UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

July 28, 2026 at 11:00 a.m.

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

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

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

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

Please also note the following:

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

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

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

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

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UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

July 28, 2026 at 11:00 a.m.

1.	26-22600-C-13 DPC-1	CHERYL MILLER Mo Mokarram	OBJECTION TO CONFIRMATION OF PLAN BY DAVID CUSICK 6-23-26 [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 35 days' notice was provided. Dkt. 16.

The Objection to Confirmation of Plan is overruled.

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

1. Debtor has not filed all tax returns.

DEBTOR'S OPPOSITION

The debtor filed a declaration on July 20, 2026, asserting that she filed her tax returns on June 24, 2026. Dkt. 17.

DISCUSSION

The debtor by filing the tax returns in question appears to have resolved the Trustee's one issue.

No other grounds for objection remaining, it appears the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Objection is overruled, 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 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 overruled, and the debtor's Chapter 13 Plan (Dkt. 3), is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

2. 25-27201-C-13 TY HINH MOTION TO CONFIRM PLAN
PDD-2 Phuc Dinh Do 6-22-26 [46]

Final Ruling: No appearance at the July 28, 2026 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 38 days' notice was provided. Dkt. 48.

The Motion to Confirm is denied as moot.

On July 10, 2026, the debtor filed a new proposed plan. Filing a new plan is a de facto withdrawal of the pending plan. Therefore, the Motion to Confirm the Amended Plan is denied as moot, and the plan is not 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, Ty Hinh, 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 denied as moot, and the proposed Chapter 13 Plan is not confirmed.

3. 25-27201-C-13 TY HINH MOTION TO CONFIRM PLAN
PDD-2 Phuc Dinh Do 7-13-26 [58]

Final Ruling: No appearance at the July 28, 2026 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 only 15 days' notice was provided. Dkt. 60. Therefore, the matter is continued to **August 26, 2026, at 11:00 a.m.**

4. 26-21403-C-13 TERENCE VALLELY MOTION TO CONFIRM PLAN
EJV-1 Eric J. Gravel 6-22-26 [25]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 29.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 26) filed on June 22, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 30) on July 14, 2026, opposing confirmation on the following grounds:

1. The plan fails the liquidation test;

2. Debtor has not amended Schedule F to include an unlisted unsecured creditor; and

3. Debtor has not amended Schedules I & J relating to debtor's non-filing spouse's rental income.

Debtor filed a reply on June 22, 2026, asserting that the property located at 145 Panorama Drive, Benicia, California is not property of the estate, and that voluntary contributions to a retirement savings account are excluded from disposable income.

DISCUSSION

The debtor has non-exempt assets totaling $865,685.00. The plan provides for a 6% dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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, Terence Vallely, 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 denied, and the plan is not confirmed.

5. 26-20605-C-13 MOH-1 | ROBERT SIMON Michael Hays | CONTINUED MOTION TO CONFIRM PLAN 5-12-26 [37]

Tentative Ruling:

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. 42.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 40) filed on May 22, 2026.

Chapter 13 Trustee filed an Opposition (Dkt. 43) on June 30, 2026, opposing confirmation on the following grounds:

1. Debtor cannot afford the plan payments;

2. The attorney's fees in the plan are not defined;

3. The proof of service shows that the Plan, notice, motion and declaration were served on May 28, but the motion and notice were filed on the docket on May 12.

Debtor filed a response (Dkt. 46) on July 10, 2026, asserting that the step plan payments are realistic, and the debtor has made all plan payments on time so far.

DISCUSSION

The debtor has not demonstrated the plan is feasible because the plan terms requires periodic higher step payments, which net income is not supported by the debtor's Schedules I & J. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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, Robert Simon, 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 denied, and the plan is not confirmed.

6. 26-22609-C-13 ANTRONETTE ROBINSON — OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
DPC-1 Mark Shmorgon — 6-25-26 [24]

Final Ruling: No appearance at the July 28, 2026 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 33 days' notice was provided. Dkt. 27.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation of debtor's plan (Dkt. 3) filed on May 6, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion to Confirm, making this Objection moot. Dkt. 19, 21.

Therefore, the Objection is overruled.

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 P. 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 overruled as moot.

7. 26-23810-C-13 WANDA MOORE MOTION TO EXTEND AUTOMATIC STAY
PGM-1 Peter Macaluso 7-13-26 [14]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 18.

The Motion to Extend the Automatic Stay is granted.

Wanda Moore ("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 February 26, 2026, after Debtor became delinquent in plan payments. Order, Bankr. E.D. Cal. No. 22-20007, Dkt. 121. 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 explains that the previous case was dismissed because she became delinquent in plan payments while spending time with her dying brother.

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.

