



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

**Chief Judge Fredrick E. Clement**  
Sacramento Federal Courthouse  
501 I Street, 7<sup>th</sup> Floor  
Courtroom 28, Department A  
Sacramento, California

**DAY: TUESDAY**  
**DATE: SEPTEMBER 9, 2025**  
**CALENDAR: 9:00 A.M. CHAPTER 13 CASES**

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Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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 **Court 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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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 media 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.

## PRE-HEARING DISPOSITION INSTRUCTIONS

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### RULINGS

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

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. However, non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

### CHANGES TO PREVIOUSLY PUBLISHED RULINGS

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

### ERRORS IN RULINGS

Clerical errors of an insignificant nature, e.g., nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise, or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

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1. [25-22901](#)-A-13     **IN RE: JAMES MCEACHERN**  
[DPC-1](#)

MOTION TO DISMISS CASE  
8-1-2025    [\[27\]](#)

### **Tentative Ruling**

**Motion:** Dismiss Case

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Opposition Due:** August 26, 2025

**Opposition Filed:** Unopposed

**Cause:** 11 U.S.C. § 1307(c)(1) - Plan Delinquency

**Best Interests of Creditors/Estate:** Dismiss

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **CASE DISMISSAL**

#### Delinquency

The chapter 13 trustee moves to dismiss this chapter 13 case for delinquency in payments under the chapter 13 plan. For the reasons stated in the motion, cause exists under § 1307(c)(1) to dismiss the case. Payments under the plan are delinquent in the amount of \$833.33 with one payment(s) of \$833.00 due prior to the hearing on this motion.

#### Failure to Appear at Meeting of Creditors

The debtor has failed to appear at a § 341 meeting of creditors. See 11 U.S.C. §§ 341, 343. As such, cause exists under § 1307(c)(1) as unreasonable delay by the debtor that is prejudicial to creditors.

#### Feasibility of Plan

Trustee also states that the plan set for confirmation is not feasible. The plan payments do not work mathematically and does not provide adequate protection for Class 1 creditors. As such, the trustee's objection to confirmation will likely be sustained. The debtors have failed propose a confirmable plan, which constitutes unreasonable delay under 1307(c)(1) in combination with the delinquency and failing to appear at the meeting of creditors.

## **11 U.S.C. § 1307(c)**

Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause, including—

...

11 U.S.C. § 1307(c).

The court finds that dismissal is in the best interests of the creditors and the estate. This case has not been previously converted from a chapter 7.

### **RETAINING JURISDICTION OVER ADVERSARY PROCEEDING**

The creditor Stephen Pezzullo asks that the court retain jurisdiction over the adversary proceeding, Adversary Proceeding No. 25-02096. The court agrees and grants this request.

Federal courts have exclusive authority to determine the scope and effect of the automatic stay. *In re Gruntz* 202 F3d 1074, 1079-1083 (9th Cir. 2000). Thus, a state court judgment or administrative determination involving the automatic stay is not binding on the bankruptcy court. *Id.* at 1083-1084; *See also*, *In re Dunbar*, 245 F3d 1058, 106 (9th Cir. 2001). As such, the court will retain jurisdiction over the adversary proceeding.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's motion to dismiss this chapter 13 case has been presented to the court. Having entered the default of respondent debtor for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted because of the delinquency under the chapter 13 plan in this case. The court hereby dismisses this case.

IT IS FURTHER ORDERED that the court will retain jurisdiction over the adversary proceeding, Adversary Proceeding No. 25-02096.

2. [25-20806](#)-A-13     **IN RE: LARRY TRIHUB**  
[SLG-3](#)

MOTION TO CONFIRM PLAN  
7-25-2025    [\[52\]](#)

JOSHUA STERNBERG/ATTY. FOR DBT.

**No Ruling**

3. [25-21606](#)-A-13     **IN RE: MACK WEST**  
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE  
5-20-2025    [\[29\]](#)

PETER MACALUSO/ATTY. FOR DBT.

