UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 23, 2026 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.

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UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

June 23, 2026 at 11:00 a.m.

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1. 25-22203-C-13 SHERRI JOHNSON
PGM-1 Peter Macaluso

MOTION FOR ORDER APPROVING TRIAL LOAN MODIFICATION AND REQUEST TO BIFURCATE PAYMENTS TO CHAPTER 13 TRUSTEE
5-26-26 [41]

Thru #3

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 45.

The Motion to Modify Debt is xxxxxxx

Debtor filed this Motion seeking authority to enter into a trial loan modification for three months beginning on June 1, 2026.

The trial loan modification is for a period of three months beginning June 1, 2026, and monthly payments are proposed to be $1,655.65. If the trial payment period is followed by a loan modification the terms will include an interest rate of 6.50%.

Debtor, as part of the trial loan modification period, seeks to bifurcate her current plan payments to allow debtor to make direct payments to the lender and remit $550.00 per month commencing with the June plan payment until the loan modification is received.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a response asserting he does not oppose debtor entering into a trial loan modification. The Trustee does oppose bifurcating the trial loan payment from the chapter 13 plan payment and contends the proper way to change the plan payments is through a modified plan. The trustee also represents that debtor is currently delinquent in plan payments.

At the hearing xxxxxxxxxx

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

Findings of Fact and Conclusions of Law are stated in the

Civil Minutes for the hearing.

The Motion to Enter into a Trial Loan Modification filed by Sherri Johnson 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 xxxxxxxxx

2.	25-22203-C-13 PGM-2	SHERRI JOHNSON Peter Macaluso	MOTION TO AVOID LIEN OF BANK OF AMERICA, N.A. 6-8-26 [46]

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 15 days' notice was provided. Dkt. 51.

The Motion to Avoid Judicial Lien is granted.

This Motion requests an order avoiding the judicial lien of Bank of America, N.A. ("Creditor") against property of the debtor commonly known as 120 McKiernan Drive, Davis, California ("Property").

A judgment was entered against the debtor in favor of Creditor in the amount of $11,071.73. Exhibit A, Dkt. 50. An abstract of judgment was recorded with Sacramento County on February 24, 2023, that encumbers the Property. *Id.*

Pursuant to Debtor's Amended Schedule A, the subject real property has an approximate value of $500,000.00 as of the petition date. Dkt. 20. The unavoidable and senior liens that total $251,170.80 as of the commencement of this case are stated on Debtor's Schedule D. Dkt. 10. Debtor has claimed an exemption pursuant to California Code of Civil Procedure § 704.730 in the amount of $500,000.00 on Amended Schedule C. Dkt. 19.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of the judicial lien impairs Debtor's exemption of the real property, and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

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 Avoid Judicial Lien pursuant to 11 U.S.C. § 522(f) filed by the debtor Sherri Johnson 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 judgment lien of Bank of America, N.A., California Superior Court for Sacramento County Case No. 34-2022-00326953, recorded on February 24, 2023, with the Sacramento County Recorder, against the real property commonly known as 120 McKiernan Drive, Davis, California, is avoided in its entirety pursuant to 11 U.S.C. § 522(f)(1), subject to the provisions of 11 U.S.C. § 349 if this bankruptcy case is dismissed.

3. 25-22203-C-13 PGM-3 | SHERRI JOHNSON Peter Macaluso | MOTION TO AVOID LIEN OF BANK OF AMERICA, N.A. 6-8-26 [52]

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 15 days' notice was provided. Dkt. 57.

The Motion to Avoid Judicial Lien is granted.

This Motion requests an order avoiding the judicial lien of Bank of America, N.A. ("Creditor") against property of the debtor commonly known as 120 McKiernan Drive, Folsom, California ("Property").

A judgment was entered against the debtor in favor of Creditor in the amount of $14,063.83. Exhibit A, Dkt. 56. An abstract of judgment was recorded with Sacramento County on May 19, 2023, that encumbers the Property. *Id.*

Pursuant to Debtor's Amended Schedule A, the subject real property has an approximate value of $500,000.00 as of the petition date. Dkt. 20. The unavoidable and senior liens that total $251,170.80 as of the commencement of this case are stated on Debtor's Schedule D. Dkt. 10. Debtor has claimed an exemption pursuant to California Code of Civil Procedure § 704.730 in the amount of $500,000.00 on Amended Schedule C. Dkt. 19.

After application of the arithmetical formula required by 11 U.S.C. § 522(f)(2)(A), there is no equity to support the judicial lien. Therefore, the fixing of the judicial lien impairs Debtor's exemption of the real property, and its fixing is avoided subject to 11 U.S.C. § 349(b)(1)(B).