Debtor has sufficiently rebutted the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The Motion is granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Extend the Automatic Stay filed by Wanda Moore 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, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c)(3)(B) for all purposes and parties, unless terminated by operation of law or further order of this court.

8. 26-20811-C-13 PGM-2 VERNON DAVIS Peter Macaluso CONTINUED MOTION TO CONFIRM PLAN 6-2-26 [43]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 42 days' notice was provided. Dkt. 51.

The Motion to Confirm is denied.

The prior hearing was continued in order to determine if debtor had become current in plan payments.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 47) filed on June 2, 2026.

Chapter 13 Trustee filed an Opposition (Dkt. 52) on June 10, 2026, opposing confirmation on the following grounds:

1. Debtor did not attach a statement for property or business income.

The debtor replied that he has now filed the statement as requested by the Trustee. Dkt. 55.

DISCUSSION

The Chapter 13 Trustee argues that Debtor has failed to file a statement of gross business income and expenses attached to Schedule I. Line 8a of Schedule I requires Debtor to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income." Debtor is required to submit that statement and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). Debtor has not provided the required attachment.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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, Vernon Daavis, 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 denied, and the plan is not confirmed.

9.	26-20911-C-13 GB-1	GEORGINA MARTINEZ Mark Shmorgon	CONTINUED MOTION TO DISMISS CASE 6-16-26 [20]

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 28 days' notice was provided. Dkt. 26.

The Motion to Dismiss is xxxxxxxxx

The prior hearing was continued after Debtor and Movant stipulated to continuing the hearing to July 28, 2026, so that they can continue to have discussions that resolve the matter. Dkt. 33.

Jose Velazquez, debtor's estranged spouse, ("Movant") filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not disclosed all of her assets, including assets that she has purportedly made claims to in divorce proceedings.

Chapter 13 Trustee filed a response (dkt. 29) on June 30, 2026, asserting the following:

(1) debtor is delinquent a partial payment under the confirmed plan;

(2) the plan was confirmed on April 21, 2026, after no one objected, including the Trustee and Movant;

(3) the plan pays a 0% dividend to general unsecured creditors and the debtor's schedules as filed do not demonstrate any non-exempt equity listed in the assets of the estate. However, the trustee notes that if there are non-exempt assets that are undisclosed then this case should be converted to chapter 7.

A review of the docket shows that debtor has amended her Schedules A/B and C twice since the filing of the case.

Movant filed a response (Dkt. 41) on July 21, 2022 with the following support for dismissing the case:

(1) Although the property may be subject to divorce proceedings, the debtor made an assertion of interest in the property but did not schedule the property;

(2) Debtor cherry picks which assets are part of the divorce proceedings;

(3) Debtor admits the property is community property;

(4) Debtor amended her schedules 45 days after plan confirmation, did not serve the amended schedule A/B on creditors, and did not list all undisclosed assets;

(5) Trustee and creditors were prejudiced by the nondisclosure; and

(6) Conversion to chapter 7 does not benefit creditors because of

the divorce proceedings and the division of assets and equalization of debt.

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 Dismiss the Chapter 13 case filed by Jose Velazquez, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is xxxxxxx

10. 26-22522-C-13 KENT ROGNE MOTION TO CONFIRM PLAN
MDA-1 Mary D. Anderson 6-15-26 [16]

Final Ruling: No appearance at the July 28, 2026 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 43 days' notice was provided. Dkt. 21.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 18) filed on June 15, 2026.

The Chapter 13 trustee filed a non-opposition on July 14, 2026. Dkt. 22.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtor, Kent Rogne, 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 Amended Chapter 13 Plan (Dkt. 18) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

11. 26-22725-C-13 DPC-1 | EMILENA CHAVEZ Matthew J. DeCaminada | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 6-25-26 [21]

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 33 days' notice was provided. Dkt. 24.

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 did not appear at the Meeting of Creditors held on June 18, 2026.

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. 24-22629-C-13 RUMMY SANDHU | MOTION TO APPROVE LOAN MODIFICATION
PGM-5 Peter Macaluso | 6-29-26 [131]

Final Ruling: No appearance at the July 28, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 135.

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 Approve Loan Modification is granted.

Rummy Sandhu, debtor, filed this Motion seeking approval of loan modification.

The proposed financing is in the principal amount of $490,556.58 with a differed, noninterest bearing principal of $118,000.00. Monthly payments are proposed to begin at $2,219.31 for 5 years with step up interest amounts periodically thereafter, resulting in a balloon payment at maturity of the loan on September 1, 2036.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

The Chapter 13 Trustee filed a response (Dkt. 136) representing he does not oppose the motion but notes that certain issues need to clarified in the order.

