

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: July 9, 2024

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.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Modesto, California

July 9, 2024 at 1:00 p.m.

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1. [24-90074](#)-B-13 ARCELIA OLIVERA MOTION TO CONFIRM PLAN
 [JCK](#)-1 Gregory J. Smith 5-15-24 [[25](#)]

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. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

July 9, 2024 at 1:00 p.m.

2. [23-90377](#)-B-13 GUSTAVO JIMENEZ
[CLH](#)-1 Charles L. Hastings

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF HASTINGS & RON
DEBTORS ATTORNEY(S)
6-10-24 [[60](#)]

Final Ruling

The application for attorney fees and costs has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). However, there appears to be no service of process on debtor Gustavo Jimenez as required by Fed. R. Bankr. P. 2002(a)(6). This provision requires that the debtor be given 21 days' notice of a hearing on any entity's request for compensation or reimbursement of expenses if the request exceeds \$1,000. Applicant Charles L. Hastings requests \$2,717.25 in fees to be withdrawn from a client trust account but no notice was given to the debtor.

The application for fees and costs is therefore denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

3. [24-90321](#)-B-13 ARACELI OLIVARES
[ADR](#)-1 Pro Se

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY AND/OR
MOTION FOR ADEQUATE PROTECTION
6-15-24 [[10](#)]

AMINIAN YAZDI, TRUSTEE OF
THE AMINIAN YAZDI TRUST VS.

DEBTOR DISMISSED: 07/01/24

Final Ruling

The case having been dismissed on July 1, 2024, the motion for relief from automatic stay is denied as moot.

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

The court will issue an order.