



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 10, 2025 at 11:00 a.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 10, 2025 at 11:00 a.m.

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|----|--|--|
| 1. | <u>25-21705</u> -C-13 SARAH SMITH
<u>DPC</u> -1 James Mootz | OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
5-21-25 [<u>15</u>] |
|----|--|--|

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 18 days' notice was provided. Dkt. 20.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor failed to sign the plan with a "wet" signature;
2. Debtor failed to schedule rental deposits and leases on her rental properties;
3. Debtor is claiming a homestead exemption on rental properties;
4. Debtor failed schedule her employment income and include income and expenses from her rental properties;
5. Failed to provide business documents, including a tax return, bank statements, profit and loss statements, Schedule I Business Detail Statement, and business questionnaire.

DISCUSSION

The debtor has not filed all business documents including:

- A. Questionnaire,
- B. Two years of tax returns,
- C. Six months of profit and loss statements,
- D. Six months of bank account statements, and
- E. Proof of license and insurance or written statement that no such documentation exists.

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

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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).

Local Bankruptcy Rule 9004-1 requires that any electronically filed document with "/s/" shall be retained for no less than 3 years and shall be produced for review on request of the Court, U.S. Trustee, U.S. Attorney, or other party. LBR 9004-1(c)(1)(D). The Chapter 13 Trustee has requested the original signed document, which the Debtor shall produce pursuant to the Local Bankruptcy Rule, but has not yet done. This is reason to deny confirmation.

That is reason to deny confirmation. Therefore, the Objection is sustained.

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

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

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 13.

The Motion to Extend the Automatic Stay is granted.

Jermaine Ford ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on November 18, 2024, after Debtor voluntarily sought to dismiss the case. Order, Bankr. E.D. Cal. No. 24-22917, Dkt. 61. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because of the lack of communication with his prior attorney and lack of funds to pay the remainder of the filing fee.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)).

Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814-15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

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

The Motion to Extend the Automatic Stay filed by Jermaine Ford having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c) (3) (B) for all purposes and parties, unless terminated by operation of law or further order of this court.

3. [25-22340](#)-C-13 SANDRA EVANS
[WW-1](#) Mark Wolff

MOTION TO VALUE COLLATERAL OF
THE GOLDEN 1 CREDIT UNION
5-20-25 [[8](#)]

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 21 days' notice was provided. Dkt. 11.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of The Golden 1 Credit Union's ("Creditor") claim secured by the debtor's property commonly known as 2018 BMW X5 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$22,000.00. Declaration, Dkt. 10.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on October 31, 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$22,000.00. There are \$32,802.08 of senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$22,000.00. 11 U.S.C. § 506(a).

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of The Golden 1 Credit Union ("Creditor") secured by property commonly known as 2018 BMW X5 (the "Property") is determined to be a secured claim in the amount of \$22,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 18.

The Motion to Extend the Automatic Stay is granted.

Oscar Quezada ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on January 27, 2025, after the debtor became delinquent on plan payments and the chapter 13 Trustee brought a motion to dismiss. Order, Bankr. E.D. Cal. No. 24-21185, Dkt. 64. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because his wife fell ill and they had unexpected expenses that caused them to fall behind on plan payments.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011)

(citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c)(3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814-15.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

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

The Motion to Extend the Automatic Stay filed by Oscar Quezada having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c)(3)(B) for all purposes and parties, unless terminated by operation of law or further order of this court.

5. [25-21652](#)-C-13 MARJORIE ALCANTARA
[KMM](#)-1 Richard Jare

OBJECTION TO CONFIRMATION OF
PLAN BY GLOBAL LENDING SERVICES
LLC
5-14-25 [[32](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 35.

The Objection to Confirmation of Plan is sustained.

Creditor Global Lending Services LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for Creditor's claim; and
2. The interest rate on Creditor's claim is too low.

DISCUSSION

The plan proposes valuing the secured claim of Global Lending Services LLC. A review of the docket does not show a pending Motion to Value Collateral.

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 10.5 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, 7.50%, 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 Global Lending Services 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.

6. [25-21665](#)-C-13 JATINDER SINGH
[DPC](#)-1 Mark Wolff

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
5-14-25 [[16](#)]

Thru #9

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

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

1. The debtor has non-exempt assets are not listed in debtor's budget and not paid into the plan;
2. Debtor has failed to provide all bank statements;
3. Debtor has failed to amend Schedule A/B
4. Debtor has failed to provide proof of income.