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 Incur Debt filed by Rummy Sandhu having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,
>
> **IT IS ORDERED** that the Motion is granted. The debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

13. 26-22631-C-13 MARTIN HERNANDEZ — OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK
DPC-1 Mark W. Briden — 6-25-26 [22]

Thru #14

Final Ruling: No appearance at the July 28, 2026 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 33 days' notice was provided. Dkt. 25.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation on June 25, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion to Confirm, making this Objection moot. Dkt. 30, 32. The Court notes that the Amended Plan was not filed separately on the docket as required by the Local Rules.

Therefore, the Objection is overruled.

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 P. 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 overruled as moot.

14. 26-22631-C-13 KMM-1 | MARTIN HERNANDEZ Mark W. Briden | OBJECTION TO CONFIRMATION OF PLAN BY AMERICAN CREDIT ACCEPTANCE, LLC 5-29-26 [14]

Final Ruling: No appearance at the July 28, 2026 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 60 days' notice was provided. Dkt. 17.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

Creditor American Credit Acceptance, LLC filed this Objection to Confirmation on May 29, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion to Confirm, making this Objection moot. Dkts. 30,32. The Court notes that the Amended Plan was not filed separately on the docket as required by the Local Rules.

Therefore, the Objection is overruled.

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 American Credit Acceptance, 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 overruled as moot.

15.	26-22732-C-13 DPC-1	RACHAEL CHERVO Patricia Wilson	OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 7-7-26 [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 21 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. Plan payments are not feasible; and

2. Petition includes a typographical error of debtor's name.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on July 13, 2026. Dkt. 28. Debtor asserts the typographical error has been corrected.

Additionally, debtor contends that the Trustee's other objection was premised on the initial proof of claim filed by the Internal Revenue Service, but since that time the IRS has filed an amended proof of claim that is substantially lower than the initial claim.

Finally, debtor asserts that to the extent the feasibility analysis relies on paying the HUD proof of claim, the court should not require distributions to HUD through the plan because the "Partial Claim Notes" are not due.

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 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.

16. [26-22832](26-22832)-C-13 DPC-1 | SIANG PETERS Pro Se | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 7-7-26 [30]

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 21 days' notice was provided. Dkt. 33.

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 did not appear at the Meeting of Creditors;

2. Debtor has not provided a photo identification, proof of Social Security number, pay advices, tax returns, or bank statements;

3. Debtor did not list 3 of his prior 6 cases in the last 8 years on his petition;

4. Plan is overextended; and

5. Debtor is delinquent in plan payments.

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).

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).

Because plan payments are not enought to pay secured claims, the plan will take at least 84 months months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor has not made a plan payment and is $12,000.00 delinquent in plan payments. Declaration, Dkt. 32. 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. 25-24337-C-13 RAKESH/ASHIKA REDDY MOTION TO CONFIRM PLAN
WW-3 Mark Wolff 6-15-26 [62]

Final Ruling: No appearance at the July 28, 2026 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 42 days' notice was provided. Dkt. 68.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 65) filed on June 15, 2026.

The Chapter 13 trustee filed a non-opposition on July 14, 2026. Dkt. 72.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

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

> Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.
>
> The Motion to Confirm filed by the debtors, Rakesh and Ashika Reddy, 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 Amended Chapter 13 Plan (Dkt. 65) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

18. 26-20338-C-13 BDK-1 | DEBRA KING Peter G. Macaluso | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY QUALITY FIRST HOME IMPROVEMENT, INC. 3-12-26 [24]

No Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 19 days' notice was provided. Dkt. 32.

The Objection to Confirmation of Plan is xxxxxxxxx

Creditor Quality First Home Improvement, Inc. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan improperly disregards Creditor's lien.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on March 24, 2026. Dkt. 34. Debtor does not assert that a valid mechanic's lien was filed, that a civil action was filed, nor that the filing occurred 85 days after the lien was recorded.

Debtor asserts at the end of the civil action the lien will either be subject to § 522(f), or if unavoidable will be paid through the plan.

DISCUSSION

There appears to be no disagreement that at this point Creditor holds a valid mechanic's lien that has not yet been reduced to judgment.

A review of the filed claims in this case shows that Creditor has filed a claim (Claim No. 3-1). The claim is in the amount of $65,980.53, of which it is asserted that $52748.24 is secured and $13,232,29 is unsecured. A review of the claim shows that Creditor recorded a mechanic's lien against debtor's property in the amount of $44,362.00 on March 5, 2024.

