



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

July 17, 2024 at 1:30 p.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/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.

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

July 17, 2024 at 1:30 p.m.

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1. [24-21824](#)-C-13 DEIDRA GRISWOLD MOTION/APPLICATION TO VALUE
[GEL](#)-1 Gabriel Liberman COLLATERAL OF CONSUMER
PORTFOLIO SERVICES FINANCIAL,
INC.
6-25-24 [[16](#)]

No 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 22 days' notice was provided. Dkt. 20.

The Motion to Value is xxxxxxxx.

The debtor filed this Motion seeking to value the portion of Consumer Portfolio Services Financial Inc.'s ("Creditor") claim secured by the debtor's property a 2021 Jeep Renegade (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$6,050.00. Declaration, Dkt. 19. However, debtor's motion and schedules indicate a value of \$16,660.00. Dkts. 1 & 16.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on January 24, 2021, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is xxxxxxxx. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be xxxxxxxx. 11 U.S.C. § 506(a).

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 Value Collateral and Secured Claim filed by the debtor 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 pursuant to 11 U.S.C. § 506(a) is **xxxxxxx**, and the claim of Consumer Portfolio Services Financial Inc. ("Creditor") secured by property commonly known as 2021 Jeep Renegade (the "Property") is determined to be a secured claim in the amount of **xxxxxxx**, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

2. [24-21824](#)-C-13 DEIDRA GRISWOLD
[LGT](#)-1 Gabriel Liberman

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-20-24 [[12](#)]

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 27 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan is not feasible.

DISCUSSION

The plan proposes valuing the secured claim of Consumer Portfolio Services Financial Inc. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, 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 sustained.

3. [23-24141](#)-C-13 NICHOLAS TEYKAERTS AND MOTION FOR COMPENSATION BY THE
[TLA](#)-2 KATIE JACKSON LAW OFFICE OF AMBERG AND HARVEY
Thomas Amberg FOR THOMAS L. AMBERG, JR.,
DEBTORS ATTORNEY(S)
6-17-24 [[27](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 32.

The Motion for Allowance of Professional Fees is granted.

Thomas L. Amberg, Jr. filed this first interim request seeking approval of compensation for attorney services provided to debtors, Dean and Bertha Simmons.

Fees are requested for the period November 17, 2023, through June 17, 2024. The movant requests fees in the amount of \$4,195.50. Movant represents that he received \$1,000.00 prior to the filing of the case.

DISCUSSION

Hourly Fees

The court finds that the hourly rates are reasonable and that the movant effectively used appropriate rates for the services provided. First interim fees in the amount of \$4,192.50 are approved pursuant to 11 U.S.C. § 331, and subject to final review pursuant to 11 U.S.C. § 330, and \$3,192.50 are authorized to be paid by the Chapter 13 trustee from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

The Movant is authorized to apply the \$1,000.00 towards the total fee amount. The Chapter 13 trustee is authorized to pay, the following amounts as compensation to this professional in this case:

Fees	\$3,192.50
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pursuant to this Motion as interim fees pursuant to 11 U.S.C. § 331 in this case.

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 Thomas L. Amberg, Jr. ("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 Movant is allowed the following fees and expenses as a professional of the Estate:

Movant, Professional employed by debtors, Nicholas Teykaerts and Katie Jackson,

Fees in the amount of \$4,192.50

as an interim allowance of fees and expenses pursuant to 11 U.S.C. § 331 and subject to final review and allowance pursuant to 11 U.S.C. § 330.

IT IS FURTHER ORDERED that the Chapter 13 trustee is authorized to pay \$3,192.50 of the fees by this Order from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

4. [24-21742](#)-C-13 LAURIE SMITH
[KMM](#)-1 James Doan

OBJECTION TO CONFIRMATION OF
PLAN BY NEWREZ LLC
5-20-24 [[14](#)]

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 58 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

Creditor, Newrez LLC dba Shellpoint Mortgage Servicing ("Creditor"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for Creditor's arrears; and
2. The plan is not feasible.

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.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by Newrez LLC, 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 sustained.

5. [24-21742](#)-C-13 LAURIE SMITH
[LGT](#)-2 James Doan

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-17-24 [[25](#)]

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 30 days' notice was provided. Dkt. 27.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan provides for attorney's fees in excess of the fixed compensation allowed under the local rules;
2. The plan is not feasible.

DISCUSSION

Except for adversary proceedings, the flat fee includes all prepetition and postpetition services rendered and costs incurred. Local Rule 2016-1.

Debtor's Disclosure of Compensation of Attorney for Debtor indicates that not all services are included in counsel's fee. This is contrary to the Local Rules and reason to deny confirmation.

Because claims are greater than scheduled, the plan will take 69.48 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, 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 sustained.

6. [24-21356](#)-C-13 RYAN OHLINGER CONTINUED OBJECTION TO
 [LGT](#)-1 Julius Cherry CONFIRMATION OF PLAN BY LILIAN
 G TSANG
 5-23-24 [[16](#)]

This Item has been rescheduled to July 30, 2024 in Department A before the
Hon. Fredrick E. Clement. Dkt. 34.