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 Avoid Judicial Lien pursuant to 11 U.S.C. § 522(f) filed by the debtor Sherri Johnson 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 judgment lien of Bank of America, N.A., California Superior Court for Sacramento County Case No. 34-2022-00327052, recorded on May 19, 2023, with the Sacramento County Recorder, against the real property commonly known as 120 McKiernan Drive, Folsom, California, is avoided in its entirety pursuant to 11 U.S.C. § 522(f)(1), subject to the provisions of 11 U.S.C. § 349 if this bankruptcy case is dismissed.

4. [26-23208](#)-C-13 MICHAEL/MERCEDES HICKEY MOTION TO EXTEND AUTOMATIC STAY
[PGM](#)-1 Peter Macaluso 6-9-26 [[10](#)]

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. 14.

The Motion to Extend the Automatic Stay is granted.

Michael and Mercedes Hickey ("Debtors") seek 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 Debtors' second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on May 14, 2026, after Debtors voluntarily dismissed the case. Order, Bankr. E.D. Cal. No. 24-24242, 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 medical issues, some which caused long hospitalization stays.

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.

Debtors have 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 Michael and Mercedes Hickey 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.	25-20612-C-13 DPC-3	DAVID/JENNIFER OROZCO Scott Johnson	CONTINUED MOTION TO DISMISS CASE 2-20-26 [89]

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 32 days' notice was provided. Dkt. 92.

The Motion to Dismiss is granted, and the case is dismissed.

At the prior hearing, it was agreed to continue the hearing because the debtor may still be on a military deployment.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is $7,210.00 delinquent in plan payments, which is supported by declaration. Dkt. 91.

Debtors filed an opposition (Dkt. 93) on March 17, 2026, asserting that debtors intended to make a payment to be caught up, but debtors have not made the payment and counsel has been unable to reach debtors. Counsel is now seeking a continuance.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. 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 Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

6. 23-23525-C-13 CATHERINE ORR MOTION TO MODIFY PLAN
RK-1 Richard Kwun 5-16-26 [35]

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 41.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on June 9, 2026. Dkt. 45.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Modify Plan filed by the debtor, Catherine Orr, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,
>
> **IT IS ORDERED** that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 35) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

7. 24-24725-C-13 PGM-1 | ANDRAMICA MCFADDEN Peter Macaluso | MOTION TO APPROVE LOAN MODIFICATION 5-20-26 [21]

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 25.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Approve Loan Modification is granted.

Debtor filed this Motion seeking authority to enter into a loan modification with Navy Federal Credit Union on debtor's second deed of trust.

The proposed loan modification is in the principal amount of $101,167.95, paid at 6.00% interest over a 20 year term. Monthly payments are proposed to be $724.50.

The Chapter 13 Trustee filed non-opposition on June 9, 2026. Dkt. 29

The court finds that the proposed loan modification, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

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 Approve Loan Modification filed by Andamica McFadden having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,
>
> **IT IS ORDERED** that the Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

8. 25-24327-C-13 PGM-4 | VAMBA FREEMAN Peter Macaluso | MOTION TO VALUE COLLATERAL OF INTERNAL REVENUE SERVICE 5-20-26 [143]

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 148.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of the Internal Revenue Service's ("Creditor") claim secured by the debtor's personal property and real property commonly known as 8831 Staplehurst Way, Elk Grove, California.

The debtor has presented evidence that the replacement value of the personal property at the time of filing was $51,733.75, and the value of the real property was $850,000.00 but was overencumbered with zero net equity for the IRS's lien to attach to. Declaration, Dkt. 147. Therefore, debtor argues that the value of the property to which the lien can attach to is $51,733.75.

The Chapter 13 Trustee filed non-opposition on June 9, 2026. Dkt. 157.

DISCUSSION

Upon review of the record, the court finds the value of the real property is $850,000.00. There are $2,335,392.58 of senior liens encumbering the real property. The value of the personal property is $51,733.75 with no senior liens encumbering the property. Therefore, Creditor's secured claim is determined to be $51,733.75. 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 Internal Revenue Service ("Creditor") secured by debtor's personal property is determined to be a secured claim in the amount of $51,733.75, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

9. 25-24827-C-13 JORGE GARIBAY MOTION TO CONFIRM PLAN
Onyinye N. Anyama 5-11-26 [124]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 44 days' notice was provided. Dkt. 128.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 127) filed on May 11, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 139) on June 8, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments; and

2. The motion, plan and corresponding notice, POS, and evidence was not filed with a docket control number as required by the Local Rules.