A mechanic's lien is a statutory lien pursuant to California Civil Code § 8000, et. seq., and as such is not subject to avoidance under § 522(f)(1)(A). California statutes do not provide for attorney's fees to a prevailing litigant in mechanic's lien foreclosures. Abbett Electric Corp. v. California Fed. Savings & Loan Assn., 230 Cal. App. 3d 355, 358 (Cal. Ct. App. 1991). "Attorney fees are not included in the amount of a lien, and cannot be recovered in a lien foreclosure action." Schmitt v. Tri Counties Bank, 70 Cal. App. 4th 1234, 1248 (Cal. Ct. App. 1999). If a contract exists then attorney's fees may be available as a separate cause of action on the contract. Abbett, 230 Cal. App. 3d at 358.

At the hearing ......

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 Quality First Home Improvement, Inc. , 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 xxxxx

19. 26-22639-C-13 DPC-1 | COLE MULLIN Andrew A. Moher | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 6-25-26 [22]

Final Ruling: No appearance at the July 28, 2026 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 33 days' notice was provided. Dkt. 25.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

The Chapter 13 trustee filed this Objection to Confirmation on June 25, 2026. Thereafter, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkt. 26, 28.

Therefore, the Objection is overruled.

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 P. 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 overruled as moot.

20. 26-21141-C-13 JOSEPH DEFAZIO Pro Se

CONTINUED AMENDED MOTION TO CONFIRM PLAN
6-12-26 [72]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. A Proof of Service has not been filed.

The Motion to Confirm is denied.

At the prior hearing debtor asserted he was talking with attorneys about representing him in this case.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 55) filed on May 27, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 74) on June 30, 2026, opposing confirmation on the following grounds:

1. Debtor has failed to comply with the Local Rules;

2. Debtor has not provided any evidence supporting the motion;

3. Debtor has not provided a proof of service showing that the plan, notice, and motion were served on parties in interest;

4. The Meeting of Creditors has not been held;

5. Debtor is delinquent in plan payments;

6. The plan misclassifies a secured claim with arrears;

7. Not all claims are provided for in the plan;

8. Debtor has not accurately filed all Schedules and Forms and has not amended the Schedules and Forms; and

9. Plan fails the liquidation test.

AmeriCredit Financial Services, Inc. dba GM Financial filed an Opposition (Dkt. 79) on July 2, 2026, opposing confirmation because:

1. The Plan does not fully provide for Creditor's claim.

DISCUSSION

The Local Rules include the specific procedures for filing plan and motion to confirm plan. See Local Rule 3015-1 and 9014-1. The debtor has not followed the procedures in the Local Rules for confirmation of the plan.

The Meeting of Creditors held pursuant to 11 U.S.C. § 341 because he has not provided all required documents. Attendance and compliance 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 is $5,441.21 delinquent in plan payments. Declaration, Dkt. 75. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

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. Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. Columbia Bank filed a Proof of Claim that represents that its claim includes an arrearage. Therefore, the claim must be included in Class 1 and not Class 4.

The debtor has non-exempt assets totaling $310,991.00. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

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).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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, Joseph DeFazio, 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 denied, and the plan is not confirmed.

21. 26-22645-C-13 DPC-1 | DAVID MCWHITE James A. Shepherd | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 6-25-26 [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 33 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 is overextended;
2. Plan does not provide for payment of attorney's fees;
3. Debtor is delinquent in plan payments; and
4. Debtor has filed two non-identical plans.

DISCUSSION

Because claims are greater than scheduled, the plan will take 74 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

The debtor is $625.00 delinquent in plan payments. Declaration, Dkt. 16. 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.

22. 26-23446-C-13 RUSTY/MALLORY STILES MOTION TO VALUE COLLATERAL OF
TLA-1 Thomas Amberg AMERICREDIT FINANCIAL SERVICES, INC.
6-25-26 [8]

Final Ruling: No appearance at the July 28, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 33 days' notice was provided. Dkt. 11.

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 Value is granted.

The debtor filed this Motion seeking to value the portion of Americredit Financial Services, Inc. dba GM Financial's ("Creditor") claim secured by the debtor's property commonly known as 2022 Chevrolet Tahoe RST (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was $43,910.00. Declaration, Dkt. 10.

The Chapter 13 Trustee filed nonopposition on July 7, 2026. Dkt. 16.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on September 10, 2023, 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 $43,910.00. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be $43,910.00. 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 granted, and the claim of Americredit Financial Services, Inc. dba GM Financial ("Creditor") secured by property commonly known as 2022 Chevrolet Tahoe RST (the "Property") is determined to be a secured claim in the amount of $43,910.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

23. 26-22552-C-13 KELLY WILKINSON OBJECTION TO CONFIRMATION OF
DPC-1 Pro Se PLAN BY DAVID P. CUSICK
6-23-26 [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 35 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 is overextended;

2. Debtor has not filed all tax returns;

3. Creditor with a secured claim has filed an objection to confirmaiton; and

4. Debtor has not filed an adversary proceeding even though the plan contemplates one will be filed.

DISCUSSION

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).