DISCUSSION

The debtor has non-exempt assets totaling \$8,129.00. which is not listed or provided for in the plan. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The debtor has not provided the trustee with all required pay advices or proofs of income. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required bank statements. FED. R. BANKR. P. 4002(b)(2)(B). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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

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

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

7. [25-21665](#)-C-13 JATINDER SINGH
[WW-1](#) Mark Wolff

MOTION TO VALUE COLLATERAL OF
PATELCO CREDIT UNION
5-20-25 [[21](#)]

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 21 days' notice was provided. Dkt. 24.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of Patelco Credit Union's ("Creditor") claim secured by the debtor's property commonly known as 2022 Tesla Model Y (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$27,100.00. Declaration, Dckt. 23.

DISCUSSION

The debtor fails to provide the date that the lien on the Vehicle's title was secured by the purchase-money loan, which is required to be more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx. 11 U.S.C. § 506(a).

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is xxxxxxxxxx

8. [25-21665](#)-C-13 JATINDER SINGH
[WW-2](#) Mark Wolff

MOTION TO VALUE COLLATERAL OF
CITIZENS BANK
5-20-25 [[25](#)]

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 21 days' notice was provided. Dkt. 28.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of Citizen Banks's ("Creditor") claim secured by the debtor's property commonly known as 2019 Kenworth T680 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$20,000.00. Declaration, Dckt. 27.

DISCUSSION

The debtor fails to provide the date that the lien on the Vehicle's title was secured by the purchase-money loan, which is required to be more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx. 11 U.S.C. § 506(a).

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is xxxxxxxxxx

9. [25-21665](#)-C-13 JATINDER SINGH
[WW-3](#) Mark Wolff

MOTION TO VALUE COLLATERAL OF
CITIZENS BANK
5-20-25 [[29](#)]

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 21 days' notice was provided. Dkt. 32.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of Citizen Banks's ("Creditor") claim secured by the debtor's property commonly known as 2020 Freightliner Cascadia (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$20,000.00. Declaration, Dckt. 31.

DISCUSSION

The debtor fails to provide the date that the lien on the Vehicle's title was secured by the purchase-money loan, which is required to be more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx. 11 U.S.C. § 506(a).

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is xxxxxxxxxx

10. [25-21568](#)-C-13 JENNIFER/JOSEPH JANOS
[DPC](#)-1 Candace Brooks

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
5-14-25 [[12](#)]

No Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is xxxxxxx

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

1. The plan treats the debtors' student loans as a preference that will receive a higher repayment than other creditors during the term of the loan;
2. The debtors petition does not include the debtors' full middle names; and
3. Debtors failed to list their student loans on Schedule E/F.

DEBTORS' OPPOSITION

The debtors filed an Opposition on June 2, 2025. Dkt. 2025. Debtors represent they are willing to increase their plan payment to \$330.00 to provide for an increased percentage to Class 7 creditors.

Debtors have also filed an amended petition to include their full middle names.

DISCUSSION

At the hearing xxxxxxxxxx

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

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

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, David Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is xxxxxxxxxx

11. [25-22175](#)-C-13 SUSAN LAUGHERY
[EJS](#)-1 Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-14-25 [[11](#)]

CAMBRIDGE GARDEN
APARTMENTS/GRT PROPERTY
MANAGEMENT INCORPORATED LP
VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 16.

The Motion for Relief from the Automatic Stay is granted.

Cambridge Garden Apartments / GRT Property Management Incorporated LP ("Movant") filed this Motion seeking relief from the automatic stay with respect to the real property commonly known as 3545 Mather Field Road, Apt 73, Rancho Cordova, California ("Property"), to allow an unlawful detainer action to be litigated in state court.

Movant argues relief is warranted under 11 U.S.C. § 362(d)(1) and (d)(2) because the debtor does not have an ownership interest in or a right to maintain possession of the Property. Declaration, Dkt. 14. Movant represents that a Three Day Notice was filed on November 6, 2024, and an Unlawful Detainer action was filed in state court on December 23, 2024. Id.

NON-OPPOSITION

The Chapter 13 Trustee has filed a notice of non-opposition to the motion. Dkt. 24

OPPOSITION

The debtor filed an opposition because she still needs the protection of the automatic stay from various other malicious creditors. Dkt. 26.