**Final Ruling**

**Motion:** Dismiss Case

**Notice:** Continued from July 8, 2025

**Disposition:** Continued to October 7, 2025, at 9:00 a.m.

**Order:** Civil minute order

**Opposition Due:** August 26, 2025

**Opposition Filed:** August 26, 2025 - timely

**Motion to Modify Plan Filed:** August 27, 2025

The chapter 13 trustee moves to dismiss this case, asserting that cause exists under § 1307(c)(1) and (6) as the debtor had failed to appear at the first meeting of creditors, failed to provide photo identification and social security card, failed to provide pay advices and tax return, and failed to confirm a plan. Debtor has corrected all of these issues, but still had not filed, set, and served a plan for confirmation.

A modified plan has been timely filed and set for hearing in this case. The scheduled hearing on the modification is October 7, 2025, at 9:00 a.m. The court will continue the hearing on this motion to dismiss to coincide with the hearing on the plan modification. If the modification is disapproved, and the motion to dismiss has not been withdrawn or otherwise resolved, the court may dismiss the case at the continued hearing.

**CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the chapter 13 trustee's motion to dismiss is continued to October 7, 2025, at 9:00 a.m.

IT IS FURTHER ORDERED that if the trustee elects to oppose the debtor's motion to modify, then not later than 14 days prior to the continued hearing date the trustee shall file a status report updating this motion to dismiss. The status report shall provide a concise list explaining the remaining issues in the motion to dismiss and indicate the amount of any plan delinquency. The status report shall be succinct and shall not consist of a cut and paste of the opposition filed by the trustee in response to a motion to amend or modify the debtor's plan.

4. [23-24215](#)-A-13     **IN RE: SANDRA LYMOND**  
[BRL-2](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY , MOTION FOR  
ADEQUATE PROTECTION  
10-8-2024    [[106](#)]

MARC VOISENAT/ATTY. FOR DBT.  
BENJAMIN LEVINSON/ATTY. FOR MV.  
CHRISTINA S. DICK, STEVEN P. DICK VS.

**No Ruling**

5. [23-24215](#)-A-13     **IN RE: SANDRA LYMOND**  
[RAS-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
10-3-2024    [[100](#)]

MARC VOISENAT/ATTY. FOR DBT.  
KELLI BROWN/ATTY. FOR MV.  
TOWD POINT MORTGAGE TRUST 2019-3,  
U.S. BANK NATIONAL ASSOCIATION VS.

**No Ruling**

6. [25-22222](#)-A-13     **IN RE: JAMES JOHNSON**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
6-23-2025    [\[18\]](#)

### **Final Ruling**

**Objection:** Chapter 13 Plan Confirmation/Modification

**Notice:** Continued from July 8, 2025; written opposition required

**Disposition:** Sustain

**Order:** Civil minute order

This is a motion to confirm the debtor(s) original/modified Chapter 13 plan. Written opposition to this motion was required. None has been filed. Any opposition to the relief sought has been waived. See *id.* ("Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to the granting of the motion or may result in the imposition of sanctions.").

### **CHAPTER 13 PLAN CONFIRMATION**

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. Modified Chapter 13 plans are subject to additional scrutiny. 11 U.S.C. § 1329; Fed. R. Bankr. P. 3015(h). The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). Here, the debtor(s) has not sustained its burden. The Chapter 13 trustee and/or a creditor objected to plan confirmation. Because that objection was set under LBR 9014-1(f)(2), no written response was required. This court continued this matter and required the debtor to do one of the following: (1) file a statement of non-opposition to the objection; (2) filing a written response to the objection; or (3) file, set, and serve a modified plan. The debtor has not responded to this court's order. As a consequence, the debtor(s)' default is entered, and the objection is sustained.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Chapter 13 trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.