Because the plan payments do not fully provide for secured claim, the plan will take 101 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, 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.

24. 26-22552-C-13 RAS-1 | KELLY WILKINSON Pro Se | OBJECTION TO CONFIRMATION OF PLAN BY THE BANK OF NEW YORK MELLON TRUST COMPANY, NATIONAL ASSOCIATION 5-29-26 [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 60 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is sustained.

Creditor The Bank Of New York Mellon Trust Company, National Association ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not fully provide for Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

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 The Bank Of New York Mellon Trust Company, National 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 Objection is sustained.

25. 26-21153-C-13 JOHN BETTENCOURT MOTION TO CONFIRM PLAN
WW-2 Mark Wolff 6-22-26 [29]

Final Ruling: No appearance at the July 28, 2026 hearing is required.

The parties having stipulated to dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Federal Rules of Bankruptcy Procedure 9014 and 7041, **the Motion was dismissed without a court order, and the matter is removed from the calendar.**

26. 26-22654-C-13 BRIAN SAMUJH OBJECTION TO CONFIRMATION OF
DPC-1 Pro Se PLAN BY DAVID P. CUSICK
6-25-26 [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 33 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. The debtor may be represented by counsel that is not listed in the petition nor any payments listed on the SOFA;

2. Debtor has not provided pay advices;

3. Secured claim that matures before the end of the plan is misclassified; and

4. Schedules and Statements are inaccurate and have not been amended.

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 plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim. Section 3.08 instructs that all secured claims that mature before completion of the plan are to be included in Class 2. Henry A. Thomas filed a Proof of Claim that represents that its claim has matured. Therefore, the claim must be included in Class 2 and not Class 1.

The non-inclusion of an attorney that has been retained by the debtor and is counseling the debtor on the case may be indicative that the case was not filed in good faith.

The court also notes that it appears the debtor may have filed a previous case in Western District of Washington on April 8, 2026. Case No. 26-41006. Additionally, the court notes that pursuant to 11 U.S.C. § 362(c)(3)(A) the automatic stay shall terminate as to the debtor on the 30th day after the filing of the case.

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.

27. 26-22559-C-13 KEN JIMENEZ OBJECTION TO CONFIRMATION OF
DPC-1 Michael Hays PLAN BY DAVID P. CUSICK
6-25-26 [21]

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 33 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's monthly income is negative;

2. Debtor has not provided all business documents;

3. Plan fails the liquidation test;

4. Plan relies on an amended plan to be filed;

5. Plan misclassifies a secured claim; and

6. Debtor is delinquent in plan payments.

DISCUSSION

The debtor has not filed all business documents including:

A. Questionnaire,
B. Two years of tax returns,
C. Six months of profit and loss statements,
D. Six months of bank account statements, and
E. Proof of license and insurance or written statement that no such documentation exists.

11 U.S.C. §§ 521(e)(2)(A)(i), 704(a)(3), 1106(a)(3), 1302(b)(1), 1302(c); FED. R. BANKR. P. 4002(b)(2) & (3). 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).

The debtor has non-exempt assets totaling $26,949.48. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The debtor is $378 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).

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. Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. The plan itself acknowledges the delinquency. Therefore, the claim must be included in Class 1 and not Class 4.

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.

28. 26-21460-C-13 LISA MCFALL MOTION TO CONFIRM PLAN
BB-3 Bonnie Baker 6-15-26 [27]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 46 days' notice was provided. Dkt. 33.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 17) filed on April 15, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 40) on July 14, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments.

DISCUSSION

The debtor is $1,360.71 delinquent in plan payments. Declaration, Dkt. 41. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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, Lisa McFall, 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 denied, and the plan is not confirmed.

29. 26-21560-C-13 ROBERT BRAY MOTION TO CONFIRM PLAN
Amy Ginsburg 6-5-26 [27]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 53 days' notice was provided. Dkt. 33.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 24) filed on June 4, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 38) on July 14, 2026, opposing confirmation on the following grounds:

1. Debtor has not followed the Local Rules in seeking confirmation of the plan;

2. Debtor has not provided any evidence that the plan is confirmable;

3. Debtor has filed two plans and does not specify which plan he is seeking to be confirmed;

4. Debtor's attorney has been paid 100% of the attorney's fees under the no look fee, which does not comply with the local rules; and

5. The plan does not include all of debtor's available monthly income.

DISCUSSION

Local Rule 9014-1(c)(3) requires the attorney for the moving party to use the attorney's, or law firm's, initials followed by a number, with a new number for each new motion. The Local Rule provides an example of how this should be done.

