



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

August 26, 2025 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.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

August 26, 2025 at 11:00 a.m.

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1. [25-22700](#)-C-13 NIKKI RIVERA CONTINUED OBJECTION TO
[DPC](#)-1 Seth Hanson CONFIRMATION OF PLAN BY DAVID
P. CUSICK
7-24-25 [[12](#)]

Final Ruling: No appearance at the August 26, 2025 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 19 days' notice was provided. Dkt. 15.

The Objection to Confirmation of Plan is overruled as moot.

A review of the docket shows the debtor has filed a motion to dismiss the case under 11 U.S.C. § 1307(b) on July 25, 2025. Dkt. 16. The court ordered the case dismissed on August, 20, 2025.

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 as moot.

August 26, 2025 at 11:00 a.m.

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2. [25-22510](#)-C-13 JERMAINE FORD
[DPC](#)-1 Peter Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
7-15-25 [[22](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 25.

The Objection to Confirmation of Plan is sustained.
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The Chapter 13 Trustee, David Cusick ("Trustee"), opposes confirmation of the Chapter 13 plan on the basis that:

1. Debtor is delinquent in plan payments;
2. Amended Schedule A/B has not been filed;
3. The plan is calculated to take 69 months to complete; and
4. Amended Schedule I has not been filed.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on August 5, 2025. Dkt. 26. Debtor contends he will be current on plan payments by the hearing. Debtor asserts he has amended his schedules and is willing to increase the plan payments.

DISCUSSION

The debtor is \$5,400.00 delinquent in plan payments. Declaration, Dkt. 24. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Because priority claims are greater than scheduled, the plan will take 69 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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.

Final Ruling: No appearance at the August 26, 2025 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 ~~xxx~~ days' notice was provided. Dkt. 20.

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. 21) filed on July 10, 2025.

The Chapter 13 trustee filed a non-opposition on August 11. 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 debtors, Omari Peterson and Lisa Petersen, 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. 21) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

4. [25-22923](#)-C-13 JAMES/AMY MCCARTHY
[DPC](#)-1 Rabin Pournazarian

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
7-31-25 [[16](#)]

Final Ruling: No appearance at the August 26, 2025 hearing is required.

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. 19.

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 July 31, 2025. Thereafter, the debtor filed an amended plan and corresponding Motion To Confirm, making this Objection moot. Dkt. 23, 25.

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 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.

5. [25-23424](#)-C-13 ERICA WALTER
[RK-1](#) Richard Kwun

MOTION TO VALUE COLLATERAL OF
SANTANDER CONSUMER USA INC.
7-24-25 [[8](#)]

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 33 days' notice was provided. Dkt. 11.

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of Santander Consumer USA Inc.'s ("Creditor") claim secured by the debtor's property commonly known as 2019 Acura MDX SH-AWD SUV (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$17,147.00. Declaration, Dkt. 10.

The chapter 13 trustee filed a notice of non-opposition on August 11, 2024. Dkt. 16.

Creditor filed an opposition on August 12, 2025 (Dkt. 18) asserting that the value of the Property is \$22,475.00. Declaration, Dkt. 20.

Debtor filed a reply on August 13, 2025 (dkt. 27) contending that the declaration of Creditor is not admissible evidence.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on November 16, 2022, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. There are \$21,192.00 of senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$xxx. 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 **XXXXXXXXXXXX**

6. [25-22427](#)-C-13 NICCOLE AMARAL
[DEF](#)-1 David Foyil

MOTION TO VALUE COLLATERAL OF
ONEMAIN FINANCIAL GROUP, LLC
7-11-25 [[20](#)]

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 46 days' notice was provided. Dkt. 24.

The Motion to Value is denied.

The debtor filed this Motion seeking to value the portion of OneMian Financial Group, LLC's ("Creditor") claim secured by the debtor's property commonly known as 2013 Hyundai Genesis and 2004 Lexus IS 300 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was 8,865.00. Declaration, Dkt. 22.

DISCUSSION

It appears the lien on the Vehicle's title secures a purchase money loan incurred on March 7, 2025, which is less than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9). Debtor's declaration does not indicate if the loan was a purchase money loan, and the Creditor's Proof of Claim demonstrates that the loan was incurred on March 7, 2025. Therefore, Debtor has not met her burden of proof and the motion is denied.

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 denied.

7. [25-22932](#)-C-13 JOVAN/AMANDA JOHNSON
[AB-1](#) August Bullock

MOTION TO VALUE COLLATERAL OF
ALLY FINANCIAL, INC.
7-18-25 [[15](#)]

Thru #8

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 39 days' notice was provided. Dkt. 20.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Ally Financial Inc.'s ("Creditor") claim secured by the debtor's property commonly known as 2019 Chrysler Pacifica L Minivan LD (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$11,784.00. Declaration, Dckt. 17.