7. [24-24824](#)-A-13     **IN RE: EDWARD ROTTER AND TIFFANY  
KEETON-FARRIOR  
[DWL-2](#)**

MOTION TO VACATE DISMISSAL OF CASE  
8-5-2025    [\[49\]](#)

PATRICIA WILSON/ATTY. FOR DBT.  
DEBTORS DISMISSED: 07/10/25  
RESPONSIVE PLEADING

### **Final Ruling**

**Motion:** Vacate Dismissal of Case

**Notice:** LBR 9014-1(f)(1); written opposition filed by trustee

**Disposition:** Denied

**Order:** Civil minute order

The debtor seeks an order vacating the dismissal of the Chapter 13 case. The Chapter 13 trustee opposes the motion.

### **FACTS**

The Chapter 13 trustee filed a motion to dismiss the bankruptcy case (DPC-1). The trustee's motion to dismiss was based upon a lack of a chapter 13 plan pending and failure to set a plan for confirmation.

On July 10, 2025, the court entered an order granting the motion and the case was dismissed the same day. The debtor filed the instant motion to vacate the dismissal of the case. The motion states that counsel failed to enter the objection deadline into her calendar and did not realize that mistake until July 3, 2025. Motion, 2:11-14, ECF No. 49.

The motion does not describe any attempt to notify the court of the error in the time debtor's counsel noticed the mistake on July 3, 2025, through the time of the hearing on July 8, 2025. Further, the debtor did not attempt to file and serve a Chapter 13 plan prior to the hearing on July 8 to remedy the only cause for dismissal.

### **MOTION TO VACATE DISMISSAL**

#### Rule 60(b)

The court presumes that the debtor intends the motion to be filed under Fed. R. Civ. P. 60(b). However, the debtor has failed to make a sufficient showing of grounds for relief under Rule 60(b).

Rule 60(b) permits a motion for relief from a judgment or order to be brought within a reasonable time not to exceed one year if the ground for the motion is "mistake, inadvertence, surprise, or excusable neglect." Fed. R. Civ. P. 60(b)(1), *incorporated by* Fed. R. Bankr. P. 9024. The debtor's motion under Rule 60(b) is timely.

The case was dismissed because the debtor failed to file and serve a motion to confirm a Chapter 13 plan. The trustee argues that the motion should be denied as the debtor has failed to explain why a new motion to confirm was not filed after the last motion to confirm was withdrawn in March, ECF 40, or in the time before the hearing. The court agrees with the trustee. The debtor has offered no explanation as to why they did not file a new motion to confirm before the hearing after recognizing counsel's mistake. No declaration has been filed by the debtor's counsel.

The court finds that the debtor has not provided any argument which supports a finding of mistake, inadvertence, surprise or excusable neglect. The court will deny the motion.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Debtor's Motion to Vacate Dismissal has been presented to the court. Having considered the motion together with papers filed in support and opposition, and having heard the arguments of counsel, if any,

IT IS ORDERED that the motion is denied.

8. [24-24824](#)-A-13     **IN RE: EDWARD ROTTER AND TIFFANY  
KEETON-FARRIOR  
[DWL-3](#)**

MOTION TO CONFIRM PLAN  
8-5-2025    [\[52\]](#)

PATRICIA WILSON/ATTY. FOR DBT.  
DEBTORS DISMISSED: 07/10/25  
RESPONSIVE PLEADING

#### **Final Ruling**

This case was dismissed on July 10, 2025. The motion to vacate the dismissal has been denied, DWL-2. Accordingly, the motion will be dropped from the calendar as moot.

9. [24-20427](#)-A-13     **IN RE: AILEEN GANO SOMERVILLE**  
[BLG-3](#)

MOTION TO MODIFY PLAN  
7-22-2025    [\[41\]](#)

CHAD JOHNSON/ATTY. FOR DBT.