The debtor has not provided any competent admissible evidence and has not carried his burden to show the plan is confirmable. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c)(4) instructs that debtor's counsel is entitled to 25% of the flat fee when the petition is filed, another 25% when the plan is confirmed, and the remaining 50% to be paid through the plan in equal monthly installments. Debtor's counsel has been paid 100% of counsel's fees at the time of the filing of the petition, this is reason to deny confirmation.

The plan proposes a monthly payment of $311, which is less than all of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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, Robert Bay, 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 denied, and the plan is not confirmed.

30. 26-22560-C-13 RACHEL HAYDEN OBJECTION TO CONFIRMATION OF
DPC-1 Pro Se PLAN BY DAVID P. CUSICK
6-25-26 [32]

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 33 days' notice was provided. Dkt. 35.

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 is blank;

2. The debtor has submitted incomplete and inaccurate Schedules, Statements, and forms.

3. The plan fails the liquidation test; and

4. The debtor has not provided pay advices.

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 filing of a blank plan, inaccurate Schedules, Statements, and other documents is evidence that the case was not filed in good faith. The debtor has not carried her burden to show the plan is confirmable. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has non-exempt assets totaling $4,892.00. The plan provides for an unknown percent dividend to unsecured claims, which does not meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

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.

31.	26-20666-C-13 KMM-1	RAPHAEL ESPEJO AND MA DE JESUS ESPEJO Candace Y. Brooks	OBJECTION TO CONFIRMATION OF PLAN BY HSBC BANK USA, NATIONAL ASSOCIATION 7-9-26 [45]

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. 48.

The Objection to Confirmation of Plan is sustained.

Creditor HSBC Bank USA, National Association ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide for the arrears on Creditor's claim; and

2. Plan is not feasible.

DEBTOR'S OPPOSITION

Debtors filed an Opposition on July 20, 2026. Dkt. 49. Debtors assert counsel has been in communication with Creditor's counsel and the chapter 13 trustee and has proposed language for an order confirming that increases the plan payment to fully provide for the arrears on Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

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 HSBC Bank USA, National 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 Objection is sustained.

32. 24-20671-C-13 AHSAN IMTIAZ MOTION TO MODIFY PLAN
WW-2 Mark Wolff 6-22-26 [42]

Final Ruling: No appearance at the July 28, 2026 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 36 days' notice was provided. Dkt. 47.

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 Plan is granted.

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

The Chapter 13 trustee filed a non-opposition on July 14, 2026. Dkt. 48.

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 Modify Plan filed by the debtor, Ahsan Imtiaz, 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. 45) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

33. 26-22471-C-13 JONATHAN/DESIREE MAKA MOTION TO CONFIRM PLAN
SLH-1 Seth Hanson 6-10-26 [12]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 48 days' notice was provided. Dkt. 16.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 17) filed on June 10, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 21) on July 14, 2026, opposing confirmation on the following grounds:

1. The debtors have not filed an amended Schedule J; and

2. The plan does not include income from tax refunds that are greater than $2,000.

DISCUSSION

The debtors have not supplied sufficient information relating to the thier boat expenses to assist the Chapter 13 Trustee in determining the feasibility of the plan.

The plan does not include income from debtors' annual tax refunds in excess of $2,000.00, which is part of the debtor's disposable income. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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 debtors, Jonathon and Desiree Maka, 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 denied, and the plan is not confirmed.

34. 26-21572-C-13 PGM-1 | MICHAEL/MARTHEA CALDWELL Peter Macaluso | MOTION BY PETER G. MACALUSO TO WITHDRAW AS ATTORNEY 7-2-26 [35]

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 26 days' notice was provided. Dkt. 38.

The Motion to Withdraw as Attorney is granted.

Peter Macaluso ("Movant"), counsel of record for debtors, Michael Caldwell and Marthea Caldwell ("Debtors"), filed a Motion to Withdraw as Attorney as Debtors' counsel in the bankruptcy case. Movant states the following:

A. The Motion is brought pursuant to Local Bankruptcy Rule 2017-1(e) and California Rule of Professional Conduct 1.16;

B. Communications with Debtors has broken down, become adversarial, and Debtors are unwilling to follow counsel's advice; and

C. Debtors have failed to cooperate with the Chapter 13 Trustee.

The Chapter 13 Trustee filed a response (Dkt. 41) on July 15, 2026, representing that he does not oppose the motion.

Debtors filed a response (Dkt. 43) on July 20, 2026, asserting they have lost faith in Movant, and they were uncomfortable with the plan filed in the case. Debtors contend that Movant did know about the adversary proceeding when they filed it.

APPLICABLE LAW

Mandatory withdrawal is necessary where:

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(4) the client discharges the lawyer.

