



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**July 22, 2025 at 11:00 a.m.**

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

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

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/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.

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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**July 22, 2025 at 11:00 a.m.**

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1. [25-22223](#)-C-13 MELVA HASTINGS OBJECTION TO CONFIRMATION OF  
[DPC-1](#) Timothy Walsh PLAN BY DAVID P. CUSICK  
6-24-25 [[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 28 days' notice was provided. Dkt. 15.

**The Objection to Confirmation of Plan is sustained.**

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

1. Documents required under § 521 were not provided to the Trustee;
2. Debtor failed to provide proof of social security number;
3. Debtor failed to provide Trustee with income tax returns;
4. Debtor failed to provide pay advices to the Trustee.

**DISCUSSION**

The Meeting of Creditors has not been completed. Attempting to confirm a plan before appearing and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

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).

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

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

**July 22, 2025 at 11:00 a.m.**  
**Page 1 of 25**

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, David Cusick, 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.

2. [25-22427](#)-C-13 NICCOLE AMARAL  
[DPC-1](#) David Foyil

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
7-2-25 [[16](#)]

**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 20 days' notice was provided. Dkt. 19.

**The Objection to Confirmation of Plan is sustained.**

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

1. Plan relies on motion to value collateral that has not yet been granted; and
2. The amount said to have been paid to debtor's attorney in the Disclosure of Attorney Compensation is inconsistent with the Plan.

**DEBTOR'S OPPOSITION**

The debtor filed an Opposition on July 11, 2025. Dkt. 25. Debtor asserts she has now filed a motion to value collateral that is set for hearing on August 26, 2025.

Debtor contends that the Disclosure of Attorney Compensation contained a clerical error and has now been amended and filed.

**DISCUSSION**

The plan proposes valuing the secured claim of OneMain Financial. 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, David Cusick, 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. [25-22329](#)-C-13 MYRON GRIFFIN OBJECTION TO CONFIRMATION OF  
[NLG-1](#) Gabriel Liberman PLAN BY NEW AMERICAN FUNDING,  
LLC  
6-5-25 [[13](#)]

**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 47 days' notice was provided. Dkt. 16.

**The Objection to Confirmation of Plan is sustained.**

Creditor New American Funding, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for all of Creditor's prepetition 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 New American Funding, 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.

4. [25-22533](#)-C-13 YESSENIA/EDUARDO CHAVEZ OBJECTION TO CONFIRMATION OF  
[DPC-1](#) Jasmin Nguyen PLAN BY DAVID P. CUSICK  
7-2-25 [[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 20 days' notice was provided. Dkt. 17.

**The Objection to Confirmation of Plan is sustained.**

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

1. Plan relies on motion to value collateral that has not yet been granted; and
2. Plan fails to provide for the claim of Santander Consumer USA for a leased vehicle.

**DEBTORS' OPPOSITION**

The debtors filed an Opposition on July 9, 2025. Dkt. 18. Debtors assert they are filing a motion to value collateral and an amended plan that will be set for hearing on August 26, 2025.

**DISCUSSION**

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

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 claim of Santander as the Trustee 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 the

Chapter 13 Trustee, David Cusick, 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. [25-22034](#)-C-13 DAMIEN/STACEY GIACCHINO OBJECTION TO CONFIRMATION OF  
[DPC-1](#) Carl Gustafson PLAN BY DAVID P. CUSICK  
6-18-25 [[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 34 days' notice was provided. Dkt. 23.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor is unable to make plan payments;
2. Plan relies on a motion to value collateral; and
3. Plan misclassifies the loan for the 2023 Tesla Model Y.

**DISCUSSION**

The plan proposes valuing the secured claim of Travis Credit Union. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The plan at Section 3.08 provides that secured claims that will mature before the plan is completed shall be included as Class 2 claims.

Notwithstanding whether the plan provides for the claim as the Trustee 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 the Chapter 13 Trustee, David Cusick, 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. [25-22034](#)-C-13 DAMIEN/STACEY GIACCHINO OBJECTION TO CONFIRMATION OF  
[KSH](#)-1 Carl Gustafson PLAN BY CENLAR FSB  
6-18-25 [[16](#)]

**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 34 days' notice was provided. Dkt. 19.

**The Objection to Confirmation of Plan is sustained.**

Creditor Cenlar FSB as Servicer for AmeriHome Mortgage Company, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for arrearages owed to Creditor.