DISCUSSION

The debtor is $2,368.09 delinquent in plan payments. Declaration, Dkt. 140. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtor, Jorge Garibay, 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, and the plan is not confirmed.

10. 24-24334-C-13 KENNETH WILKINSON
25-2061

MOTION FOR SUMMARY JUDGMENT
LIW-15-12-26 [183]

WILKINSON V. PHH MORTGAGE CORPORATION ET AL

<u>This matter is continued to July 29, 2026 at 1:30 p.m. and will be heard alongside other matters in this case set for the same date and time. No appearance necessary.</u>

11. 25-24834-C-13 TLA-3 | HOLLY PLICHTA Thomas Amberg | CONTINUED MOTION TO CONFIRM PLAN 3-31-26 [67]

Thru #12

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 72.

The Motion to Confirm is xxxxxx.

This motion was continued from the prior hearing to confirm debtor made the May plan payment and was no longer delinquent.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 71) filed on March 31, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 84) on April 28, 2026, opposing confirmation on the following grounds:

1. Plan does not clarify the existence of postpetition arrearages of Rushmore/Carrington Mortgage Service's claim, or how they will cured.

U.S. Bank, Trust National Association filed an Opposition (Dkt. 80) on April 16, 2026, opposing confirmation on the following grounds:

1. Debtor's case and bankruptcy was not filed in good faith; and

2. The plan is not feasible.

DISCUSSION

At the hearing xxxxxxxxx

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

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

The Motion to Confirm filed by the debtor, Holly Plichta, 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 xxxxxxxxx

12. 25-24834-C-13 DVW-1

HOLLY PLICHTA
Thomas Amberg

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-15-26 [74]

U.S. BANK TRUST NATIONAL ASSOCIATION 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 20 days' notice was provided. Dkt. 79.

The Motion for Relief from the Automatic Stay is xxxxxxxxx

At the prior hearing the debtor appeared and opposed the motion representing the debtor was seeking confirmation of a proposed plan that addressed Movant's issues. The motion was continued to accompany the motion to confirm above.

U.S. Bank, Trust National, as Trustee of the Truman 2021 SC9 Title Trust ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 3030 Hanson Hollow Road, Georgetown, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent three postpetition payments. Declaration, Dkt. 77.

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.

TRUSTEE'S RESPONSE

The Trustee filed a response stating he does not oppose the motion, and that he and the Creditor have both filed opposition to debtor's motion to confirm plan that is currently set for May 12, 2026. Dkt. 82

DISCUSSION

At the hearing xxxxxxxxxx

The court does not finds cause exists pursuant to 11 U.S.C. § 362(d)(4) because this is only debtor's second bankruptcy case and neither case appears to have been filed in bad faith. And, the court notes that debtor was able to get a plan confirmed in the prior case. Case No. 23-21169, dkt. 32.

Language vacating stay

Based on the foregoing, the Motion is xxxxxxx

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 that the court grant relief from the Rule as adopted by the United States Supreme Court.

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 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 U.S. Bank, Trust National, as Trustee oif the Truman 2021 SC9 Title Trust ("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 xxxxxxxxx
>
> **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.

13. 24-20936-C-13 DONALD SCHAUB MOTION TO SELL
PSB-2 Pauldeep Bains 6-1-26 [30]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 21 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 34.

The Motion to Sell is granted.

Debtor filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 4568 9th Ave., Sacramento, CA ("Property").

The proposed purchaser of the Property is Claire Segal, and the proposed purchase price is $340,000.00.

TRUSTEE'S RESPONSE

Chapter 13 Trustee filed non-opposition on June 3, 2026. Dkt. 35.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: xxxxxxxxxxxxxxx.

Based on the evidence before the court, the court determines that the proposed sale is in the best interest of the Estate because debtor will commit the entire net proceeds to his plan as a lump sum payment.

Broker's Commission

Movant has estimated that a four percent broker's commission from the sale of the Property will equal approximately $9,600.00. As part of the sale in the best interest of the Estate, the court permits Movant to pay the broker an amount not more than four percent commission.

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 Sell Property filed by Donald Shaub ("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 granted. The debtor's counsel shall prepare an appropriate order granting

the Motion, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved submit the proposed order to the court.

IT IS FURTHER ORDERED that Movant is authorized to pay a real estate broker’s commission in an amount not more than four percent of the actual purchase price upon consummation of the sale.

14.	26-23236-C-13 PGM-1	RHONDA ROBERTS Peter Macaluso	MOTION TO EXTEND AUTOMATIC STAY 6-9-26 [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 14 days' notice was provided. Dkt. 12.