**No Ruling**

10. [25-22129](#)-A-13     **IN RE: JASMINE YOUNG**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
6-18-2025    [\[17\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**No Ruling**

11. [25-22129](#)-A-13     **IN RE: JASMINE YOUNG**  
[KMM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY GLOBAL  
LENDING SERVICES LLC  
6-16-2025    [\[13\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.  
RESPONSIVE PLEADING

**Final Ruling**

**Objection:** Creditor's Objection to Confirmation of Plan

**Notice:** Continued from June 16, 2025

**Disposition:** Overruled

**Order:** Civil minute order

The hearing on the creditor Global Lending Services, LLC's objection to confirmation was continued to allow the parties to augment the evidentiary record. The debtor(s) filed opposition as ordered and the creditor filed a reply.

**CONFIRMATION**

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation.

*In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The creditor indicates in their reply that the issues raised in the objection to confirmation have been resolved with the debtor's proposal to provide in the order confirming the chapter 13 plan that the class 2 claim for creditor will be increased to \$24,246.14. Reply, ECF No. 32.

Accordingly, the court will overrule the objection. The debtor(s) shall submit an order confirming the plan which has been approved by the Chapter 13 trustee and the creditor.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The creditor's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is overruled.

12. [25-21731](#)-A-13     **IN RE: GEORGENIA MCCALL**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
5-21-2025    [\[12\]](#)

JOSHUA STERNBERG/ATTY. FOR DBT.

#### **Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a new motion to confirm plan after this objection to confirmation was filed. The objection will be overruled as moot.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

13. [24-24334](#)-A-13     **IN RE: KENNETH WILKINSON**

MOTION FOR CONTEMPT, MOTION FOR SANCTIONS FOR VIOLATION OF  
THE AUTOMATIC STAY  
8-6-2025    [\[170\]](#)

KENNETH WILKINSON/ATTY. FOR MV.

### **Final Ruling**

This matter will be called at 10:30 a.m. on September 9, 2025, to coincide with the matters on the adversary proceeding calendar.

14. [21-22635](#)-A-13     **IN RE: MARGARET OAKES**  
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE  
6-18-2025    [\[25\]](#)

BRUCE DWIGGINS/ATTY. FOR DBT.  
RESPONSIVE PLEADING 11 USC 102(1)

### **Final Ruling**

**Motion:** Dismiss Case

**Notice:** Continued from July 29, 2025

**Disposition:** Continued to October 21, 2025, at 9:00 a.m.

**Order:** Civil minute order

This matter shall be continued to coincide with the debtor's motion for hardship discharge. The motion for hardship discharge is being continued to allow the debtor to correct service and notice.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the Chapter 13 trustee's motion to dismiss is continued to October 21, 2025, at 9:00 a.m. to coincide with debtor's motion for hardship discharge.

15. [21-22635](#)-A-13     **IN RE: MARGARET OAKES**  
[DWL-1](#)

MOTION FOR HARDSHIP DISCHARGE  
8-11-2025    [\[37\]](#)

BRUCE DWIGGINS/ATTY. FOR DBT.

### **Final Ruling**

**Motion:** Motion for Hardship Discharge

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Continued to October 21, 2025, at 9:00 a.m.

**Order:** Civil minute order

Debtor has filed a motion for hardship discharge. The motion will be continued to October 21, 2025, to allow the debtor to perfect service and notice.

### **SERVICE AND NOTICE**

Notice on the motion for hardship discharge is governed by 11 U.S.C. § 102(1). The Federal Rules of Procedure do not explicitly state who receives notice on this matter and/or how long the notice period should be. It is up to the courts discretion to determine who shall receive notice in this matter.

The court is continuing this matter to allow debtor to correct notice and proper service. The matter will be continued to October 21, 2025, at 9:00 a.m. No later than 28 days before the continued hearing, the debtor is to file and serve notice of the continued hearing and shall indicate the opposition is due 14 days before the continued hearing. Notice shall be given to all creditors that have filed claims.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

The debtor's Motion to Confirm has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is continued to October 21, 2025, at 9:00 a.m.

IT IS FURTHER ORDERED that no later than 28 days before the continued hearing, the debtor is to file and serve notice of the continued hearing and shall indicate the opposition is due 14 days

before the continued hearing. Notice shall be given to all creditors that have filed claims.

