



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**September 3, 2024 at 1:30 p.m.**

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

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

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

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

Please also note the following:

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

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

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

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

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

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|----|--|-------------------------------------|--|
| 1. | <a href="#">24-21824</a> -C-13<br><a href="#">LGT</a> -1 | DEIDRA GRISWOLD<br>Gabriel Liberman | CONTINUED OBJECTION TO<br>CONFIRMATION OF PLAN BY LILIAN<br>G. TSANG<br>6-20-24 [ <a href="#">12</a> ] |
|----|--|-------------------------------------|--|

**Final Ruling:** No appearance at the hearing is required.

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The movant having filed a Notice of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) 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.**

2. [24-21856](#)-C-13 JOHN PAULO/MERYANN  
[WSL](#)-1 GUMAWID  
Raj T. Wadhvani

MOTION TO CONFIRM PLAN  
7-17-24 [[32](#)]

**Final Ruling:** no appearance at the hearing is required.  
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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. 38.

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. 34) filed on July 17, 2024.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 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, John Paulo De Vera Gumawid and Meryann Panciles Gumawid, 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 Amended Chapter 13 Plan (Dkt. 34) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. An appropriate order confirming the Chapter 13 Plan shall be prepared and signed by debtor and the Chapter 13 Trustee. The Chapter 13 Trustee will submit the proposed order to the court.

3. [24-22386](#)-C-13 HEATHER GIRARD  
[LGT](#)-1 Richard Jare

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
7-18-24 [[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 33 days' notice was provided. Dkt. 20.

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

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

1. The Meeting of Creditors has not yet concluded;
2. Attorney's fees are not in compliance with Local Rule 2016-1(c)(4)(B).
3. The amount of Debtor's claimed homestead exemption exceeds the statutory maximum amount;
4. Debtor has not amended her monthly income to accurately reflect her current budget;
5. Debtor has not provided the additional documents requested by the Trustee.

**DISCUSSION**

A review of the docket shows that debtor and counsel appeared at the continued meetings of creditors on July 12 and August 22, but that the meeting has been continued to September 19, 2024. Until the Meeting of Creditors has concluded and all information has been provided to the Chapter 13 Trustee, the court cannot confirm a plan. 11 U.S.C. § 1325(a)(1).

The debtor has filed an amended Schedule C (dkt. 22) exempting \$500,000.00 of her residence at 120 Oak Canyon Way, Folsom, CA. Therefore, this no longer appears to be an issue.

Local Rule 2016-1(c)(4)(B) states that the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. This rule was effective November 1, 2023. General Order 23-08 Order Adopting Revisions to Local Bankruptcy Rules. The plan's provision to pay a monthly dividend of \$250.00 does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

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

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

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

The Objection to the Chapter 13 Plan filed by the Chapter 13 Trustee, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Objection is sustained.