7. [24-21856](#)-C-13 JOHN PAULO/MERYANN OBJECTION TO CONFIRMATION OF
[LGT](#)-1 GUMAWID PLAN BY LILIAN G. TSANG
Raj Wadhwani 6-20-24 [[24](#)]

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 27 days' notice was provided. Dkt. 27.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtors' homestead exemption is greater than the amount allowed under California law; and
2. Debtors have failed to amend their schedules for assets that were previously not listed and for a recent pay increase .

DISCUSSION

The debtor may have non-exempt assets because they are currently claiming a homestead exemption greater than allowed by California law. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The plan proposes a monthly payment that may be less than all of the debtor's disposable income because the debtor has not amended their schedules to reflect additional income from a recent pay increase. Debtor is required to submit those documents and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1) & (a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, 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 sustained.

8. [24-21856](#)-C-13 JOHN PAULO/MERYANN
[NLG](#)-1 GUMAWID
Raj Wadhwani
OBJECTION TO CONFIRMATION OF
PLAN BY LAKEVIEW LOAN
SERVICING, LLC
6-18-24 [[20](#)]

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 31 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

Creditor Lakeview Loan Servicing, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for Creditor's arrears; and
2. The plan is not feasible.

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.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by Lakeview Loan Servicing, LLC, 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 sustained.

9. [20-21661](#)-C-13 JAMES LEFEBVRE
[MRI](#)-2 Candace Brooks

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF LIVIAKIS LAW FIRM
FOR CANDACE Y. BROOKS, DEBTORS
ATTORNEY(S)
6-20-24 [[42](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) procedure which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 46.

The Motion for Allowance of Professional Fees is granted.

Counsel for the debtor filed this Motion seeking additional compensation, beyond the fixed fee approved in connection with plan confirmation pursuant to Local Bankruptcy Rule 2016-1(c), for substantial and unanticipated work performed.

Fees are requested for the period March 19, 2020, through June 20, 2024. Applicant requests fees in the amount of \$2,695.00.

DISCUSSION

The unique facts surrounding the case, including filing the ex parte motion to incur debt, raise substantial and unanticipated work for the benefit of the Estate, Debtor, and parties in interest. The court finds that the hourly rates are reasonable and that Applicant effectively used appropriate rates for the services provided. The request for additional fees in the amount of \$2,695.00 are approved pursuant to 11 U.S.C. § 330 and authorized to be paid by the Chapter 13 Trustee from the available funds of the Plan in a manner consistent with the order of distribution in a Chapter 13 case under the confirmed Plan.

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 Candace Y. Brooks ("Applicant"), Attorney having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that Applicant is allowed the following fees and expenses as a professional of the Estate:

Applicant, a professional employed by the Chapter 13 debtor, James Michael Lefebvre,

Fees in the amount of \$2,695.00,

as the final allowance of fees and expenses pursuant to 11 U.S.C. § 330 as counsel for Debtor.

IT IS FURTHER ORDERED that the Chapter 13 trustee is authorized to pay the fees allowed by this Order from the available Plan funds in a manner consistent with the order of distribution in a Chapter 13 case.

10. [24-21883](#)-C-13 SANDRA GIL
[LGT](#)-1 Mark Wolff

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-17-24 [[19](#)]

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 30 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The debtor's claim of homestead exemption is greater than that provided under California law;
2. The plan does not propose to pay all available income into the plan;
3. The plan fails to complete within the allotted time; and
4. The plan fails to provide for all of debtor's future income.

DISCUSSION

The debtor may have non-exempt assets because she is currently claiming a homestead exemption greater than allowed by California law. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The plan will take 68.52 months to complete, which is greater than the 60 months plan term. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The plan proposes monthly payments that are less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the

Chapter 13 Trustee, Lilian Tsang, 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 sustained.

11. [23-22088](#)-C-13 LISA HOOKS
[SLL](#)-1 Gary Frlaey

MOTION TO RECONSIDER
6-17-24 [[39](#)]

*This is a duplicate of item #12

12. [23-22088](#)-C-13 LISA HOOKS
[SLL](#)-1 Gary Fraley

MOTION TO RECONSIDER
6-17-24 [[33](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 38.

The Motion to Reconsider is ~~xxxxxxx~~, and the Objection to Proof of Claim (Dkt. 32) is ~~xxxxxxx~~.

Creditor, Brookfield Homeowners Association, filed this Motion seeking to vacate this court's Order (Dkt. 32) sustaining debtor's objection to Creditor's Proof of Claim (Claim No. 21) on the basis that counsel for Creditor was experiencing medical issues and did not properly calendar the objection.

The court issued its Order Sustaining the Objection after Creditor failed to appear at the hearing.

Creditor asserts that under Federal Rule of Bankruptcy Procedure 9023 grounds exist for reconsideration because the Court made a mistake of fact when it sustained the objection. Further, Creditor contends that under Federal Rule of Bankruptcy Procedure 9024 the court should reconsider the Objection because the failure to respond to the Objection or appear at the hearing was based upon counsel's excusable neglect.