Upon review of the record, the court finds Movant has presented a colorable claim for title to and possession of this real property. Cause for relief exists pursuant to 11 U.S.C. § 362(d)(1) to allow the unlawful detainer action to be litigated on the merits in a court of competent jurisdiction.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, to exercise its rights to obtain possession and control of the Property, including unlawful detainer or other appropriate judicial proceedings and remedies to obtain possession thereof.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is not granted.

No other or additional relief is granted by the court.

The court shall issue an 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 Cambridge Garden Apartments / GRT Property Management Incorporated LP ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant and its agents, representatives and successors, to exercise and enforce all nonbankruptcy rights and remedies to obtain possession of the property commonly known as 3545 Mather Field Road, Apt 73, Rancho Cordova, California.

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

12. [25-21676](#)-C-13 LINA/JODIMHAR CERVANIA
[JCW](#)-1 Peter Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
5-15-25 [[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 25 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

Creditor Ally Bank ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to pay the full claim on Creditor's claim;
and
2. The interest rate is too low.

DEBTOR'S RESPONSE

Debtor filed a response on June 3, 2025. Dkt. 21. Debtor agrees to pay the full balance pursuant to the proof of claim. Debtor asserts that he is willing to pay 7.5% interest on the claim.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 9.5 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, 7.50%, 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 Ally Bank, 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. [25-21889](#)-C-13 JOHNNY/MELISSA ROBBINS
Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY
5-13-25 [[19](#)]

DARSHAN KAHLON VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 22.

The Motion for Relief from the Automatic Stay is denied as moot.

The instant case was dismissed on May 27, 2025, for failure to timely file documents. Dkt. 26.

The applicable Bankruptcy Code provision for the matter before the court is 11 U.S.C. § 362(c)(1) and (2). That section provides:

In relevant part, 11 U.S.C. § 362(c) provides:

(c) Except as provided in subsections (d), (e), (f), and (h) of this section—

(1) the stay of an act against property of the estate under subsection (a) of this section continues until such **property is no longer property of the estate;**

(2) the stay of any other act under subsection (a) of this section continues until the earliest of—

(A) the time the case is closed;

(B) **the time the case is dismissed;** or

(C) if the case is a case under chapter 7 of this title concerning an individual or a case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied;

11 U.S.C. § 362(c) (emphasis added).

When a case is dismissed, 11 U.S.C. § 349 discusses the effect of dismissal. In relevant part, 11 U.S.C. § 349 states:

(b) Unless the court, for cause, orders otherwise, a dismissal of a case other than under section 742 of this title—

(1) reinstates—

(A) any proceeding or custodianship superseded under section 543 of this title;

(B) any transfer avoided under section 522, 544, 545, 547, 548, 549, or 724(a) of this title, or preserved under section 510(c)(2), 522(i)(2), or 551 of this title; and

(C) any lien voided under section 506(d) of this title;

(2) vacates any order, judgment, or transfer ordered, under section 522(i)(1), 542, 550, or 553 of this title; and

(3) ***revests the property of the estate in the entity in which such property was vested immediately before the commencement of the case under this title.***

11 U.S.C. § 549(c) (emphasis added).

Therefore, as of May 27, 2025, the automatic stay as it applies to the Property, and as it applies to Debtor, was terminated by operation of law. At that time, the Property ceased being property of the bankruptcy estate and was abandoned, by operation of law, to Debtor.

The court shall issue an order confirming that the automatic stay was terminated and vacated as to Debtor and the Property on May 25, 2025.

Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property. Movants have not provided any competent admissible evidence that debtors have filed more than this one bankruptcy case. Therefore, the request for a finding that the petition was part of a scheme to delay, hinder or defraud creditors that involve multiple bankruptcy filings is denied.

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 Darshan Kahlon ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied without prejudice as moot.

No other or additional relief is granted.

14. [24-24297](#)-C-13 LATASHA RICHARDSON
[25-2047](#)
RICHARDSON V. SOCIAL SECURITY
ADMINISTRATION ET AL

MOTION TO SUBSTITUTE ATTORNEY
5-2-25 [[19](#)]

Final Ruling: No appearance at the June 10, 2025 hearing is required.

This matter is resolved without oral argument and removed from calendar. No appearance at the June 10, 2025 hearing is required. Chambers will prepare an order.