**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 Cenlar FSB as Servicer for AmeriHome Mortgage Company, 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.

7. [25-22340](#)-C-13 SANDRA EVANS  
[DPC-1](#) Mark Wolff

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
7-2-25 [[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 20 days' notice was provided. Dkt. 27.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor is delinquent in plan payments.

**DISCUSSION**

The debtor is \$1,966.00 delinquent in plan payments. Declaration, Dkt. 26. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 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 the Chapter 13 Trustee, David Cusick, 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.

**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 14 days' notice was provided. Dkt. 12.

**The Motion to Extend the Automatic Stay is xxxxxx.**

Michael Mullins ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on November 18, 2024, after Debtor was delinquent in plan payments. Order, Bankr. E.D. Cal. No. 19-27920, Dkt. 115. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and has not engaged in any type of scheme or other operation to abuse the bankruptcy process.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at \*6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith

under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

*In re Elliot-Cook*, 357 B.R. at 814-15.

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 Extend the Automatic Stay filed by Michael Mullins 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~~

9. [25-21948](#)-C-13 VASILIOS TSIGARIS  
[DPC-1](#) Marc Caraska

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
6-18-25 [[18](#)]

**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 34 days' notice was provided. Dkt. 21.

**The Objection to Confirmation of Plan is sustained.**

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

1. The plan requires a higher payment than that proposed currently.

**DISCUSSION**

The plan mathematically requires a payment of \$7,311.65 per month, which is greater than the proposed \$7,044.13 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed and claims filed in the case are greater than scheduled. 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 the Chapter 13 Trustee, David Cusick, 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.

10. [25-22351](#)-C-13 OSCAR QUEZADA  
[DPC-1](#) Peter Macaluso

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
7-2-25 [[27](#)]

**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 20 days' notice was provided. Dkt. 30.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor is delinquent in plan payments; and
2. The amount said to have been paid to debtor's attorney in the Disclosure of Attorney Compensation is inconsistent with the Plan.

**DEBTOR'S OPPOSITION**

The debtor filed an Opposition on July 15, 2025. Dkt. 32. Debtor represents the Meeting of Creditors was concluded on June 26, 2025. Debtor contends he sent a cashier's check of \$1,900.00 that will bring the debtor current in plan payments.

**DISCUSSION**

The debtor is \$1,920.00 delinquent in plan payments. Declaration, Dkt. 29. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 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 the Chapter 13 Trustee, David Cusick, 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. [25-22057](#)-C-13 QUOC NGUYEN  
[DPC-1](#) Arete Kostopoulos

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P CUSICK  
6-18-25 [[17](#)]

**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 34 days' notice was provided. Dkt. 20.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor failed to appear at the Meeting of Creditors on June 12, 2025.

**DISCUSSION**

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(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, David Cusick, 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.



12. [25-22157](#)-C-13 SIDNEY-CHEVIS RICHARDSON OBJECTION TO CONFIRMATION OF  
[DPC-1](#) AND ANDREA PLAN BY DAVID P CUSICK  
Julius Cherry 6-18-25 [[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 34 days' notice was provided. Dkt. 15.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor is delinquent \$3,700.00 in plan payments;
2. Debtor failed to appear at the Meeting of Creditors held on June 12, 2025; and
3. Debtor's attorney's fees do not comply with the Local Rules.

**DISCUSSION**

The debtor is \$3,700.00 delinquent in plan payments. Declaration, Dkt. 14. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

Local Rule 2016-1(c) states that an attorney who accepts the "No Look" fee may not accept a retainer greater than 25% nor shall be entitled to an amount greater than 50% upon confirmation of the plan. The plan's current payment structure exceeds 50% in the first 4 months of the plan.

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, David Cusick, 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.

13. [25-22058](#)-C-13 RANKIN LYMAN  
[DPC-1](#) Peter Macaluso

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
6-18-25 [[23](#)]

**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 34 days' notice was provided. Dkt. 26.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor has failed to provide required pay advices;
2. Debtor has failed to provide copies of income tax returns;
3. The plan is not feasible; and
4. Schedule I does not reflect debtor's current income.

**DEBTOR'S OPPOSITION**

The debtor filed an Opposition on July 15, 2025. Dkt. 30. Debtor represents the Meeting of Creditors was concluded on July 10, 2025. Debtor asserts that at the time of filing there was a lien on the property, but a search of the County Recorder showed there was no lien. As such, debtor seeks to have the order confirming state that the claim of Zachter, LLC be placed in Class 7 as an unsecured creditor.

