UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 9, 2026 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.

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 medica credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 9, 2026 at 1:30 p.m.

1.	24-24007-C-13 MS-3	DANIEL/LANA SINYAYEV Mark Shmorgon	MOTION TO EMPLOY MICHAEL MARTINOVSKY AS SPECIAL COUNSEL 5-12-26 [102]

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 28 days' notice was provided. Dkt. 105.

The Motion to Employ is xxxxx.

Debtors seek to employ Michael Martinovsky as special counsel for the estate pursuant to Local Bankruptcy Rule 9014-1(f)(1) and Bankruptcy Code Sections 328(a) and 330.

Debtors argue special counsel is necessary to prosecute their personal injury claims.

The Declaration of Michael Martinovsky filed in support of the Motion attests to his disinterestedness and experience. Dkt. 104.

Debtors have not provided the compensation agreement with proposed special counsel and assert they are not seeking approval of the agreement at this time.

DISCUSSION

Pursuant to § 327(a), a trustee or debtor in possession is authorized, with court approval, to engage the services of professionals, including attorneys, to represent or assist the trustee in carrying out the trustee's duties under Title 11. To be so employed by the trustee or debtor in possession, the professional must not hold or represent an interest adverse to the estate and be a disinterested person.

Section 328(a) authorizes, with court approval, a trustee or debtor in possession to engage the professional on reasonable terms and conditions, including a retainer, hourly fee, fixed or percentage fee, or contingent fee basis. Notwithstanding such approved terms and conditions, the court may allow compensation different from that under the agreement after the conclusion of the representation, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of fixing of such terms and conditions.

The debtors have not provided the compensation agreement with proposed Special Counsel.

At the 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 Employ filed by Daniel and Lana Sinyayev 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 Employ is xxxx

2. 21-20138-C-13 LGT-1 | SIDNEY/ANGELA MOORE Scott Shumaker | MOTION UNDER RULE 3002-1(G)(4) TO DETERMINE FINAL CURE AND PAYMENT OF THE MORTGAGE CLAIM RE: DEUTSCHE BANK NATIONAL TRUST CO. (CLAIM NO. 10) 5-1-26 [127]

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 39 days' notice was provided. Dkt. 131.

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 for Determination of Final Cure of Payment is granted.

Chapter 13 Trustee, Lilian Tsang, seeks and order confirming that the debtor has cured the mortgage default and made all post-petition mortgage payments required under the plan, pursuant to Fed. R. Bankr. P. 3002.1. The Trustee represents she has paid $46,669.22 towards the arreaages.

Pursuant to Federal Rule of Bankruptcy Procedure 3002.1(g), on motion of the debtor or trustee, after notice and hearing, the court shall determine whether a debtor has cured the default and paid all required post-petition amounts.

Here, Deutsche Bank National Trust Company has filed a response to Trustee's Motion. Dkt. 132. Creditor indicates that debtor has paid in full the amount required to cure any arrerage on the mortgage, and the debtor is current on all postpetition payments, including all fees, charges, expenses, escrow, and costs.

Therefore, the court finds that the Debtors have cured the mortgage default and made all mortgage payments to Deutsche Bank National Trust Company as required by the Chapter 13 Plan.

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 Determination of Final Cure of Payment pursuant to Federal Rule of Bankruptcy Procedure 3002.1(g) filed by Lilian Tsang, Chapter 13 Trustee, 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.

3. 21-22077-C-13 LGT-1 | CHERYL HERMAN Peter Macaluso | OBJECTION TO DISCHARGE BY LILIAN G TSANG 5-1-26 [50]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 52.

The Objection to Discharge is sustained.

The Chapter 13 Trustee ("Objector") objects to Cheryl Herman's ("Debtor") discharge in this case. Objector argues that Debtor is not entitled to a discharge in the instant bankruptcy case because Debtor previously received a discharge in a Chapter 7 case.

Debtor filed a Chapter 7 bankruptcy case on November 15, 2019. Case No. 19-27117. Debtor received a discharge on February 26, 2020. Case No. 19-27117, Dkt. 62.

The instant case was filed under Chapter 13 on June 2, 2021.

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

Here, Debtor received a discharge under 11 U.S.C. § 727 on February 26, 2020, which is less than four years preceding the date of the filing of the instant case. Case No. 19-27117, Dkt. 62. Therefore, pursuant to 11 U.S.C. § 1328(f)(1), Debtor is not eligible for a discharge in the instant case.

Debtor filed a reply (Dkt. 53) on June 2, 2026 acknowledging she received a discharge in Case No. 19-27117.

Therefore, the Objection is sustained. Upon successful completion of the instant case, the case shall be closed without the entry of a discharge, and Debtor shall receive no discharge in the instant case.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Objection to Discharge filed by Lilian G. Tsang, the Chapter 13 Trustee ("Objector") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Objection to Discharge is sustained, and upon successful completion of the instant case, Case No. 21-22077, the case shall be closed without the entry of a discharge.