

**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 15, 2025

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 15, 2025 at 1:00 p.m.

1. [25-22601](#)-B-13 EVERARDO CASTANEDA
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-10-25 [[12](#)]

DEBTOR DISMISSED: 06/16/25

Final Ruling

The case having been dismissed on June 16, 2025, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

2. [24-20702](#)-B-13 CRAIG GILMORE
[RAS](#)-1 G. Michael Williams

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
6-12-25 [[139](#)]

FEDERAL HOME LOAN MORTGAGE
CORPORATION VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 deny without prejudice the motion for relief from automatic stay.

Federal Home Loan Mortgage Corporation as Trustee for the Benefit of the Freddie Mac Seasoned Loans Structured Transaction Trust Series 2020-3 ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 717 E. Longview Avenue, Stockton, California (the "Property"). Movant has provided the Declaration of Christine Le to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Le Declaration states that there are 15 post-petition payments in default totaling \$9,146.67. The total debt owed to Movant is \$56,626.16.

From the evidence provided to the court, and only for purposes of this motion, the total debt secured by this Property is determined to be \$202,386.67. The value of the Property is determined to be \$425,000.00 as stated in Schedules A/B filed by Debtor.

Discussion

In a motion brought under § 362(d)(1), the party seeking relief bears the burden on the issue of the debtor's equity - or lack thereof - in property. 11 U.S.C. § 362(g)(1). Creditor has not met this burden.

Movant submitted no competing evidence of the Property's value with its motion. The only evidence of the Property's value is in Schedule A/B, which values the Property at \$425,000.00.

Schedules are filed under penalty of perjury. See Fed. R. Bankr. P. 1008. Some courts treat schedules as evidentiary admissions under Federal Rule of Evidence 801(d)(2). *Heath v. American Express Travel Related Services Co., Inc.* (In re Heath), 331 B.R. 424, 431 (9th Cir. BAP 2005). Others treat them as judicial admissions. *In re Roots Rents, Inc.*, 420 B.R. 28, 40 (Bankr. D. Utah). Whatever their status, schedules carry evidentiary weight. *Perfectly Fresh Farms, Inc. v. U.S. Dep't of Agric.*, 692 F.3d 960, 969-70 (9th Cir. 2012). Therefore, for purposes of this motion only, the court relies on Schedule A/B as the only evidence of the Property's value and values the Property at \$425,000.00.

The Ninth Circuit has held that an equity cushion of 20% provides sufficient adequate protection, even in the absence of ongoing payments. *Pistole v. Mellor* (In re Mellor), 734 F.2d 1396, 1400-01 (9th Cir. 1984). Here, Creditor claims that the total of all liens on the Property is \$220,386.67. Based on the Property's \$425,000.00 value, that leaves equity of \$222,613.33, which in turn creates an equity cushion of 52.38%. Creditor is therefore adequately protected, even in the absence of postpetition payments.

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

The court will issue an order.

3. [24-90703](#)-B-13 ROBERT/TARRA SUMNER
[LGT](#)-2 Gregory J. Smith

CONTINUED MOTION TO DISMISS
CASE
5-8-25 [[51](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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). Opposition was filed.

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 to dismiss case.

Debtors are delinquent in the amount of \$13,602.00. By the time this motion is heard, an additional monthly plan payment of \$6,801.00 will have been due. The last payment was received on March 28, 2025.

Although Debtors filed a response stating that they will bring the case current by July 15, 2025, the delinquency has not been cured.

Cause exists to dismiss this case as Debtors have failed to make all payments due under the plan. 11 U.S.C. §§ 1307(c)(1), (c)(4). The motion is granted and the case is dismissed.

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

The court will issue an order.

4. [23-21605](#)-B-13 MICHELLE YOUNG
[JCK](#)-2 Gregory J. Smith

MOTION TO MODIFY PLAN
6-9-25 [[42](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, 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.