Creditor filed an opposition (Dkt. 25) on August 4, 2025, asserting the value of the Property was \$13,118.00.

The Chapter 13 Trustee filed a response (Dkt 28) representing debtor's proposed plan mathematically works whether the value is \$11,784 or \$13,118.

Debtor filed a response (Dkt. 30) on August 12, 2025 accepting Creditor's valuation of the Property.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on June, 2022, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9).

Upon review of the record, the court finds the value of the Property is \$13,118.00. There are \$25,042.99 of senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$13,118.00. 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 Ally Financial Inc. ("Creditor") secured by property commonly known as 2019 Chrysler Pacifica L Minivan LD (the "Property") is determined to be a secured claim in the amount of \$13,118.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

8. [25-22932](#)-C-13 JOVAN/AMANDA JOHNSON
[JCW](#)-1 August Bullock

OBJECTION TO CONFIRMATION OF
PLAN BY ALLY BANK
7-31-25 [[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 26 days' notice was provided. Dkt. 24.

The Objection to Confirmation of Plan is overruled.

Creditor Ally Financial Inc. ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan fails to pay the full replacement value of the Creditor's collateral; and
2. Plan fails to pay the contractual interest rate of 6.79%.

TRUSTEE'S RESPONSE

David Cusick, the Chapter 13 Trustee, filed a response representing the plan can be confirmed even if the Creditor's value and interest rate are adopted. Dkt. 29

DEBTOR'S RESPONSE

Debtor filed a response s on August 12, 2025. Dkt. 32. Debtor agrees to the value of the vehicle and increasing the interest rate to 9.00%

DISCUSSION

The Motion to Value Collateral and Secured Claim has been granted and adopts the value of \$13,118.00. See Item 7.

Creditor asserts that the interest rate should be the contractual rate of 6.79%, and even though the debtor is willing to increase the rate to 9.00%, the court agrees with Creditor and Chapter 13 Trustee that the rate on the claim is 6.79%.

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 Ally Financial 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 overruled, and the debtor's Chapter 13 Plan (Dkt. 7), is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

9. [25-22342](#)-C-13 KIRSTEN WILLIAMS
[JPH](#)-1 Mark Wolff

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-15-25 [[15](#)]

JANET ARENDT VS.

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 for Relief from the Automatic Stay is xxxxxx.

Janet Arendt ("Movant") filed this Motion seeking relief from the automatic stay to allow Arendt v. Williams, Case No. 30-2021-00303434, complaint for malicious prosecution (the "Litigation") to be concluded.

Movant argues that she filed a case in state court for malicious prosecution against the debtor after the debtor accused Movant of abusing Movant's children, Movant left her job, and was acquitted of abuse charges after trial. Declaration, Dkt. 16.

OPPOSITION

Debtor filed opposition (Dkt. 29) on August 12, 2025, contending that Movant has failed to establish that cause exists to grant relief from the automatic stay.

The Chapter 13 Trustee filed a response (Dkt. 31) on August 13, 2025, representing the debtor is current on plan payments. The Trustee also asserts that Movant has filed 66 & 96 pages of exhibits without page numbers contrary to Local Rule 9004-2(c)(1). The Trustee agrees with debtor's opposition and also opposes the motion.

RESPONSE

Movant filed a reply on August 19, 2025. Dkt. 33. Movant reasserts that cause exists for relief from the automatic stay in the case.

DISCUSSION

The court may grant relief from stay for cause when it is necessary to allow litigation in a nonbankruptcy court. 3 COLLIER ON BANKRUPTCY ¶ 362.07[3][a] (Alan N. Resnick & Henry J. Sommer eds. 16th ed.). The moving party bears the burden of establishing a prima facie case that relief from the automatic stay is warranted, however. *LaPierre v. Advanced Med. Spa Inc. (In re Advanced Med. Spa Inc.)*, No. EC-16-1087, 2016 Bankr. LEXIS 2205, at *8-9 (B.A.P. 9th Cir. May 23, 2016). To determine "whether cause exists to allow litigation to proceed in another forum, 'the bankruptcy court must balance the potential hardship that will be incurred by the party seeking

relief if the stay is not lifted against the potential prejudice to the debtor and the bankruptcy estate.'" *Id.* at *9 (quoting *Green v. Brotman Med. Ctr., Inc. (In re Brotman Med. Ctr., Inc.)*, No. CC-08-1056-DKMo, 2008 Bankr. LEXIS 4692, at *6 (B.A.P. 9th Cir. Aug. 15, 2008)) (citing *In re Aleris Int'l, Inc.*, 456 B.R. 35, 47 (Bankr. D. Del. 2011)). The basis for such relief under 11 U.S.C. § 362(d)(1) when there is pending litigation in another forum is predicated on factors of judicial economy, including whether the suit involves multiple parties or is ready for trial. See *Christensen v. Tucson Estates, Inc. (In re Tucson Estates, Inc.)*, 912 F.2d 1162 (9th Cir. 1990); *Packerland Packing Co. v. Griffith Brokerage Co. (In re Kemble)*, 776 F.2d 802 (9th Cir. 1985); *Santa Clara Cty. Fair Ass'n v. Sanders (In re Santa Clara Cty. Fair Ass'n)*, 180 B.R. 564 (B.A.P. 9th Cir. 1995); *Truebro, Inc. v. Plumberex Specialty Prods., Inc. (In re Plumberex Specialty Prods., Inc.)*, 311 B.R. 551 (Bankr. C.D. Cal. 2004).