Debtor filed an opposition on July 3, 2024, (Dkt. 45) asserting that Creditor's Motion is untimely because it was not filed within 10 days of the entry of the order. Debtor further contends that there was no excusable neglect on the part of Creditor's counsel because counsel's firm has other attorneys with bankruptcy experience that could have handled the matter.

Debtor further asserts that she will suffer significant prejudice if the Motion is granted because her counsel has been forced to put in significant time and effort into the Objection and into opposing this Motion. Debtor contends that she is entitled to attorney's fees in the amount of \$7,500.00 because of the amount of time he put into the Objection and having to oppose this motion.

Creditor filed a response to debtor's opposition (Dkt. 49) on July 10, asserting that this Motion was brought within 14 days of entry of the

order. Creditor again asserts that FRBP 9023 is primarily what it relies on in requesting reconsideration and debtor has failed to respond to this issue entirely. Creditor additionally contends that debtor has not provided a basis for attorney's fees and the fees requested by the debtor are unreasonable.

APPLICABLE LAW

Federal Rule of Civil Procedure Rule 60(b), as made applicable by Federal Rule of Bankruptcy Procedure 9024, governs the reconsideration of a judgment or order. Grounds for relief from a final judgment, order, or other proceeding are limited to:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

FED. R. CIV. P. 60(b). A Rule 60(b) motion may not be used as a substitute for a timely appeal. *Latham v. Wells Fargo Bank, N.A.*, 987 F.2d 1199, 1203 (5th Cir. 1993). The court uses equitable principles when applying Rule 60(b). See 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2857 (3d ed. 1998). The so-called catch-all provision, Federal Rule of Civil Procedure 60(b)(6), is "a grand reservoir of equitable power to do justice in a particular case." *Uni-Rty Corp. V. Guangdong Bldg., Inc.*, 571 F. App'x 62, 65 (2d Cir. 2014) (citation omitted). While the other enumerated provisions of Rule 60(b) and Rule 60(b)(6) are mutually exclusive, relief under Rule 60(b)(6) may be granted in extraordinary circumstances. *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 863 & n.11 (1988).

A condition of granting relief under Rule 60(b) is that the requesting party show that there is a meritorious claim or defense. This does not require a showing that the moving party will or is likely to prevail in the underlying action. Rather, the party seeking the relief must allege enough facts that, if taken as true, allow the court to determine if it appears that such defense or claim could be meritorious. 12 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE ¶¶ 60.24[1]-[2] (3d ed. 2010); see also *Falk v. Allen*, 739 F.2d 461, 463 (9th Cir. 1984).

Additionally, when reviewing a motion under Rule 60(b), courts consider three factors: "(1) whether the plaintiff will be prejudiced, (2) whether the defendant has a meritorious defense, and (3) whether culpable

conduct of the defendant led to the default." *Falk*, 739 F.2d at 463 (citations omitted).

Another consideration is the importance of finality of judgments. The standard for determining whether a Rule 60(b)(1) motion is filed within a reasonable time is a case-by-case analysis. The analysis considers "the interest in finality, the reason for delay, the practical ability of the litigant to learn earlier of the grounds relied upon, and prejudice to other parties." *Gravatt v. Paul Revere Life Ins. Co.*, 101 F. App'x 194, 196 (9th Cir. 2004) (citations omitted); *Sallie Mae Servicing, LP v. Williams (In re Williams)*, 287 B.R. 787, 793 (B.A.P. 9th Cir. 2002) (citation omitted).

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 Vacate filed by Brookfield Homeowners Association 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 **xxxxxxxxxx**, and the Objection to Proof of Claim (Dkt. 32) is **xxxxxxxxxx**.

13. [24-21291](#)-C-13 THERESA WALKER
[LGT](#)-1 Pauldeep Bains

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-21-24 [[17](#)]

Final Ruling: No appearance at the July 17, 2024 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not provide for all of the debtor's future earnings; and
2. The plan does not provide for all of the debtor's projected disposable income to be applied to unsecured creditors.

The debtor filed a statement of non-opposition to the Chapter 13 Trustee's objection and conceded that the plan is not confirmable.

DISCUSSION

The plan proposes a monthly payment that is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, 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 sustained.

Final Ruling: No appearance at the July 17, 2024 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 70.

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 Modify is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

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, 1325(a), and 1329. 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, Donnette Lynn DeSantis, 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 Modified Chapter 13 Plan (Dkt. 65) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, 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.

15. [24-21697](#)-C-13 LINDA MYRES
[LGT](#)-1 Eric Schwab

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
6-17-24 [[14](#)]

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 30 days' notice was provided. Dkt. 17.

The Objection to Confirmation of Plan is sustained.

The Chapter 13 Trustee, Lilian Tsang ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. 341 Meeting has not been concluded; and
2. Debtor has failed to provided 2023 tax returns.

DISCUSSION

A review of the docket shows that debtor and counsel appeared at the continued meeting of creditor on July 12, but that the meeting has been continued to July 25, 2024.

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

That is reason to deny confirmation. Therefore, the Objection is sustained.

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 Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, 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 sustained.