Permissive withdrawal is limited to certain situations, including:

Cal. R. Prof'l. Conduct 1.16(a)(4)

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(4) by other conduct renders it unreasonably

> difficult for the member to carry out the employment effectively.

Cal. R. Prof'l. Conduct 1.16(b)(4).

DISCUSSION

The declaration of Peter Macaluso (Dkt. 37) states that Debtors filed an adversary proceeding without his knowledge and he is not counsel of record in the adversary proceeding. Additionally, communications with the Debtors has become adversarial and he cannot continue to effectively represent the Debtors. The debtors response appears to consent to the withdrawal as well.

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 Withdraw as Attorney filed Peter Macaluso ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,
>
> **IT IS ORDERED** that the Motion to Withdraw as Attorney is granted.

35. 25-26376-C-13 JASON/CRYSTAL NICHOLSON MOTION TO CONFIRM PLAN
DBJ-1 Douglas Jacobs 6-9-26 [95]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 49 days' notice was provided. Dkt. 103.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 100) filed on June 9, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 142) on July 14, 2026, opposing confirmation on the following grounds:

1. Debtors are delinquent in plan payments;

2. Plan relies on a motion to value collateral that has not been filed;

3. Plan is overextended;

4. Debtors' attorney's fees do not comply with the Local Rules;

5. Debtors may no longer be employed; and

6. The plan fails the liquidation test.

Quantum 3 Group LLC filed opposition (Dkt. 139) on July 14, 2026, opposing confirmation on the following grounds:

1. Creditors claim is not properly provided for in the plan.

Debtors filed a response to Quantum 3 on July 20, 2027, asserting that their intention is to surrender the collateral to Quantum 3. Dkt. 146.

Debtors also filed a response to Trustee's opposition on July 21, 2027. Dkt. 148. Debtors assert they have now made the payments and are current. Debtors assert they will be filing a motion to value. Debtors' attorney's fees can be paid in monthly installments over the life of the plan. Debtors represent Mrs. Nicholson is undergoing medical treatments for cancer, is no longer working, but that the plan payments are within their budget. Finally, debtors assert that they have no equity in their home, and that between the homestead exemption and secured claims there is no equity to be distributed to unsecured creditors.

DISCUSSION

The debtors are $2,448.27 delinquent in plan payments. Declaration, Dkt. 143. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. *See* 11 U.S.C. § 1325(a)(6).

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

Because priority claims are greater than scheduled, the plan will take 108 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Local Rule 2016-1(c)(4)(C) states that the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. The plan's provision to pay in monthly dividend of $384.50 does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

The debtors have non-exempt assets totaling $187,556.55. The plan provides for a zero percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not 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 debtors, Jason and Crystal Nicholson, 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 denied, and the plan is not confirmed.

36. 25-26376-C-13 JASON/CRYSTAL NICHOLSON CONTINUED OBJECTION TO
IJR-2 Douglas Jacobs CONFIRMATION OF PLAN BY
JEAN-PIERRE RUSHING
6-9-26 [114]

No Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 116.

The Objection to Confirmation of Plan is xxxxxxxx

Creditor Jean-Pierre Rushing ("Creditor") filed a supplemental opposition to the debtors' amended plan and opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan does not provide for Creditor's claim;

2. Debtor's claim of homestead exemption overvalues the claim; and

3. The plan does not provide for all of debtors' disposable income.

DEBTOR'S OPPOSITION

Debtors filed an Opposition on July 6, 2026. Dkt. 135. Debtors assert that Creditor mischaracterizes the claim as a secured claim, when the judgment debt was never recorded.

RESPONSE

Creditor filed a response on July 21, 2026, asserting that debtor's opposition does not engage in the substance of the objection.

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 Objection to the Chapter 13 Plan filed by Jean-Pierre Rushing, 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 xxxxxxxxxx

37. 26-22579-C-13 DPC-1 | CHARLES IRELAND, Peter G. Macaluso | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 6-25-26 [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 33 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. Debtor filed inaccurate Schedules and Statements.

DISCUSSION

The debtor testified at the 341 meeting that certain schedules included inaccurate information. Until the trustee has schedules that accurately reflect the debtor's financial situation the trustee is unable to determine the feasibility 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.

38. 26-22381-C-13 JILL DRAKE MOTION TO CONFIRM PLAN
NF-1 Nikki Farris 6-22-26 [13]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 17.

The Motion to Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 15) filed on June 22, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 20) on July 14, 2026, opposing confirmation on the following grounds:

1. The claim of the Internal Revenue Service is misclassified as a class 1 claim.

The debtor filed a response (Dkt. 23) on July 20, 2026, asserting the claim was misclassified and should be a Class 2 claim.