**DISCUSSION**

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

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).

The plan proposes valuing the secured claim of Zachter, LLC. 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, David Cusick, 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.

14. [25-22262](#)-C-13 JAMES HUDGENS  
[DPC-1](#) Nada Dhahbi

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID CUSICK  
7-3-25 [[33](#)]

**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 19 days' notice was provided. Dkt. 36.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor is delinquent in plan payments;
2. Debtor's petition is inaccurate;
3. Schedule A/B does not contain a vehicle debtor owns with non-filing spouse;
4. Debtor's claim of homestead exemption is not claimed under proper state law;
5. Schedule J includes debtor's mortgage payment, which is also listed as a class 1 claim that will be paid through the plan; and
6. Debtor's attorney has opted for the "no look" but has also accepted the total amount prior to filing.

**DISCUSSION**

The debtor is \$1,966.00 delinquent in plan payments. Declaration, Dkt. 35. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c) states that an attorney who accepts the "No Look" fee may not accept a retainer greater than 25% nor shall be entitled to an amount greater than 50% upon confirmation of the plan. The plan's current payment structure exceeds 50% in the first 4 months of the plan.

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, David Cusick, 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.

15. [25-22262](#)-C-13 JAMES HUDGENS  
[JCW](#)-1 Nada Dhahbi

OBJECTION TO CONFIRMATION OF  
PLAN BY ANGEL OAK REAL ESTATE  
INVESTMENT TRS-REO, LLC  
7-3-25 [[29](#)]

**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 19 days' notice was provided. Dkt. 32.

**The Objection to Confirmation of Plan is sustained.**

Creditor, Angel Oak Real Estate Investment TRS-REO, LLC, its assignees and/or successors, by and through its servicing agent Select Portfolio Servicing, Inc., ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for arrears of Creditor's debt.

**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 Angel Oak Real Estate Investment TRS-REO, 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.

16. [25-22086](#)-C-13 DEMARIAE BATISTE  
[DPC-1](#) Carl Gustafson

OBJECTION TO CONFIRMATION OF  
PLAN BY DAVID P. CUSICK  
6-18-25 [[13](#)]

**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 34 days' notice was provided. Dkt. 16.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor has not filed all income tax returns;
2. Debtor is delinquent in plan payments; and
3. Schedule A/B has not been amended in accordance with debtor's testimony in the Meeting of Creditors.

**DISCUSSION**

After a review of the docket, the debtor has filed an amended Schedule A/B. Dkt. 17.

The debtor has not filed all required tax returns. 11 U.S.C. §§ 1308, 1325(a)(9). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor is \$830.00 delinquent in plan payments. Declaration, Dkt. 15. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 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 the Chapter 13 Trustee, David Cusick, 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.



17. [25-22088](#)-C-13 MICHAEL/CAYTLYN OBJECTION TO CONFIRMATION OF  
[DPC-1](#) BUSTAMANTE PLAN BY DAVID P. CUSICK  
Pauldeep Bains 6-18-25 [[13](#)]

**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 34 days' notice was provided. Dkt. 16.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtors failed to appear at the Meeting of Creditors on June 12, 2025.

**DEBTORS' OPPOSITION**

The debtors filed an Opposition on June 27, 2025. Dkt. 17. Counsel for the debtors asserts that he miscalendared the Meeting. He represents the continued Meeting is scheduled for July 24, 2025 and would like the matter continued to allow debtors to appear at the continued Meeting.

**DISCUSSION**

Debtors did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(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, David Cusick, 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.

**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 20 days' notice was provided. Dkt. 25.

**The Objection to Confirmation of Plan is sustained.**

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

1. Debtor is delinquent in plan payments;
2. Debtor failed to appear at the Meeting of Creditors;
3. Debtor failed to provide pay advices;
4. Debtor failed to provide copies of income tax returns;
5. Debtor has not utilized the required Chapter 13 forms as required in the Local Rules;
6. Debtor has failed to provide proof of security number; and
7. Debtor has failed to properly claim exemptions under the applicable state laws and may have non-exempt assets that may be used to pay unsecured creditors.

**DISCUSSION**

The debtor is \$2,369.00 delinquent in plan payments. Declaration, Dkt. 24. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

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

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, David Cusick, 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.