5. [25-20506](#)-B-13 RODOLFO BENAVIDES
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-9-25 [[34](#)]

DEBTOR DISMISSED: 06/26/25

Final Ruling

The case having been dismissed on June 26, 2025, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

6. [25-22109](#)-B-13 ANA/JOSE LAZO
[LGT](#)-1 Seth L. Hanson

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-18-25 [[17](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the Chapter 13 Trustee filing its objection, Debtors filed an amended plan on July 1, 2024. The confirmation hearing for the amended plan is scheduled for September 2, 2025. The earlier plan filed April 30, 2025, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

7. [25-20011](#)-B-13 NICOLE MERRITT-ARMAS MOTION TO DISMISS CASE
 [LGT](#)-2 Nicholas Wajda 6-11-25 [[46](#)]

Final Ruling

The Chapter 13 Trustee has filed a motion to withdraw its pending motion. The motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar and the case will proceed in this court.

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

8. [23-90612](#)-B-13 KEITH/CHRISTE HARA
[SSH](#)-1 Simran Singh Hundal

MOTION TO MODIFY PLAN
6-5-25 [[37](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, 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.

9. [25-21118](#)-B-13 JOHN LAUGHERY
Thru #10 Pro se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-16-25 [[33](#)]

DEBTOR DISMISSED: 06/25/25

Final Ruling

The case having been dismissed on June 25, 2025, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

10. [25-21118](#)-B-13 JOHN LAUGHERY
[LGT](#)-1 Pro Se
DEBTOR DISMISSED: 06/25/25

MOTION TO DISMISS CASE
6-10-25 [[28](#)]

Final Ruling

The case having been dismissed on June 25, 2025, the motion to dismiss case is dismissed as moot.

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

The court will issue an order.

11. [24-25123](#)-B-13 GILMAN/BARBARA PARSONS
[FEC-1](#) James L. Arrasmith

MOTION FOR COMPENSATION FOR
JAMES L. ARRASMITH, DEBTORS
ATTORNEY(S)
6-17-25 [[58](#)]

DEBTORS DISMISSED: 11/25/24

Final Ruling

Counsel James Arrasmith ("Counsel") requests \$2,500.00 in compensation for the limited services he provided to Debtors Gilman and Barbara Parsons ("Debtors"). See dkt. 34. This motion for compensation has been refiled and the hearing for it has been rescheduled multiple times. See dkts. 43, 51, 57.

Counsel states that he provided 24.5 documented hours for bankruptcy related services at a rate of \$72 per hour, which Counsel states is below market rate. Counsel states that his services were necessary for the chapter 13 filing, met bankruptcy requirements, that the client received the benefit of bankruptcy protection, that counsel is experienced in bankruptcy matters, that services were performed competently, and his work product met professional standards.

Counsel states in his declaration that he made multiple attempts to contact Debtors regarding this fee application, including emails on March 14, March 25, and April 1, 2025. He was unable to secure their cooperation or response on this matter. Finally on April 2, 2025, Counsel received an email from Debtors terminating his representation in all matters. Due to this termination, he was unable to provide a declaration from the Debtors regarding their approval of fees sought in this application.

Although Counsel states that his work was necessary and on an emergency basis, presumably to prevent a foreclosures on Debtors' home, Counsel explains no where why he failed to assist Debtors in timely filing documents, which would have prevented the dismissal of this case. The court also has serious concerns as to whether "services [were] performed competently" or "met professional standards" as asserted by Counsel given that they were limited, required documents were not filed, and Counsel failed to timely file and properly set for hearing his motion for compensation.

Nevertheless, services were provided and some of those services appear to have been necessary for and beneficial to the Debtors. The primary problem, however, is that all of Counsel's time is block-billed or "lumped." Block-billing prevents the court from making a reasonableness determination. *Welch v. Metro. Life Ins. Co.*, 480 F.3d 942, 948 (9th Cir. 2007). Courts in the Ninth Circuit have reduced up to 30% the hours that are block-billed. See e.g., *Lahiri v. Universal Music & Video Distrib. Corp.*, 606 F.3d 1216, 1222-23 (9th Cir. 2010). Here, that is all hours billed making all compensation requested subject to a 30% reduction. So, a 30% reduction to the \$2,500.00 requested results in compensation of \$1,750.00 (\$2,500.00 - \$750.00). But there's more.

Because this case was dismissed two weeks after it was filed for failure to timely file documents, some of which appear to have been in Counsel's possession, the court will also impose a 10% "haircut" on the attorney's fees. *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008) ("[T]he district court can impose a small reduction, no greater than 10 percent - a 'haircut' - based on its exercise of discretion and without a more specific explanation."). The court can make this 10% reduction in addition to a 30% reduction of block billed time. *Lahiri*, 606 F.3d at 1223 (describing an across-the-board reduction of 10% to total fees to account for excessive work in addition to a 30% reduction of block billed time as a "reasoned exercise of discretion."). The additional 10% reduction reduces attorney's fees an additional \$250.00 to \$1,500.00 (\$1,750.00 - \$250.00).