16. [24-21835](#)-A-13     **IN RE: MARISOL/PHILLIP CHAVEZ**  
[SLH-3](#)

MOTION TO CONFIRM PLAN  
7-29-2025    [\[61\]](#)

SETH HANSON/ATTY. FOR DBT.

### **Tentative Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

**Disposition:** Denied

**Order:** Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

### **PLAN FEASIBILITY**

The proposed plan must be feasible. 11 U.S.C. § 1325(a)(6). Feasibility is a "factual determination" as to the plan's "reasonable likelihood of success." *First Nat'l Bank of Boston v. Fantasia (In re Fantasia)*, 211 B.R. 420, 423 (B.A.P. 1st Cir. 1997). The bankruptcy court needs to "be satisfied that the debtor has the present as well as the future financial capacity to comply with the terms of the plan." *Id.* As one court summarized feasibility, "Thus, a plan is not feasible and is not confirmable if a debtor's income will not support the plan's proposed payments. *In re Barnes*, 275 B.R. 889, 894 (Bankr. E.D. Cal.2002) ("[T]he debtors showed no disposable income with which to fund a plan.... [T]he debtors have been unable to actually pay the amount projected ... to the trustee."); *In re Bernardes*, 267 B.R. 690, 695 (Bankr. D.N.J. 2001) ("While the feasibility requirement is not rigorous ... the plan proponent must, at minimum, demonstrate that the Debtor's income exceeds expenses by an amount sufficient to make the payments proposed by the plan."); *In re Wilkinson*, 99 B.R. 366, 369 (Bankr. N.D. Ohio 1989) ("[D]ebtors will not be able to comply with the plan and make all payments thereunder."). *In re Buccolo*, 397 B.R. 527,

530 (Bankr. D.N.J. 2008), *aff'd*, 2009 WL 2132435 (D.N.J. July 13, 2009).

#### Plan Delinquency

The trustee indicates that the plan payments are delinquent in the amount of \$8,314.84. The plan cannot be confirmed if the plan payments are not current.

#### **SERVICE OF PLAN**

The trustee also states that the plan was not served. While the trustee is correct that the Certificate of Service does not list the Chapter 13 plan as a document that was served, the plan was attached to the exhibits which were served on all creditors. However, in the future the amended plan will need to be refiled with the court as the latest version of the plan was filed on September 26, 2024.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

17. [25-22236](#)-A-13     **IN RE: KEN JIMENEZ**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
8-11-2025     [\[32\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

#### **Tentative Ruling**

If the filing fee has not been paid in full by the time of the hearing, the case may be dismissed without further notice or hearing.



18. [25-22443](#)-A-13     **IN RE: JOSHUA MEGILL**  
[BB-1](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF BONNIE BAKER  
FOR BONNIE BAKER, DEBTORS ATTORNEY(S)  
7-28-2025    [\[27\]](#)

BONNIE BAKER/ATTY. FOR DBT.  
DEBTOR DISMISSED: 06/17/25  
RESPONSIVE PLEADING

### **Final Ruling**

**Application:** Allowance of Final Compensation and Expense  
Reimbursement

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Denied without prejudice

**Order:** Civil minute order

Debtor's counsel moves for an order approving the compensation and reimbursement of expenses.

All creditors and parties in interest have not received sufficient notice. The hearing on an application for approval of compensation or reimbursement of expenses, when the application requests approval of an amount exceeding \$1000, must be noticed to all creditors and parties in interest in the debtor's bankruptcy case as required by Federal Rule of Bankruptcy Procedure 2002(a)(6).

### **FEDERAL RULE OF BANKRUPTCY PROCEDURE 2002(a)(6)**

**(a) 21-Day Notices to the Debtor, Trustee, Creditors, and Indenture Trustees.** Except as (h), (i), (l), (p), and (q) provide otherwise, the clerk or the court's designee must give the debtor, the trustee, *all creditors*, and all indenture trustees at least 21 days' notice by mail of: ...