The Motion to Extend the Automatic Stay is granted.

Rhonda Roberts ("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 4, 2025, after Debtor became delinquent in plan payments. Order, Bankr. E.D. Cal. No. 24-20343, Dkt. 97. 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 she was working for the federal government and the government shutdown delayed her paycheck.

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 Rhonda Roberts 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.

15. 26-20338-C-13 BDK-1 | DEBRA KING Peter Macaluso | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY QUALITY FIRST HOME IMPROVEMENT, INC. 3-12-26 [24]

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 19 days' notice was provided. Dkt. 32.

The Objection to Confirmation of Plan is xxxxxxxxxxx

Creditor Quality First Home Improvement, Inc. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan improperly disregards Creditor's lien.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on March 24, 2026. Dkt. 34. Debtor does not assert that a valid mechanic's lien was filed, that a civil action was filed, nor that the filing occurred 85 days after the lien was recorded.

Debtor asserts at the end of the civil action the lien will either be subject to § 522(f), or if unavoidable then it will be paid through the plan.

DISCUSSION

There appears to be no disagreement that at this point Creditor holds a valid mechanic's lien that has not yet been reduced to judgment.

A review of the filed claims in this case shows that Creditor has filed a claim (Claim No. 3-1). The claim is in the amount of $65,980.53, of which it is asserted that $52748.24 is secured and $13,232,29 is unsecured. A review of the claim shows that Creditor recorded a mechanic's lien against debtor's property in the amount of $44,362.00 on March 5, 2024.

A mechanic's lien is a statutory lien pursuant to California Civil Code § 8000, et. seq., and as such is not subject to avoidance under § 522(f)(1)(A). California statutes do not provide for attorney's fees to a prevailing litigant in mechanic's lien foreclosures. Abbett Electric Corp. v. California Fed. Savings & Loan Assn., 230 Cal. App. 3d 355, 358 (Cal. Ct. App. 1991). "Attorney fees are not included in the amount of a lien, and cannot be recovered in a lien foreclosure action." Schmitt v. Tri Counties Bank, 70 Cal. App. 4th 1234, 1248 (Cal. Ct. App. 1999). If a contract exists then attorney's fees may be available as a separate cause of action on the contract. Abbett, 230 Cal. App. 3d at 358.

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 Quality First Home Improvement, Inc. , 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 xxxxx

16. 26-20543-C-13 SENGPHET/SYPHONG PHIMMASENE — MOTION TO CONFIRM PLAN
MJD-2 — Matthew DeCaminada — 5-12-26 [29]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 34.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 31) filed on May 12.

The Chapter 13 Trustee filed an Opposition (Dkt. 36) on June 9, 2026, opposing confirmation on the following grounds:

1. Plan is overextended;

2. Debtors have not filed amended schedules as separate items on the docket; and

3. Debtors are delinquent in plan payments.

DISCUSSION

Because the proposed payments in the Plan's Additional Provisions is lower beginning in May 2026, the plan will take 72 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor is $120.00 delinquent in plan payments. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtors, Sengphet and Syphong Phimmasene, 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, and the plan is not confirmed.

17. 26-21456-C-13 NLG-2 | PHONESAVANH NONHPRASITH Stephan Brown | OBJECTION TO CONFIRMATION OF PLAN BY NEWREZ LLC 6-3-26 [70]

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 20 days' notice was provided. Dkt. 73.

The Objection to Confirmation of Plan is sustained.

Creditor NewRez LLC as servicer for Deutsche Bank National Trust Company as Indenture Trustee for MortgageIT Trust 2005-1 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not fully provide for Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage or the postpetition payment as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

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

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Objection to the Chapter 13 Plan filed by NewRez LLC as servicer for Deutsche Bank National Trust Company as Indenture Trustee for MortgageIT Trust 2005-1, 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.

18. 26-21456-C-13 PHONESAVANH NONHPRASITH MOTION TO CONFIRM PLAN
TBG-4 Stephan Brown 5-8-26 [45]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 50.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 47) filed on May 8, 2026.