At the hearing xxxxxxxxxxxx

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

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

The Motion for Relief from the Automatic Stay filed by Janet Arendt ("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 automatic stay provisions of 11 U.S.C. § 362(a) are xxxxxxxxxxxx

10. [25-23744](#)-C-13 ANTONIO/HEATHER ZANETTI MOTION TO VALUE COLLATERAL OF
[MRL](#)-1 Mikalah Liviakis TRAVIS CREDIT UNION
7-30-25 [[10](#)]

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 27 days' notice was provided. Dkt. 13.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Travis Credit Union's ("Creditor") claim secured by the debtor's property commonly known as 2018 Chevrolet Traverse (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$25,900.00. Declaration, Dckt. 12.

The Chapter 13 Trustee filed notice of non-opposition on August 11, 2025. Dkt. 14.

DISCUSSION

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

Upon review of the record, the court finds the value of the Property is \$25,900.00. Therefore, Creditor's secured claim is determined to be \$25,900.00. 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 Travis Credit Union ("Creditor") secured by property commonly known as 2018 Chevrolet Traverse (the "Property") is determined to be a secured claim in the amount of \$25,900.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

11. [25-23746](#)-C-13 ANNA MURPHY
[JPH](#)-1 Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY
7-29-25 [[11](#)]

CHARLEY SMITH VS.

Final Ruling: No appearance at the August 26, 2025 hearing is required.

This matter is resolved without oral argument. An order will be issued from
Chambers.

12. [25-22848](#)-C-13 JARIME/MISTY WILHELM
[DPC](#)-1 Matthew DeCaminada

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
7-29-25 [[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 28 days' notice was provided. Dkt. 24.

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. The plan relies on a motion to value that has not yet been granted.

DISCUSSION

The court has made a final ruling granting the Motion to Value where the Trustee filed a notice of non-opposition.

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. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

13. [25-22848](#)-C-13 JARIME/MISTY WILHELM
[MJD](#)-1 Matthew DeCaminada

MOTION TO VALUE COLLATERAL OF
CARMAX BUSINESS SERVICES, LLC
7-25-25 [[16](#)]

Final Ruling: No appearance at the August 26, 2025 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 32 days' notice was provided. Dkt. 20.

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 Carmax Business Services, LLC's ("Creditor") claim secured by the debtor's 2019 Dodge Grand Caravan (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$7,334.00. Declaration, Dkt. 19.

The Chapter 13 Trustee filed a Notice of non-opposition (Dkt. 27) on August, 12, 2025.

DISCUSSION

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

Upon review of the record, the court finds the value of the Property is \$7,334.00. Therefore, Creditor's secured claim is determined to be \$7,334.00. 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 Carmax Business Services, LLC("Creditor") secured by property commonly known as 2019 Dodge Grand Caravan (the "Property") is determined to be a secured claim in the amount of \$7,334.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

14. [25-21652](#)-C-13 MARJORIE ALCANTARA
[RJ-2](#) Richard Jare

MOTION TO VALUE COLLATERAL OF
GLOBAL LENDING SERVICES, LLC
8-11-25 [[59](#)]

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. 68.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Global Lending Services, LLC's ("Creditor") claim secured by the debtor's property commonly known as 2016 Toyota Camry (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$9,792.00. Declaration, Dkt. 62.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on December 7, 2016, 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 \$9,792.00. Therefore, Creditor's secured claim is determined to be \$9,792.00. 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 Global Lending Services, LLC's ("Creditor") secured by property commonly known as 2016 Toyota Camry (the "Property") is determined to be a secured claim in the amount of \$9,792.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

15. [25-21665](#)-C-13 JATINDER SINGH
[DPC](#)-1 Mark Wolff

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
5-14-25 [[16](#)]

Thru #17

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 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 has non-exempt assets are not listed in debtor's budget and not paid into the plan;
2. Debtor has failed to provide all bank statements;
3. Debtor has failed to amend Schedule A/B
4. Debtor has failed to provide proof of income.

