

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: August 6, 2024

CALENDAR: 1:00 P.M. CHAPTER 13

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime

Bankruptcy Judge

Modesto, California

August 6, 2024 at 1:00 p.m.

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1. [24-90205](#)-B-13 THERESA/GUADALUPE SOLIS CONTINUED OBJECTION TO
[LGT-1](#) David S. Henshaw CONFIRMATION OF PLAN BY LILIAN
G. TSANG
6-26-24 [[16](#)]

Final Ruling

This matter was continued from July 16, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, July 19, 2024. Debtors filed a timely response stating that they have resolved the issues raised by the Chapter 13 Trustee and that they have also filed a first amended plan, the confirmation hearing date of which must still be set.

Given the filing of an amended plan, the court's conditional ruling at dkt. 29 and the continued hearing on August 6, 2024, at 1:00 p.m. are vacated. The objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

August 6, 2024 at 1:00 p.m.

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2. [24-90206](#)-B-13 LUIS MEJIA AND MARTA CONTINUED OBJECTION TO
[CAS](#)-1 SAAVEDRA CADENA CONFIRMATION OF PLAN BY
Thru #3 Drew Henwood CREDITOR FORD MOTOR CREDIT
COMPANY LLC
6-17-24 [[32](#)]

CONTINUED TO 9/10/24 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 9/04/24.

Final Ruling

No appearance at the August 6, 2024, hearing is required. The court will issue an order.

3. [24-90206](#)-B-13 LUIS MEJIA AND MARTA CONTINUED OBJECTION TO
[LGT](#)-1 SAAVEDRA CADENA CONFIRMATION OF PLAN BY LILIAN
Drew Henwood G. TSANG
6-26-24 [[36](#)]

CONTINUED TO 9/10/24 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 9/04/24.

Final Ruling

No appearance at the August 6, 2024, hearing is required. The court will issue an order.

4. [23-90616](#)-B-13 DAVID MARTINEZ MOTION TO DISMISS CASE
[ALG-2](#) Thomas A. Moore 7-1-24 [[63](#)]

CONTINUED TO 8/27/24 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD IN CONJUNCTION WITH THE CHAPTER 13 TRUSTEE'S MOTION TO DISMISS CASE.

Final Ruling

No appearance at the August 6, 2024, hearing is required. The court will issue an order.

5. [24-90221](#)-B-13 HARLEY WATERS
[LGT](#)-1 David C. Johnston

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
6-17-24 [[26](#)]

Final Ruling

This matter was continued from July 16, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, July 19, 2024. No opposition to the court's conditional ruling was filed. However, debtor's counsel David C. Johnston submitted a declaration to report his compliance with the court's order to return \$3,000.00 in funds to the debtor.

The court's conditional ruling at dkt. 31, sustaining the objection, shall become the court's final decision. The continued hearing on August 6, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.

6. [24-90232](#)-B-13 JESSI LAMANUZZI
[LGT](#)-1 Chad M. Johnson

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
6-17-24 [[15](#)]

CONTINUED TO 9/10/24 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 9/04/24.

Final Ruling

No appearance at the August 6, 2024, hearing is required. The court will issue an order.

7. [24-90238](#)-B-13 RICHARD GIVARGIS
[LGT](#)-1 David C. Johnston

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
6-27-24 [[19](#)]

Final Ruling

This matter was continued from July 16, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, July 19, 2024. No opposition to the court's conditional ruling was filed. However, debtor's counsel David C. Johnston submitted a declaration to report his compliance with the court's order to return \$687.00 in funds to the debtor.

The court's conditional ruling at dkt. 23, sustaining the objection, shall become the court's final decision. The continued hearing on August 6, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.

8. [24-90142](#)-B-13 RUBEN MORENO
[LGT-1](#) Simran Singh Hundal

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
5-22-24 [[17](#)]

Final Ruling

The *initial* Chapter 13 Plan filed March 22, 2024, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to August 13, 2024, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, Debtor's plan is not feasible under 11 U.S.C. § 1325(a)(6). Debtor's plan at Section 3.14 provides for 40.18% dividend to nonpriority unsecured claims. However, Section 7 Nonstandard Provisions provided for a dividend of 41.45%. The plan cannot be administered with these inconsistencies. Debtor's plan is not feasible.

Second, Debtor's Form 122C-1 lists Debtor's non-filing spouse's gross income on line 2 as \$1,595.02 per month. The pay advices provided for the 60 days prior to filing do not support this figure. Debtor must submit copies of pay advices for the six months preceding the filing of this case to the Chapter 13 Trustee. Without this information, it cannot be determined whether Debtor's plan is feasible.

The plan filed March 22, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), party in interest shall have until 5:00 p.m. on August 9, 2024, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on August 13, 2024, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on August 13, 2024, at 1:00 p.m.

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

The court will issue an order.

9. [24-90199](#)-B-13 VICTORIA WILLIAMS
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-21-24 [[24](#)]

DEBTOR DISMISSED: 07/22/24

Final Ruling

The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

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

The court will issue an order.