDERED DENIED for reasons stated in the minutes.

The court will issue an order.

22. 26-21291-B-13 LGT-1 | DONNETTE DESANTIS Richard L. Jare | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 4-28-26 [17]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

23. 25-26992-B-13 SAMUEL/DEBORAH POWERS MOTION TO CONFIRM PLAN
MJD-2 Matthew J. DeCaminada 4-28-26 [42]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtors have provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

24. 26-22395-B-13 AUDREY LOFTON MOTION TO VALUE COLLATERAL OF
MS-1 Mark Shmorgon HYUNDAI CAPITAL AMERICA
4-28-26 [10]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to **continue the motion to July 14, 2026, at 1:00 p.m.**

The creditor has requested the motion be continued to allow creditor to obtain an valuation of the vehicle. The court will grant this request. The debtor should also use this continuance to obtain a valuation of the vehicle, should they desire to supplement their evidence. A status report shall be filed 14 days prior to the hearing regarding the valuation and if there have been any agreements made between the parties.

The motion is ORDERED CONTINUED to July 14, 2026, at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.

25.	25-27016-B-13 DPC-1	GENE HILL AND HEIDI VENNERI Patricia Wilson	CONTINUED MOTION TO DISMISS CASE 4-7-26 [19]

Final Ruling

This matter was continued from May 26, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, May 29, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 23, granting the motion to dismiss shall become the court's final decision. The continued hearing on June 2, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

26. 26-20020-B-13 MICHAEL KIFLIT CONTINUED MOTION TO DISMISS CASE
LGT-2 Peter G. Macaluso 4-1-26 [58]
See Also #s7-10

Final Ruling

This matter was continued from May 26, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, May 29, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 104, granting the motion to dismiss, shall become the court's final decision. The continued hearing on June 2, 2026, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.