

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

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

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: July 5, 2022

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

July 5, 2022 at 1:00 p.m.

1. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO
[DWE](#)-1 Pro Se CONFIRMATION OF PLAN BY FREEDOM
Thru #2 MORTGAGE CORPORATION
6-1-22 [[24](#)]

OBJECTION CONTINUED TO 7/12/2022 at 1:00 PM at Sacramento Courtroom 32,
Department B TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR
7/07/22.

Final Ruling

No appearance at the hearing is necessary. The court will issue an order.

2. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO
[RDG](#)-1 Pro Se CONFIRMATION OF PLAN BY RUSSELL
D. GREER
6-1-22 [[16](#)]

OBJECTION CONTINUED TO 7/12/2022 at 1:00 PM at Sacramento Courtroom 32,
Department B TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR
7/07/22.

Final Ruling

No appearance at the hearing is necessary. The court will issue an order.

July 5, 2022 at 1:00 p.m.

3. [22-21174](#)-B-13 STACEY LILLARD
[ADR-1](#) Ryan Keenan

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
6-13-22 [[13](#)]

ESWARAPPA GANGANAHALLY VS.

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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

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

Eswarappa Ganganahally ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 2720 Shofield Lane, Tracy, California (the "Property"). Movant has provided the Declaration of Eswarappa Ganganahally to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Declaration states that Movant is the legal owner of the property and that Debtor is a renter. The Debtor was served with a three-day notice to quit. Movant seeks to proceed with an unlawful detainer action in state court.

Debtor filed a non-opposition to the motion.

Discussion

Movant presents evidence that it is the owner of the Property. Based on the evidence presented, Debtor would be at best a tenant at sufferance. Movant served Debtor with a three-day notice to quit on April 14, 2022. Dkt. 16, exh. 2. Based upon the evidence submitted, the court determines that there is no equity in the property for either the Debtor or the Estate. 11 U.S.C. § 362(d)(2).

Movant has presented a colorable claim for title to and possession of this real property. As stated by the Bankruptcy Appellate Panel in *Hamilton v. Hernandez*, No. CC-04-1434-MaTK, 2005 Bankr. LEXIS 3427 (B.A.P. 9th Cir. Aug. 1, 2005), relief from stay proceedings are summary proceedings which address issues arising only under 11 U.S.C. § 362(d). *Hamilton*, 2005 Bankr. LEXIS 3427 at *8-*9 (citing *Johnson v. Righetti (In re Johnson)*, 756 F.2d 738, 740 (9th Cir. 1985)). The court does not determine underlying issues of ownership, contractual rights of parties, or issue declaratory relief as part of a motion for relief.

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 property including unlawful detainer or other appropriate judicial proceedings and remedies to obtain possession thereof.

Given that the Debtor has filed a non-opposition to Movant's request, the 14-day stay of enforcement under Rule 4001(a)(3) is waived.

No other or additional relief is granted by the court.

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

The court will issue an order.

4. [22-20079](#)-B-13 LILLY LUTOLF MOTION TO CONFIRM PLAN
[MJD](#)-1 Matthew J. DeCaminada 5-24-22 [[44](#)]

Final Ruling

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

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

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

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

The court will issue an order.

5. [21-24098](#)-B-13 JOHN FORDON
RJ-[5](#) Richard L. Jare

MOTION TO RECONSIDER
6-21-22 [[64](#)]

Final Ruling

No appearance at the hearing is necessary. The Debtor moves for reconsideration of the denial of a Motion to Value Collateral of Wheels Financial Group, LLC dba 1-800LoanMart, RJ-4. The motion was inadvertently denied when it should have been granted. See dkts. 59, 62. Therefore, the motion for reconsideration is granted, the court's order at dkt. 63 is vacated, and the motion to value collateral at dkt. 52 is granted.

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

The court will issue an order.