



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

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

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

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

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

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

Please also note the following:

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT

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Honorable Christopher M. Klein

Bankruptcy Judge

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

1.	25-22229 -C-13	BRIAN WINSHIP AND PEGGY	OBJECTION TO CONFIRMATION OF
	JDS -1	FLOOD	PLAN BY NEWREZ LLC
		Peter Macaluso	6-2-25 [16]

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 38 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is xxxxxxxxxx

Creditor NewRez LLC dba Shellpoint Mortgage Servicing as servicer for The Bank of New York Mellon fka The Bank Of New York, As Trustee For The Certificateholders Of CWALT, Inc., Alternative Loan Trust 2005-IM1, Mortgage Pass-Through Certificates, Series 2005-IM1 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provided for prepetition arrears.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on July 2, 2025. Dkt. 21. Debtor asserts the prepetition arrears have been paid, but that Creditor has not applied payment of the arrears yet. Additionally, debtor asserts that Creditor has not filed a proof of 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. However, the court does not see that a Proof of Claim has been filed by Creditor.

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.

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

The Objection to the Chapter 13 Plan filed by Creditor NewRez LLC dba Shellpoint Mortgage Servicing as servicer for The Bank of New York Mellon fka The Bank Of New York, As Trustee For The Certificateholders Of CWALT, Inc., Alternative Loan Trust 2005-IM1, Mortgage Pass-Through Certificates, Series 2005-IM1 , 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 **xxxxxxxxxxxxxx**

2. [25-21831](#)-C-13 RODRIGO ARANA
[HRH](#)-1 Scott Johnson

MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-11-25 [[14](#)]

PNC EQUIPMENT FINANCE, 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 29 days' notice was provided. Dkt. 20.

The Motion for Relief from the Automatic Stay is granted.

PNC Equipment Finance, LLC ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's interest as a guarantor of a 2022 Bobcat E35 Excavator (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the borrower is delinquent \$2,487.72 in prepetition payments. Declaration, Dkt. 16. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the debtor is not on title to the Property and has not provided insurance on the Property. *Id.*

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 borrower is delinquent \$2,487.72 in prepetition payments.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

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 PNC Equipment Finance, 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 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 2022 Bobcat E35 Excavator ("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.

3. [25-21665](#)-C-13 JATINDER SINGH
[HRH](#)-1 Mark Wolff

MOTION FOR RELIEF FROM
AUTOMATIC STAY
6-25-25 [[47](#)]

STEARNS BANK, 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 15 days' notice was provided. Dkt. 53.

The Motion for Relief from the Automatic Stay is granted.

Stearns Bank, National Association ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's 2020 Kenworth T680 and 2019 Cascadia (the "Properties").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(2) because the debtor leased the properties from Movant and does not have any equity in the properties. Declaration, Dkt. 49.

DEBTOR'S NON-OPPOSITION

Debtor filed a Notice of Non-Opposition on July 1, 2025. Dkt. 56.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(2) because the debtor does not have any equity in the properties and the properties are not necessary to an effective reorganization.

The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

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.

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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 Stearns Bank, National Association ("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 assets identified as a 2020 Kenworth T680 and 2019 Cascadia ("Properties"), 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.