Applicant is allowed \$1,500.00 in total compensation. Applicant shall return \$1,000.00 to Debtors and file proof of the same by **July 22, 2025.**

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

The court will issue an order.

July 15, 2025 at 1:00 p.m.

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12. [24-25024](#)-B-13 MAUREEN SHARMA
[LGT](#)-3 Peter G. Macaluso
WITHDRAWN BY M.P.

MOTION TO DISMISS CASE
6-11-25 [[50](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its motion, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

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

The court will issue an order.

13. [25-20331](#)-B-13 DAMONE THOMPSON
[JCK](#)-1 Gregory J. Smith

MOTION TO CONFIRM PLAN
6-4-25 [[39](#)]

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 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). Opposition was filed.

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 not confirm the first amended plan.

Debtor is delinquent in the amount of \$90.00. Although Debtor filed a response stating that he had made the \$90.00 payment on July 8, 2025, the delinquency has not been cured as of July 14, 2025. Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

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 deny without prejudice the motion to incur debt.

The motion seeks permission to purchase a 2025 Honda Civic sedan, the total purchase price of which is \$34,981.75, with monthly payments of \$867.63 at a fixed interest rate of 21.11%. Debtors state that they surrendered their 2023 Tesla Model 3 prior to the filing of their petition because the car payment and interest on the loan were too high.

Debtors are current on their Chapter 13 plan payments and the plan pays the entire claim with Internal Revenue Service for the tax debt owed in 2022 along with the remaining attorney's fees and costs of \$6,200.00 through the plan. Debtors have 55 months remaining until completion of their chapter 13 plan.

Discussion

A motion to incur debt is governed by Federal Rule of Bankruptcy Procedure 4001(c). *In re Gonzales*, No. 08-00719, 2009 WL 1939850, at *1 (Bankr. N.D. Iowa July 6, 2009). Rule 4001(c) requires that the motion list or summarize all material provisions of the proposed credit agreement, "including interest rate, maturity, events of default, liens, borrowing limits, and borrowing conditions." Fed. R. Bankr. P. 4001(c)(1)(B). Moreover, a copy of the agreement must be provided to the court. *Id.* at 4001(c)(1)(A). The court must know the details of the collateral as well as the financing agreement to adequately review post-confirmation financing agreements. *In re Clemons*, 358 B.R. 714, 716 (Bankr. W.D. Ky. 2007).

Here, the transaction is not in the best interest of the Debtors. The loan calls for a substantial interest charge of 21.11%. The court nonetheless recognizes Debtors need for a vehicle and effort at reducing their expenses by surrendering their Tesla Model 3 for a Honda Civic sedan. However, a 21.11% interest rate is not in Debtors' best interest. Debtors are encouraged to seek a lower interest rate and resubmit a motion to incur debt.

The motion is denied without prejudice.

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

The court will issue an order.

15. [25-22834](#)-B-13 HAROLD TAYLOR
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-20-25 [[11](#)]

DEBTOR DISMISSED: 06/24/25

Final Ruling

The case having been dismissed on June 24, 2025, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

16. [25-22037](#)-B-13 JENNIFER CHENEY
[LGT](#)-1 Mary D. Anderson

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-16-25 [[16](#)]

CONTINUED TO 8/12/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 7/16/25.

Final Ruling

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

17. [25-90337](#)-B-13 ERLINDA RAMOS
[LGT](#)-1 Fred A. Ihejirika

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-16-25 [[12](#)]

Final Ruling

The *initial* Chapter 13 Plan filed April 30, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to August 12, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor's Form 122C-2 (Chapter 13 Calculation of Your Disposable Income) shows that the income available to be applied to make payments to unsecured creditors is \$916.00 for 60 months or \$54,960.00. However, Debtor's plan provides for a \$37,329.74 distribution to general unsecured creditors. The plan does not provide for all of Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B).