(6) a hearing on a request for compensation or for reimbursement of expenses, if the request exceeds \$1,000...

Fed. R. Bankr. P. 2002(a)(6) (emphasis added).

All creditors and parties in interest have not received sufficient notice. The hearing on an application for approval of compensation or reimbursement of expenses, when the application requests approval of an amount exceeding \$1000, must be noticed to all creditors and parties in interest in the debtor's bankruptcy case as required by Federal Rule of Bankruptcy Procedure 2002(a)(6).

Here, notice was insufficient. Three different certificates of service were filed, ECF Nos. 32, 34, & 37. In each certificate of service, the debtor was the only person who received service. See Certificate of Service, section 5, ECF Nos. 32, 34, & 37. No creditors were listed on court's matrix attached to the certificate

of service, ECF No. 37. Since no creditors were served, this matter will be denied without prejudice due to notice issues.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Counsel's Motion for Compensation has been presented to the court. Given the procedural deficiencies discussed by the court in its ruling,

IT IS ORDERED that the motion is denied without prejudice

19. [25-21246](#)-A-13     **IN RE: MATT/ESTHER SANCHEZ**  
[DPC-1](#)

CONTINUED MOTION TO DISMISS CASE  
6-5-2025    [\[21\]](#)

PETER MACALUSO/ATTY. FOR DBT.

#### **Final Ruling**

**Motion:** Dismiss Case

**Notice:** Continued from July 29, 2025

**Disposition:** Withdrawn

**Order:** Civil minute order

The trustee moved to dismiss this chapter 13 case. For the reasons stated in the motion, cause existed under § 1307(c)(1) to dismiss the case. However, the Trustee has since filed a status report asking the court to deny his motion to dismiss and the debtor's Chapter 13 plan has been confirmed.

#### **TRUSTEE REPLY – Fed. R. Civ. P. 41**

The trustee filed a timely request to dismiss his motion under Fed. R. Civ. P. 41; Fed. R. Bankr. P. 9014, 7041.

Federal Rule of Civil Procedure 41 governs the circumstances where a party may withdraw a motion or objection. Fed. R. Civ. P. 41, *incorporated by* Fed. R. Bankr. P. 7041, 9014(c) (applying rule dismissal of adversary proceedings to contested matters). A motion or objection may be withdrawn without a court order only if it has not been opposed or by stipulation "signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A). In all other instances, a motion or objection may be withdrawn "only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).

Here, the Chapter 13 trustee has signaled his abandonment of his motion to dismiss. Neither the debtor(s), nor any creditor, has expressed opposition to the withdrawal of the trustee's motion. No

unfair prejudice will result from withdrawal of the motion and the court will accede to the trustee's request.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

IT IS ORDERED that the motion to dismiss is withdrawn.

20. [25-21246](#)-A-13     **IN RE: MATT/ESTHER SANCHEZ**  
[PGM-1](#)

CONTINUED MOTION TO CONFIRM PLAN  
6-24-2025    [\[25\]](#)

PETER MACALUSO/ATTY. FOR DBT.

#### **No Ruling**

21. [25-21247](#)-A-13     **IN RE: ERNESTO PLACENCIO**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
5-7-2025    [\[17\]](#)

PATRICIA WILSON/ATTY. FOR DBT.  
DEBTOR DISMISSED: 07/10/25

#### **Final Ruling**

This case was dismissed on July 10, 2025. Accordingly, the objection will be removed from the calendar as moot. No appearances are required.

22. [25-24049](#)-A-13     **IN RE: ROCKY FAUPUSA**  
[CVN-18](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
8-13-2025    [\[11\]](#)

CALVIN CLEMENTS/ATTY. FOR MV.  
CARMEL CAPEHART, LLC VS.