Creditor U.S. Bank National Association as Trustee for Velocity Commercial Capital Loan Trust 2021-3 filed an Opposition (Dkt. 75) on June 8, 2026, opposing confirmation on the following grounds:

1. Plan is not feasible;

2. Plan does not fully provide for Creditor's claim; and

3. The plan fails the liquidation test.

The Chapter 13 Trustee filed an Opposition (Dkt. 78), and a Supplemental Opposition (Dkt. 81) on May 9, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments;

2. Debtor's attorney's fees are not in compliance with local rules; and

3. Plan misclassifies the claim in Class 1.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor is $246.55 delinquent in plan payments. Declaration, Dkt. 79. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c)(4) states that debtor's counsel is entitled to 25% of the flat fee when the petition is filed, an additional 25% when the plan is confirmed and the remaining fee the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. The plan discloses that $8,163.81 prior to the filing of petition does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtor, Phonesavanh Nonhprasith, 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, and the plan is not confirmed.

19. 26-22560-C-13 RACHEL HAYDEN MOTION FOR RELIEF FROM
CVN-1 Pro Se AUTOMATIC STAY
6-1-26 [17]

OREP 2927 MARCONI LLC 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 25 days' notice was provided. Dkt. 23.

The Motion for Relief from the Automatic Stay is granted.

OREP 2927 Marconi LLC ("Movant") filed this Motion seeking relief from the automatic stay with respect to the real property commonly known as 2927 Marconi Avenue, #30, Sacramento, 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. 20.

DEBTOR'S OPPOSITION

Debtor filed opposition (Dkt. 26) on June 5, 2026, asserting she has tried to make payments towards the past due rent amount and contends that the debt should be wiped clear or she should be put on a payment plan.

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 OREP 2927 Marconi LLC ("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 2927 Marconi Avenue, #30, Sacramento, 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.

20. 26-22768-C-13 MRL-1 | STEPHANY DEARAUJO Candace Brooks | MOTION TO VALUE COLLATERAL OF BRIDGECREST ACCEPTANCE CORPORATION 5-21-26 [8]

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 11.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Bridgcrest Acceptance Corporation's ("Creditor") claim secured by the debtor's property commonly known as 2021 Kia K5 LXS (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was $11,000.00. Declaration, Dkt. 10.

The Chapter 13 Trustee filed non-opposition on June 9, 2026. Dkt. 15.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on October, 2022, 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 $11,000.00. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be $11,000.00. 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 Bridgcrest Acceptance Corporation ("Creditor") secured by property commonly known as 2021 Kia K5 LXS (the "Property") is determined to be a secured claim in the amount of $11,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

21. 26-21869-C-13 REDMOND CHARAN | MOTION FOR RELIEF FROM AUTOMATIC STAY
MJ-1 Mohammad M. Mokarram | 5-5-26 [13]

AMERICREDIT FINANCIAL SERVICES, INC. VS.

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 50 days' notice was provided. Dkt. 18.

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 Relief from the Automatic Stay is granted.

AmeriCredit Financial Services, Inc. dba GM Financial ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's 2011 Chevrolet Avalanche (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent postpetition and prepetition payments. Declaration, Dkt. 15. Movant also contends that the Property has been classified as a Class 3 claim that provides for surrendering the Property.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed non-opposition on June 9, 2026. Dkt. 20.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent postpetition and prepetition payments.

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 requeststhat the court grant relief from the Rule as adopted by the United States Supreme Court.

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 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 AmeriCredit Financial Services, Inc. dba GM Financial ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,
>
> **IT IS ORDERED** the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and all other creditors having lien rights against the Property, under its security agreement, loan documents granting it a lien in the asset identified as a 2011 Chevrolet Avalanche ("Property"), and applicable nonbankruptcy law to obtain possession of, nonjudicially sell, and apply proceeds from the sale of the Property to the obligation secured thereby.
>
> **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.

22. 26-20270-C-13 ALEXANDER PEREZ OBJECTION TO DEBTOR'S CLAIM OF
DPC-3 Peter Macaluso EXEMPTIONS
5-20-26 [51]

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 54.

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 Objection to Claimed Exemptions is sustained, and the exemption is disallowed.

The Chapter 13 trustee filed this Objection objects to the debtor's claimed exemption of a Consumer Defense Law Group - Unauthorized Withdrawal of $5,000.00 pursuant to Cal. Code Civ. P. § 704.140 because debtor has not demonstrated how this asset constitutes a personal injury or that he is entitled to the exemption.

Section 703.580 of the California Code of Civil Procedure allocates the burden of proof in state-law exemption proceedings. Cal. Civ. Proc. Code § 703.580(b); In re Tallerico, 532 B.R. 774, 780-89 (Bankr. E.D. Cal. 2015). The bankruptcy appellate panel in this circuit has concluded that "where a state law exemption statute specifically allocates the burden of proof to the debtor, Rule 4003(c) does not change that allocation." In re Diaz, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). In this exemption proceeding in bankruptcy, therefore, the debtor bears the burden of proof.

