



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**July 9, 2024 at 1:30 p.m.**

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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/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

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

Please also note the following:

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

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

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

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

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

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**July 9, 2024 at 1:30 p.m.**

1. [22-21135](#)-C-13 ROBERT KOEHLER  
[DNL](#)-4

MOTION TO CONVERT CASE FROM  
CHAPTER 13 TO CHAPTER 7  
6-5-24 [[102](#)]

**No Tentative Ruling:**

The Objection has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 106.

**The Motion to Convert the Chapter 13 Bankruptcy Case to a Case under Chapter 7 is ~~XXXXXXXX~~**

This Motion to Convert the Chapter 13 bankruptcy case of Robert Koehler ("Debtor") has been filed by Creditors, Drew and Elizabeth Prinz ("Creditors"). Creditors assert that the case should be converted because the case was filed on bad faith.

**APPLICABLE LAW**

The Bankruptcy Code Provides:

Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause.

11 U.S.C. § 1307(c).

Creditors contend that cause exists to convert or dismiss the case because the debtor filed this Chapter 13 case in bad faith, and asserts that conversion is in the best interests of creditors and the estate.

Debtor filed an opposition on June 25, 2024, representing that he is seeking to set aside the judgment in the matter of Prinz v. Koehler to be heard in state court. Debtor asserts that he will also file an amended Chapter 13 plan seeking an additional six months in the plan.

Creditors filed a reply stating that the debtor failed to alert the state court of the pendency of the bankruptcy case, the absence of an

**July 9, 2024 at 1:30 p.m.**

objection to the proof of claim, the confirmation of the plan, the plan's promise that if the appeal was resolved in the Creditors favor the debtor would undertake a real estate transaction to satisfy the judgment, the plan's requirement that it be completed by July 10, 2024, the absence of any provision in the plan to set aside the judgment, creditors incurrence of more than \$100,000 in attorney fees, and disbursement of more than \$20,000.00 to the Creditors under the plan.

## **DISCUSSION**

At the hearing **xxxxxxxxxx**

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

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

The Motion to Convert the Chapter 13 case filed by Drew and Elizabeth Prize ("Creditors") 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 Convert is **xxxxxxxxxx**

**Final Ruling:** No appearance at the July 9, 2024 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 50 days' notice was provided. Dkt. 49.

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 confirm the Amended Chapter 13 Plan (Dkt. 45) filed on May 20, 2024.

No opposition to the Motion has been filed.

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 debtor, Susana Fulcher, 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 Amended Chapter 13 Plan (Dkt. 45) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. An appropriate order confirming the Chapter 13 Plan shall be prepared and signed by debtor and the Chapter 13 Trustee. The Chapter 13 Trustee will submit the proposed order to the court.

3. [24-21356](#)-C-13 RYAN OHLINGER  
[GC-1](#)

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF GLAZER AND CHERRY  
FOR GERALD GLAZER, DEBTORS  
ATTORNEY(S)  
6-24-24 [[20](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 21 days notice if the amount requested is greater than \$1,000. FRBP 2002(a)(6). The Proof of Service shows that only 15 days' notice was provided. Dckt. 24.

**The Motion for Allowance of Professional Fees is xxxxxx.**

Debtor's counsel, Gerald Glazer ("Movant"), filed this first and final request seeking approval of compensation for attorney services provided to Ryan Ohlinger ("Debtor").

The movant requests fees in the amount of \$8,000.00, of which \$2,000.00 has already been taken as a retainer. Movant further requests that the remaining \$6,000.00 be paid in four equal payments of \$1,500.00.

**DISCUSSION**

Local Rule 2016-1 provides that attorneys in Chapter 13 cases can either seek court approval for compensation under the "lodestar" method, or accept a flat rate fee without court approval, that is paid evenly over the term of the plan. Local Rule 2016-1(b) and (c). The flat rate for nonbusiness cases is \$8,500.00.

Section 330 provides that professionals may be awarded reasonable compensation for actual, necessary services. 11 U.S.C. § 330(a)(1)(A). It appears that counsel is seeking compensation under the lodestar method, but has not provided any documentation showing the number of actual hours for services rendered in the case.

At the hearing xxxxxxxxxx

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 Allowance of Fees and Expenses filed by Gerald Glazer ("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 xxxxxxxxxxxxxx