Second, based on a review of Form 122C-2, further information and/or documentation is needed as to Debtor's optional telephone services and monthly expenses owed to Grand Pacific Marbrisa Owner's Association, Inc. Without this information, it cannot be determined whether the plan provides that all of Debtor's projected disposable income received in the applicable commitment period will be applied to make payments to unsecured creditors under the plan. 11 U.S.C. § 1325(b).

Third, additional documentation is required to evidence the maturity date of the County of Santa Clara loan and, should the loan mature within Debtor's plan term, an increased plan payment at that time.

Fourth, additional documentation is required to evidence the expense for Hilton Grand Vacation/Diamond Resorts timeshare.

Fifth, the Disclosure of Compensation of Attorney for Debtor form filed April 30, 2025, is incorrect. The form does not match the standardized form as provided on the Eastern District of California Court's website.

Sixth, additional documentation is required to evidence the maturity date of the loan owed to Bridgecrest Acceptance Corp. for a 2010 Honda Civic. Without this information, it cannot be determined whether the classification of the creditor in Class 4 is appropriate.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on July 18, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 12, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 12, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.
The court will issue an order.

18. [25-90039](#)-B-13 MICHAEL INDERBITZIN MOTION TO DISMISS CASE
[LGT](#)-1 Teresa Thu Huong Hung-Nguyen 6-5-25 [[42](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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). Opposition was filed.

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 deny without prejudice the motion to dismiss or convert case.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that Debtor has failed to file a modified plan with notice to creditors and is delinquent in plan payments.

Debtor filed a response stating that the failure to file an amended plan was an oversight by Debtor's attorney and that Debtor's attorney had the intent to file the amended plan. A review of the court's docket shows that an amended plan was filed on June 16, 2025, with a confirmation hearing set for August 5, 2025. This resolves the basis for dismissing the case at this time.

Cause does not exist to dismiss this case. The motion is denied without prejudice and the case will not be dismissed.

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

The court will issue an order.

19. [25-90341](#)-B-13 ADAM/MEAGAN PEART
[LGT](#)-1 Simran Singh Hundal

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-16-25 [[18](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed April 30, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED 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.

20. [23-20042](#)-B-13 GARY FRAZIER
[LGT](#)-1 Geoff E. Wiggs

MOTION TO DISMISS CASE
6-4-25 [[58](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 grant the motion to dismiss case.

Section 1307(c)(6) provides that a Chapter 13 case may be dismissed for "cause," which includes a "material default by the debtor with respect to a term of a confirmed plan." In the matter at hand, Debtor has not refinanced or sold the property and has not submitted the required lump sum payment to the Chapter 13 Trustee paying off the case in full, which is a material term of the confirmed Chapter 13 plan. The required lump sum payment was due on or before January 25, 2025.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will issue an order.

21. [25-90348](#)-B-13 LEO JIMENEZ
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-16-25 [[17](#)]

CONTINUED TO 8/12/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 7/17/25.

Final Ruling

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

22. [25-22850](#)-B-13 SORAYA GARCIA
[JCK](#)-1 Kathleen H. Crist

MOTION TO VALUE COLLATERAL OF
GOLDEN ONE CREDIT UNION
6-9-25 [[8](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 **continue the hearing on the motion to value collateral of Golden One Credit Union to August 12, 2025, at 1:00 p.m.** to allow Debtor Soraya Garcia ("Debtor") to file supplemental (admissible) evidence of value.

Debtor moves to value the secured claim of Golden One Credit Union ("Creditor"). Debtor is the owner of a 2023 Tesla Model Y ("Vehicle"). The Debtor seeks to value the Vehicle at a replacement value of \$30,976.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 1-1 filed by Golden 1 Credit Union is the claim which may be the subject of the present motion.

Discussion

The court finds issue with Debtor's valuation. The declaration states that the valuation of the Vehicle is based on the Kelley Blue Book replacement value and checking with the local dealers. Problematic is that both of these are third-party industry sources and, therefore, Debtors' opinion of value is based on hearsay. Fed R. Evid. 801-803; see also *In re Guerra*, 2008 WL 3200931, *2 n.4 (Bankr. E.D. Cal. 2008).

Debtor has not persuaded the court regarding her position for the value of the Vehicle. Nevertheless, the valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) will be continued to August 12, 2025, at 1:00 p.m. Supplemental (admissible) evidence of value shall be filed by August 5, 2025.

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

The court will issue an order.