The trustee's Objection is sustained, and the claimed exemption under CCCP § 704.140 is disallowed.

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 Claimed Exemptions filed by David P. Cusick, 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 Objection is sustained, and the claimed exemptions for Personal Injury under California Code of Civil Procedure § 704.140 is disallowed.

23. 26-20570-C-13 MJD-1 | RANDY YOUNGQUIST AND ERIN PETTIS Matthew DeCaminada | MOTION TO CONFIRM PLAN 5-12-26 [23]

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 43 days' notice was provided. Dkt. 29.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 27) filed on May 12, 2026.

The Chapter 13 trustee filed a non-opposition on June 2, 2026. Dkt. 30.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtors, Randy Youngquist and Erin Pettis, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,
>
> **IT IS ORDERED** that the Motion is granted, the Amended Chapter 13 Plan (Dkt. 27) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

24. 26-22072-C-13 GARY JOHNSON OBJECTION TO CONFIRMATION OF
DPC-1 Joshua Sternberg PLAN BY DAVID P. CUSICK
5-26-26 [20]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 23.

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. Plan misclassifies the secured claim on the residence in both Class 1 and Class 2(A);

2. Plan fails the liquidation test;

3. Debtor has not provided copies of his tax returns; and

4. The plan does not specify the amount to be paid to debtor's attorney.

DISCUSSION

The debtor has non-exempt assets totaling $23,278.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

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.

25. 26-22072-C-13 GAL-1 | GARY JOHNSON Joshua Sternberg | OBJECTION TO CONFIRMATION OF PLAN BY ALL IN CREDIT UNION 5-28-26 [24]

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. 26.

The Objection to Confirmation of Plan is sustained.

Creditor All In Credit Union ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the claim as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

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

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

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

The Objection to the Chapter 13 Plan filed by All In Credit Union, 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.

26. 25-26376-C-13 JASON/CRYSTAL NICHOLSON MOTION TO EXTEND DEADLINE TO
IJR-3 Douglas Jacobs FILE A COMPLAINT OBJECTING TO DISCHARGEABILITY OF A DEBT
6-9-26 [105]

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 14 days' notice was provided. Dkt. 109.

The Motion to Extend Deadline to File a Complaint Objecting to Discharge is granted.

Jean-Pierre Rushing dba Interwest Judgment Recovery, ("Movant") moves to extend the deadline to file a complaint objecting to debtors' discharge and dischargeability of debt.

The deadline for filing a complaint objecting to discharge is July 13, 2026. Dkt. 85. The Motion requests that the deadline to object to Debtor's discharge be extended through September 13, 2026.

The court may, on motion and after a noticed hearing, extend the time for objecting to the entry of discharge for cause. FED. R. BANKR. P. 4004(b)(1). The court may extend that deadline where the request for the extension of time was filed prior to the expiration of time for objection. *Id.*

The instant Motion was filed on June 9, 2026, before the deadline to object to the discharge of Debtor.

Therefore, the Motion is granted, and the deadline for Movant to object to Debtor's discharge is extended through xxxxx.

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 Deadline to File a Complaint Objecting to Discharge filed by Jean-Pierre Rushing dba Interwest Judgment Recovery, ("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 granted, and the deadline is extended through xxxxxx.

27. 26-22078-C-13 PRAMILA KUMAR OBJECTION TO CONFIRMATION OF
DPC-1 Joshua Sternberg PLAN BY DAVID P CUSICK
5-26-26 [17]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 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. Plan is overextended;

2. The plan is not feasible;

3. Debtor has not provided pay advices or copies of tax returns; and

4. Debtor has not provided business related documents.

DISCUSSION

Because claims are greater than scheduled, the plan will take 91 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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 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).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

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.

28. 26-20979-C-13 ALONDRA GARCIA MOTION TO CONFIRM PLAN
RPK-1 Ryan Keenan 5-6-26 [14]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. A Proof of Service showing that the plan, motion to confirm, and related documents have been served on creditors and parties in interest has not been filed.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 17) filed on May 12, 2026.

Chapter 13 Trustee filed an Opposition (Dkt. 22) on June 9, 2026, opposing confirmation on the following grounds:

1. Debtor has not followed procedural rules when filing the motion;

2. Plan does not identify the duration of the plan; and

3. Debtor's attorney has not signed the plan.

DISCUSSION

Debtor may not be able to make plan payments or comply with the Plan under 11 U.S.C. § 1325(a)(6). The plan does not specify the duration of the plan. Without an accurate picture of Debtor's financial reality during the term of the plan, the court cannot determine whether the Plan is confirmable.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtor, Alondra Garcia, 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, and the plan is not confirmed.