DISCUSSION

It appears the debtor has resolved the Trustee's issue.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

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

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

The Motion to Confirm filed by the debtor, Jill Drake, 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 Amended Chapter 13 Plan (Dkt. 15) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

39. 26-22383-C-13 TIFFANY HAMILTON Pro Se

MOTION TO VACATE DISMISSAL OF CASE 7-14-26 [54]

DEBTOR DISMISSED: 07/02/26

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. A Proof of Service was not filed but it appears that 17 days' notice was provided. Dkt. 55.

The Motion to Vacate is xxxxxxx

Debtor Tiffany Hamilton filed this Motion seeking to vacate this court's Order (Dkts. 44, 46, & 48) dismissing the case on the basis that she is willing and able to cure the delinquent plan payments.

The court issued its Order dismissing the case after the court issued an OSC for nonpayment of case installment payments. At the hearing on the OSC, Trustee's counsel informed the court that debtor was delinquent in plan payments and the case was dismissed.

The Chapter 13 Trustee filed a response (Dkt. 56) on July 15, 2026, representing that he does not oppose the motion. The Chapter 13 Trustee does note that various deficiencies exist in the case that need to be remidied.

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 xxxxxxxxx

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 Tiffany Hamilton 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 xxxxxxx

40. 26-21586-C-13 TRACI HAMILTON
AP-1 Richard L. Jare

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY U.S. BANK TRUST NATIONAL ASSOCIATION
5-13-26 [29]

Thru #41

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. 32.

The Objection to Confirmation of Plan is sustained.

At a prior hearing the Chapter 13 Trustee's objection to confirmation of plan was sustained and the plan was not confirmed. The debtor has filed an amended plan on July 22, 2026.

Creditor U.S. Bank National Association ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not promptly cure arrears on claim; 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 U.S. Bank National 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 Objection is sustained.

41. 26-21586-C-13 TRACI HAMILTON
JCW-1 Richard L. Jare

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY SANTANDER BANK, N.A.
5-14-26 [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 26 days' notice was provided. Dkt. 36.

The Objection to Confirmation of Plan is sustained.

At a prior hearing the Chapter 13 Trustee's objection to confirmation of plan was sustained and the plan was not confirmed. The debtor has filed an amended plan on July 22, 2026.

Creditor Santander Bank, N.A. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not provide the applicable interest rate on Creditor's claim.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 7% interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. *See In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); *see also Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. *See Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 6.25%, plus a 1.25% risk adjustment, for a 8.00% interest rate.

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

Santander Bank, N.A., 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.

42. 24-24390-C-13 PLC-3 TARRA WASILCHEN Peter L. Cianchetta CONTINUED MOTION TO MODIFY PLAN 3-27-25 [49]

This matter has been **continued to November 3, 2026 at 11:00 a.m.**, pursuant to stipulated order. Dkt. 136

43. 24-24390-C-13 PLC-4 TARRA WASILCHEN Peter L. Cianchetta CONTINUED OBJECTION TO CLAIM OF DAVID BRUCE CHAPMAN, CLAIM NUMBER 15 7-16-25 [75]

This matter has been **continued to November 3, 2026 at 11:00 a.m.**, pursuant to stipulated order. Dkt. 1367

44. 26-22595-C-13 DPC-1 | ALLISON ELO Pro Se | OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 6-25-26 [26]

DEBTOR DISMISSED: 07/01/26

Final Ruling: No appearance at the July 28, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation is overruled as moot.

The Chapter 13 trustee filed this Objection on June 25, 2026. Thereafter, the case was dismissed on July 1, 2026.

There no longer being a case under Chapter 13, the Objection shall be overruled as moot.

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 Confirmation filed by David P. 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 overruled as moot.

45. 26-22595-C-13 ALLISON ELO OBJECTION TO CONFIRMATION OF
EAT-1 Pro Se PLAN BY LAKEVIEW LOAN SERVICING, LLC
6-8-26 [20]

DEBTOR DISMISSED: 07/01/26

Final Ruling: No appearance at the July 28, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation is overruled as moot.

Creditor Lakeview Loan Servicing, LLC filed this Objection on June 8, 2026. Thereafter, the case was dismissed on July 1, 2026.

There no longer being a case under Chapter 13, the Objection shall be overruled as moot.

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 Confirmation 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 overruled as moot.

46.	26-22695-C-13 DPC-1	TERRY SY Peter G. Macaluso	OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK 6-25-26 [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 33 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. Debtor did not appear at the Meeting of Creditors;

2. Debtor has not provided pay advices, tax returns, photo identification, or proof of Social Security number; and

3. Debtor is delinquent in plan payments.

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).

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 debtor is $3,100.00 delinquent in plan payments. Declaration, Dkt. 18. 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.