23. [25-90350](#)-B-13 DUNCAN/REGINA BISSETT
[LGT](#)-1 Len ReidReynoso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-17-25 [[12](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the Chapter 13 Trustee filing its objection, Debtors filed an amended plan on June 26, 2025. The confirmation hearing for the amended plan was scheduled for August 5, 2025, and continued by the court to August 12, 2025, at 1:00 p.m. The earlier plan filed May 5, 2025, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

24. [25-22753](#)-B-13 HELENA MORENO
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-17-25 [[11](#)]

DEBTOR DISMISSED: 06/20/25

Final Ruling

The case having been dismissed on June 20, 2025, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

25. [25-90161](#)-B-13 LANCE ROBERTS
[SAD](#)-2 Gabriel E. Liberman

MOTION TO APPROVE LOAN
MODIFICATION
6-11-25 [[33](#)]

Final Ruling

The motion to approve trial loan modification filed by U.S. Bank Trust National Association, as Trustee of LB-Igloo Series IV Trust, its successors and/or assigns was filed pursuant to Local Bankruptcy Rule 9014-1(f)(1). However, there is no certificate of service indicating that the motion and supporting documents were served. See Local Bankr. R. 9014-1(e). Accordingly, the motion is denied without prejudice.

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

The court will issue an order.

26. [25-90465](#)-B-13 MARK PALMORE
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-20-25 [[13](#)]

DEBTOR DISMISSED: 06/24/25

Final Ruling

The case having been dismissed on June 24, 2025, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

27. [24-23167](#)-B-13 VALERY ALEXANDER-THOMAS MOTION TO DISMISS CASE
[LGT](#)-3 Brian S. Haddix 6-17-25 [[75](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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). Opposition was filed.

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that Debtor has failed to file a modified plan with notice to creditors and is delinquent in plan payments.

Debtor filed a response stating that new bankruptcy counsel has substituted in and has addressed various issues affecting this case. Debtor also states that a first amended plan was filed. The confirmation hearing is set for September 2, 2025. This resolves the basis for dismissing the case at this time.

Cause does not exist to dismiss this case. The motion is denied without prejudice and the case is not dismissed.

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

The court will issue an order.

28. [25-22083](#)-B-13 WILFREDO/JULIET NIEVES OBJECTION TO CONFIRMATION OF
[KMM](#)-1 Jasmin T. Nguyen PLAN BY GLOBAL LENDING SERVICES
LLC
6-20-25 [[15](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Global Lending Services LLC filed an objection to confirmation of plan. Debtors filed a response acknowledging that the plan is not confirmable and stated that they will file an amended plan. The original plan filed April 30, 2025, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

29. [25-22183](#)-B-13 EUGENE JONES
[LGT](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-16-25 [[16](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 8/14/25.

Final Ruling

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

30. [25-21690](#)-B-13 ANTHONY MOORE
[LGT](#)-1 Pro Se

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-29-25 [[18](#)]

CONTINUED TO 8/26/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 8/14/25 AND IN CONJUNCTION WITH THE MOTION TO DISMISS CASE.

Final Ruling

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

31. [25-21991](#)-B-13 NICOLE LEVIEN
[LGT-1](#) David Foyil
Thru #32

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-17-25 [[31](#)]

Final Ruling

The *initial* Chapter 13 Plan filed April 25, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to August 12, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor has failed to provide admissible evidence that the plan is mathematically feasible. Paragraph 2.01 of Debtor's plan provides for a monthly plan payment of \$460.00 and will take 36.45 months to fund. However, calculations indicate that Debtor's plan payment will need to be at least \$465.73 per month for 36 months for the plan to be feasible.

Second, Debtor has failed to provide documents verifying her income of Social Security/Disability Benefits or proof of income from a rental. Until those items are provided, it cannot be determined whether Debtor can afford the plan payments. 11 U.S.C. § 1325(a)(6).

Third, Debtor lists income from a rental in the amount of \$1,350.00 per month on Line 8a of Schedule I. Debtor has failed to attach the required statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income. Until these documents are review, it cannot be determined if the plan is feasible. 11 U.S.C. § 1325(a)(6).

Fourth, the Disclosure of Compensation of Attorney for Debtor form filed April 25, 2025, is incorrect. The form does not match the standardized form as provided on the Eastern District of California Court's website.