29. 25-22182-C-13 DPC-2 | TABATHA ATKINS Mark Shmorgon | CONTINUED MOTION TO DISMISS CASE 4-17-26 [41]

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. 44.

The Motion to Dismiss is granted, and the case is dismissed.

At the prior hearing it was represented that debtor had made a payment that was pending in the Trustee's system.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is $460.00 delinquent in plan payments, which is supported by declaration. Dkt. 43.

Debtor filed an opposition (Dkt. 45) on April 21, 2026, asserting that debtor will be current on or before the hearing.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. 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 Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

30. 26-20782-C-13 JEFFERSON/CHAVET JOSEPH MOTION TO CONFIRM PLAN
SLG-1 Joshua Sternberg 4-30-26 [25]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 31.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the First Amended Chapter 13 Plan (Dkt. 28) filed on April 30, 2026.

Chapter 13 Trustee filed an Opposition (Dkt. 40) on May 28, 2026, opposing confirmation on the following grounds:

1. Plan is overextended; and

2. Plan relies on Motion to Value that has not been decided.

Ford Motor Credit Company LLC filed an Opposition (Dkt. 45) on June 3, 2026, opposing confirmation on the following grounds:

1. Plan does not fully provide for Creditor's claim.

DISCUSSION

The plan proposes valuing the secured claim of Ford Motor Credit Company LLC. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

Because claims are greater than scheduled, the plan will take 68 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtors, Jefferson and Chavet Joseph, 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, and the plan is not confirmed.

31. 26-21984-C-13 DPC-1 JEFFREY WATTS Linda Deos

OBJECTION TO CONFIRMATION OF PLAN BY DAVID CUSICK 5-28-26 [18]

WITHDRAWN BY M.P.

Final Ruling: No appearance at the June 23, 2026 hearing is required.

The movant having filed a Notice of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion was dismissed without prejudice, and the matter is removed from the calendar.**

32. [26-20585](26-20585)-C-13 LINNA TEP MOTION TO CONFIRM PLAN
DPB-2 Douglas P. Broomell 4-17-26 [26]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 66 days' notice was provided. Dkt. 30.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the First Amended Chapter 13 Plan (Dkt. 29) filed on April 17, 2026.

Chapter 13 Trustee filed an Opposition (Dkt. 40) on June 9, 2026, opposing confirmation on the following grounds:

1. The notice of the motion does not comply with Local Rule 9014-1;

2. The motion does not provide any specific information related to the confirmation of the Amended Plan;

3. The plan does not provide all of debtor's net monthly income to creditors;

4. Schedules I & J have not been amended;

5. All income tax returns have not been filed;

6. Debtor's attorney's fees do not comply with the Local Rules;

7. Debtor does not list any of the debtor's non-filing spouse's creditors or expenses, and which have filed proofs of claim in the case; and

8 Debtor is delinquent in plan payments.

DISCUSSION

The debtor is $92.01 delinquent in plan payments. Declaration, Dkt. 41. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

Local Rule 9014-1(d)(3)(B) requires the notice of the hearing to provide certain specific information, which not all information was provided in the instant notice of hearing.

The plan proposes a dividend of 0%, which is less than 65% that the plan is estimated to pay. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

The debtor has supplied insufficient information relating to the debtor’s non-filing spouses creditors and expenses to assist the Chapter 13 Trustee in determining the feasibility of the plan and whether debtor is reporting all community debt and expenses.

Local Rule 2016-1(c)(4) states that debtor’s counsel is entitled to 25% of the flat fee when the petition is filed, an additional 25% when the plan is confirmed and the remaining fee the Chapter 13 trustee shall pay debtor’s counsel equal monthly installments over the term of the plan. The plan’s provision to pay the full amount at the time the petition is filed does not follow the local rule on payment of counsel’s fees, this is reason to deny confirmation.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtor, Linda Tep, 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, and the plan is not confirmed.

33. 25-26286-C-13 DPC-1 | HONORATO NAVARRO, Jennifer L. Dickinson | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID CUSICK 4-30-26 [97]

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 26 days' notice was provided. Dkt. 100.

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 is delinquent in plan payments;

2. Plan is overextended;

3. Debtor has not provided tax returns, pay advices, or proof of Social Security number;

4. Compensation to debtor's attorney does not comply with the local rules; and

5. Debtor has not amended the Schedule J.

DISCUSSION

The debtor has not made a plan payment and is $1,600.00 delinquent in plan payments. Declaration, Dkt. 99. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

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

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

Local Rule 2016-1(c)(4) states that debtor's counsel is entitled to 25% of the flat fee when the petition is filed, an additional 25% when the plan is confirmed and the remaining fee the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. The plan's provision to pay the full amount at the time the petition is filed does not follow the local rule on payment of counsel's fees, 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.