DISCUSSION

At the prior hearing on June 10, 2025, the matter was continued to allow further time for the parties to discuss the motions to value. The trustee represented that confirmation was not possible until the motions to value have been resolved. Until the motions to value are resolved confirmation is not appropriate.

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. [25-21665](#)-C-13 JATINDER SINGH
WW-2 Mark Wolff

CONTINUED MOTION TO VALUE
COLLATERAL OF CITIZENS BANK
5-20-25 [[25](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 28.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of Citizen Banks's ("Creditor") claim secured by the debtor's property commonly known as 2019 Kenworth T680 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$20,000.00. Declaration, Dckt. 27.

Creditor filed an opposition to the motion. Dkt. 44. Creditor argues, without providing any competent admissible evidence, that the market value of the Property is more than \$20,000.00.

DISCUSSION

At the prior hearing, the parties represented they were going to meet and inspect the vehicle in order to determine its value.

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx.
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 xxxxxxxxxx

17. [25-21665](#)-C-13 JATINDER SINGH
[WW-3](#) Mark Wolff

CONTINUED MOTION TO VALUE
COLLATERAL OF CITIZENS BANK
5-20-25 [[29](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 32.

The Motion to Value is xxxxxx.

The debtor filed this Motion seeking to value the portion of Citizen Banks's ("Creditor") claim secured by the debtor's property commonly known as 2020 Freightliner Cascadia (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$20,000.00. Declaration, Dckt. 31.

Creditor filed an opposition to the motion. Dkt. 39. Creditor argues, without providing any competent admissible evidence, that the market value of the Property is more than \$20,000.00.

DISCUSSION

At the prior hearing, the parties represented they were going to meet and inspect the vehicle in order to determine its value.

Federal Rule of Bankruptcy Procedure 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx.
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 xxxxxxxxxx

18. [25-22975](#)-C-13 EDGAR/THERESA MORALES
[DPC](#)-1 Rabin Pournazarian

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
7-31-25 [[18](#)]

Thru #19

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 21.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor has failed to provide income tax returns; and
2. Debtor is delinquent in plan payments.

DISCUSSION

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 \$9,000.00 delinquent in plan payments. Declaration, Dkt. 20. 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.

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. 17.

The Objection to Confirmation of Plan is sustained.

Creditor Ally Bank ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to pay the correct interest rate on Creditor's claim; and
2. The plan fails to pay Creditor's claim in equal monthly installments.

DISCUSSION

Creditor opposes confirmation on the basis that the plan proposes paying its claim at 6.00 percent 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, 7.00%, plus a 1.25% risk adjustment, for a 8.25% 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 Ally

Bank, 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.

20. [25-22382](#)-C-13 NICHOLAS/SAVANNAH TRUSAS MOTION FOR RELIEF FROM
[FWP](#)-1 Peter Macaluso AUTOMATIC STAY
7-8-25 [[16](#)]
THOMAS LAMBIE, JR. VS.

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 49 days' notice was provided. Dkt. 22.

The Motion for Relief from the Automatic Stay is xxxxxx.

Thomas F. Lambie, Jr. ("Movant") filed this Motion seeking relief from the automatic stay as to the debtors' property commonly known as 817 Timber Hills Road, Colfax, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtors made one interest payment on September 2024 and has not made another payment on the debt. Declaration, Dkt. 19. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, \$387,000.00, exceeds the value of the Property, which is \$358,000.00. *Id.*

DEBTORS' OPPOSITION

Debtors filed an Opposition on August 12, 2025. Dkt. 46. Debtor asserts that property is insured, the plan proposes making ongoing mortgage payments, and the proposed plan intends to cure the arrears owed to Movant.

TRUSTEE'S OPPOSITION

The Chapter 12 Trustee filed a response (Dkt. 47) on August 13, 2025, representing the case was voluntarily converted from Chapter 7 on June 22, 2027, after the motion was filed and before the case was transferred from Department E.

The Trustee represents the Meeting of Creditors is scheduled on September 4, 2025, and recommends continuing the hearing until October 7, 2025.

RESPONSE

Movant filed a response on August 19, 2025. Dkt. 50. Movant represents there is no contention there is no equity in the property, and asserts that debtor has the burden of proof that the property is necessary to an effective reorganization, which has not been met.

DISCUSSION

At the hearing xxxxxxxxxxxx

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 for Relief from the Automatic Stay filed by Thomas F. Lambie, Jr. ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are xxxxxxxxxxxx

21. [25-22893](#)-C-13 CHAD MOTLEY
[DPC](#)-2 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
7-31-25 [[19](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 22.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor failed to appear at the Meeting of Creditors;
2. Debtor failed to submit proof of social security and a copy of identification;
3. Debtor failed to provide pay advices and income tax returns;
4. The plan fails to provide any details;
5. Debtor failed to list all previous bankruptcy cases; and
6. Debtor failed to provide income information for his non-filing spouse.

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).

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.