Fifth, Debtor's case was filed on April 25, 2025. The plan opted to comply with Local Bankruptcy Rule 2016-1(c). Therefore, Rights and Responsibilities form EDC 3-096 (Rev. 2/26/2025) needs to be filed. The currently filed Rights and Responsibilities is the 5/1/2012 version.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on July 18, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 12, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 12, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

32. [25-21991](#)-B-13 NICOLE LEVIEN
[NLG](#)-1 David Foyil

OBJECTION TO CONFIRMATION OF
PLAN BY WILMINGTON SAVINGS FUND
SOCIETY, FSB
5-29-25 [[23](#)]

Final Ruling

The plan filed April 25, 2025, is not confirmable for reasons stated at Item #31, LGT-1. The objection to confirmation of plan by Wilmington Savings Fund Society, FSB, holder of a second deed of trust against Debtor's residence, is overruled as moot. The court separately notes that the objections raised by creditor relate to the motion to value collateral, DEF-1, which was continued to September 9, 2025.

The objection is ORDERED OVERRULED for reasons stated in the minutes.

The court will issue an order.

33. [25-22192](#)-B-13 MARIA HUDSON
[KMM](#)-1 David A. Boone
Thru #34 OBJECTION TO CONFIRMATION OF
PLAN BY TOYOTA MOTOR CREDIT
CORPORATION
6-16-25 [[12](#)]

Final Ruling

The plan having been deemed not confirmable at Item #34, LGT-1, the objection to confirmation by Toyota Motor Credit Corporation is overruled as moot.

The objection is OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

34. [25-22192](#)-B-13 MARIA HUDSON
[LGT](#)-1 David A. Boone
OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-16-25 [[16](#)]

Final Ruling

The *initial* Chapter 13 Plan filed May 2, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to August 12, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan fails to provide for submission of all or such portion of future earnings or other future income to the supervision and control of the Trustee as is necessary for execution of the plan. 11 U.S.C. § 1322(a). It appears Debtor's income may be understated based on the most recent paystubs provided, and the Debtor's disposable income maybe actually be higher than shown on the Form 122C-1. Until the Debtor files amended Form 122C-1 and/or provides documentation to clarify this discrepancy, it cannot be determined if the plan was filed in good faith, or if it pays in all of the Debtor's disposable income for the remaining term of his plan.

Second, Debtor must review Schedules I and J and amend them accordingly. Currently, Schedule I includes a retirement loan repayment that Debtor testified as her meeting of creditors that she does not have.

Third, Debtor's proposed monthly plan payment to Class 2 Claim Toyota Motor Credit Corporation for a 2015 Toyota Prius and 2021 Toyota Corolla must be increased in order for the plan to complete in 60 months. 11 U.S.C. § 1322(d).

Fourth, feasibility depends on Debtor filing and the court granting of a motion to value collateral of Toyota Motor Credit Corporation for a 2015 Toyota Prius.

Fifth, the Disclosure of Compensation of Attorney for Debtor form filed April 25, 2025, is incorrect. The form does not match the standardized form as provided on the Eastern District of California Court's website.

Sixth, Debtor's case was filed on May 2, 2025. The plan opted to comply with Local Bankruptcy Rule 2016-1(c). Therefore, Rights and Responsibilities Form EDC 3-096 (Rev. 2/26/2025) needs to be filed.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on July 18, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 12, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 12, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

35. [25-20594](#)-B-13 LUIS IBARRA
[HWW](#)-5 Hank W. Walth

MOTION TO CONFIRM PLAN
6-10-25 [[77](#)]

Final Ruling

Debtor Luis Ibarra filed a reply stating that he is abandoning the first amended plan and that he will file a second amended plan. The court interprets this as a withdrawal of the motion to confirm pursuant to Fed. R. Civ. P. 41(a)(2) and Fed. R. Bankr. P. 9014 and 7014. Good cause appearing, the motion is dismissed without prejudice.

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

The court will issue an order.

36. [24-25197](#)-B-13 DENISE REES MOTION TO CONFIRM PLAN
[PGM](#)-2 Peter G. Macaluso 5-20-25 [[64](#)]

CONTINUED TO 8/19/25 AT 1:00 P.M. TO PROVIDE DEBTOR ADDITIONAL TIME TO OBTAIN ALL TAX RETURNS.