34. 25-26286-C-13 RAS-1 | HONORATO NAVARRO Jennifer L. Dickinson | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DEUTSCHE BANK NATIONAL TRUST COMPANY 5-6-26 [102]

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 20 days' notice was provided. Dkt. 104.

The Objection to Confirmation of Plan is sustained.

Creditor Deutsche Bank National Trust Company, As Trustee For The Registered Holders Of Morgan Stanley ABS Capital I Inc. Trust 2007-HE5 Mortgage Pass-Through Certificates, Series 2007-HE5 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for the arreages on Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

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

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

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

The Objection to the Chapter 13 Plan filed by Deutsche Bank National Trust Company, As Trustee For The Registered Holders Of Morgan Stanley ABS Capital I Inc. Trust 2007-HE5 Mortgage Pass-Through Certificates, Series 2007-HE5, 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.

35. 26-22197-C-13 JA'NEA ADAMS MOTION TO VALUE COLLATERAL OF
PGM-1 Peter Macaluso ONEMAIN FINANCIAL GROUP, LLC
5-22-26 [12]

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 32 days' notice was provided. Dkt. 16.

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of OneMain Financial Group LLC's ("Creditor") claim secured by the debtor's property commonly known as a 2015 Toyota Avalon XLE (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was $4,500.00. Declaration, Dckt. 14.

TRUSTEE'S OPPOSITION

Chapter 13 Trustee filed opposition (Dkt. 12) on May 12, 2026, asserting that the motion, plan, and Creditor's proof of claim differ as to whether the claim is a purchase-money loan or not.

DISCUSSION

The plan and motion indicate the lien on the Vehicle's title secures a purchase-money loan incurred on August 22, 2024, which is less (606 days) 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 granted, and the claim of OneMain Financial Group LLC ("Creditor") secured by property commonly known as

2015 Toyota Avalon XLE (the "Property") is determined to be a secured claim in the amount of $xxxx.xx, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

36. 26-23334-C-13 ROBERT STOERMER Pro Se — MOTION TO IMPOSE AUTOMATIC STAY O.S.T. 6-9-26 [9]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an order shortening time to provide notice of the motion. The OST was entered on June 15, 2026. Dkt. 16.

The Motion to Extend the Automatic Stay is denied.

Robert Stoermer ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) imposed in this case. This is Debtor's third bankruptcy petition pending in the past year with the prior two cases having been dismissed. Debtor's prior bankruptcy cases (Nos. 26-20906 and 26-22721) were dismissed on April 27, 2026, and May 28, 2026, respectively. See Order, Bankr. E.D. Cal. No. 26-20906, Dkt. 33; Order, Bankr. E.D. Cal. No. 26-22721, Dkt. 17. Therefore, pursuant to 11 U.S.C. § 362(c)(4)(A)(I), the provisions of the automatic stay did not go into effect upon Debtor filing the instant case.

Here, Debtor states that the instant case was filed in good faith and explains that the previous cases were dismissed because he has been dealing with serious medical issues and recovery.

When the stay has not gone into effect pursuant to 11 U.S.C. § 362(c)(4), a party in interest may request within 30 days of filing that the stay take effect as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed. 11 U.S.C. § 362(c)(4)(B).

For purposes of subparagraph (B), a case is presumptively filed not in good faith as to all creditors if:

(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to provide adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; . . .

11 U.S.C. § 362(c)(4)(D).

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.

DISCUSSION

Debtor's prior cases were dismissed after Debtor did not timely file all documents. In Case No. 26-20906, debtor requested four (4) extensions of time to file missing documents. The court denied debtor's fourth request for an extension of time to file documents and indicated that future requests related to extend time to file documents will not be favorably considered unless debtor is represented by counsel that is admitted to practice in the Eastern District of California.

In Case No. 26-22721, debtor, again unrepresented, requested an extension to file documents, which was denied.

In the instant case, debtor again is unrepresented and has not filed any schedules, summaries, or forms, and continues to remain unrepresented by counsel.

Debtor has not sufficiently rebutted the presumption of bad faith under the facts of this case and the prior cases for the court to impose the automatic stay.

The Motion is denied, and the automatic stay is not imposed.

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 Impose the Automatic Stay filed by Robert Stoermer ("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 is denied, and the automatic stay is not imposed.