Final Ruling

No appearance at the July 15, 2025, hearing is required. The court will issue an order.

Final Ruling

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 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). Opposition was filed.

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 not confirm the first amended plan.

First, Debtor's plan is not feasible. The plan provides for Hyundai Capital as a Class 2 claim in the amount of \$31,495.75 to be paid at 8.5% interest, a cumulative amount of \$2,637.76 through month 5, and \$459.22 for months 6 through 60 for a total of \$27,894.86 or an average monthly dividend of \$464.91. Debtor's plan is a 60-month plan and the average monthly dividend proposed for the Class 2 claim of Hyundai Capital will take 93 months to pay said claim. 11 U.S.C. § 1325(a)(6).

Second, Debtor's plan is not feasible. The plan provides for Valley First Credit Union as a Class 2 claim in the amount of \$11,319.91 to be paid at 8.5% interest a cumulative amount of \$951.12 through month 5, and \$228.26 for months 6 through 60 for a total of \$13,506.42 or an average monthly dividend of \$225.11. Debtor's plan is a 60-month plan and the average monthly dividend proposed for the Class 2 claim of Hyundai Capital will take 63 months to pay said claim. 11 U.S.C. § 1325(a)(6).

Third, Paragraph 2.01 of Debtor's plan provides for an average monthly plan payment of \$3,260.12. The Debtor has failed to provide admissible evidence that their plan is mathematically feasible. Calculations indicate that Debtor's average plan payment will need to be at least \$3,355.12 in order for Debtor's plan to be feasible, with proposed 0% to be paid to general unsecured creditors. 11 U.S.C. § 1325(a)(6).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

38. [25-21323](#)-B-13 RANATEJBIR THIND
[LGT](#)-1 Scott M. Johnson

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-1-25 [[14](#)]

Final Ruling

The *initial* Chapter 13 Plan filed March 24, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to August 12, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Debtor has failed to provide six months of Profit and Loss statements (September 2024 through February 2025) that are required and requested by the Chapter 13 Trustee at each of the three meetings of creditors.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on July 18, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 12, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 12, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

39. [25-21059](#)-B-13 JONATHAN GOBERT AND LUIS CONTINUED OBJECTION TO
[LGT](#)-1 OTERO CONFIRMATION OF PLAN BY LILIAN
Robert L. Goldstein G. TSANG
4-22-25 [[20](#)]

Final Ruling

The *initial* Chapter 13 Plan filed March 10, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to August 12, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtors' proposed plan payment is not feasible. 11 U.S.C. § 1325(a)(6). Monthly payments owed to secured creditors total \$5,955.22 per month, without Trustee compensation and expense, and with current Trustee compensation and expense total \$6,403.46 per month. Debtors' plan payment is only \$2,308.40 per month.

Second, Debtors' plan provides for Select Finance as a Class 1 claim with pre-petition arrears of \$70,530.00 to be paid an arrearage dividend of \$1,175.50. However, Select Finance filed Claim 2-1 indicating pre-petition arrears of \$89,311.93. In order to comply with the terms of the plan requiring equal monthly installments, the arrearage dividend must be \$1,488.53 a month.

Third, Debtor Jonathan Gobert indicated that he will be starting a new job. Until payment advices and amended Schedules I and J are provided for reviewed, feasibility of the plan cannot be determined. 11 U.S.C. § 1325(a)(6).

Fourth, feasibility of the plan cannot be determined until Debtors have filed their 2024 federal and state income tax returns and provided them for review. 11 U.S.C. § 1325(a)(6).

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on July 18, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 12, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 12, 2025, at 1:00 p.m.

The objection is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the minutes.

The court will issue an order.

40. [25-90269](#)-B-13 ARTHUR/MARILU BOODE
[LGT](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-16-25 [[16](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed April 8, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED 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.

41. [25-21789](#)-B-13 DAVID/IMELDA VOLKMAN CONTINUED OBJECTION TO
[LGT](#)-1 Lars Fuller CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-29-25 [[25](#)]

Final Ruling

This matter was continued from July 8, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, July 11, 2025. Debtors' filed a first amended plan with the confirmation hearing set for August 19, 2025.

Therefore, the court's conditional ruling at dkt. 48 and the continued hearing on July 15, 2025, at 1:00 p.m. are vacated. The objection is overruled as moot.

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

The court will issue an order.