### **Tentative Ruling**

**Motion:** Stay Relief to Pursue Unlawful Detainer Action and Writ of Possession

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted only to the extent specified in this ruling

**Order:** Civil minute order

**Subject:** Exercise of state law rights and remedies to obtain possession of real property located at 4119 Cree Way, Antelope, California, including all actions necessary to pursue an unlawful detainer action and execute a writ of possession

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **FACTS**

Debtor entered into a written lease agreement with Movant Carmel Capehart, LLC, in October 2023. Debtor failed to pay rent for month of May 2025 and was served a notice to pay or quit on May 15, 2025. On May 27, 2025, debtor filed an action for unlawful detainer and the trial was set for August 6, 2025. Debtor filed this instant bankruptcy case on August 1, 2025.

### **STAY RELIEF**

Section 362(d)(1) authorizes stay relief for cause. Cause is determined on a case-by-case basis and may include the existence of litigation pending in a non-bankruptcy forum that should properly be pursued. *In re Tucson Estates, Inc.*, 912 F.2d 1162, 1169 (9th Cir. 1990).

Having considered the motion's well-pleaded facts, the court finds cause to grant stay relief subject to the limitations described in this ruling.

In a chapter 13, debtors have the ability to assume one's lease and cure any default. 11 U.S.C. 1322(b)(3), 11 U.S.C. 365(d). In the instant case, a plan has not been filed that cures the current default in the lease. The last day to file a plan was August 29,

2025. Order, ECF No. 20. As such, cause exists under section 362(d) (1) to grant stay relief.

The motion will be granted to the extent specified herein, and the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a) (3) will be waived. No other relief will be awarded.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Carmel Capehart, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted to the extent specified in this order. The automatic stay is vacated to allow the movant to enforce its rights and remedies against the debtor to obtain possession of real property located at 4119 Cree Way, Antelope, California, and to pursue an unlawful detainer action through judgment and execution of a writ of possession, if necessary.

IT IS FURTHER ORDERED that the movant may also file post-judgment motions, and appeals. But no bill of costs may be filed without leave of this court, no attorney's fees shall be sought or awarded, and no action shall be taken to collect or enforce any money judgment against debtor, except by (1) filing a proof of claim in this court or (2) filing an adversary proceeding to determine the debt nondischargeable, and executing on a favorable judgment entered in such adversary proceeding. And the stay of the order provided by Federal Rule of Bankruptcy Procedure 4001(a) (3) will be waived.

23. [25-21750](#)-A-7     **IN RE: TONY GUDINO**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
5-21-2025     [\[15\]](#)

NICHOLAS WAJDA/ATTY. FOR DBT.

#### **Final Ruling**

This matter will be removed from the calendar as moot. This case was converted to a Chapter 7 on August 19, 2025. No appearances are necessary.

24. [24-20754](#)-A-13     **IN RE: SUSAN OLIVER**  
[MOH-6](#)

MOTION TO CONFIRM PLAN  
7-28-2025    [[147](#)]

MICHAEL HAYS/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**No Ruling**

25. [25-23554](#)-A-13     **IN RE: MICHAEL ANDERSON**

ORDER TO SHOW CAUSE FOR FAILURE TO UPDATE CONTACT  
INFORMATION IN PACER  
7-30-2025    [[16](#)]

MICHAEL MAHON/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**Final Ruling**

The Order to Show Cause is discharged. No appearances are required.  
The court will issue a civil minute order.

26. [24-22460](#)-A-13     **IN RE: HAYDEN/MANDY COIT**  
[MRL-2](#)

MOTION TO MODIFY PLAN  
7-23-2025    [[53](#)]

MIKALAH LIVIAKIS/ATTY. FOR DBT.

**No Ruling**

27. [25-21661](#)-A-13     **IN RE: ANDREI GORBATENKO**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID CUSICK  
5-21-2025     [\[18\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
RESPONSIVE PLEADING

### **Final Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** Continued from June 10, 2025

**Disposition:** Sustained

**Order:** Civil minute order

The hearing on the Chapter 13 trustee's objection to confirmation was continued to allow the parties to augment the evidentiary record.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The debtor has filed a statement indicating that he intends to file an amended plan. Response, ECF No. 25. Accordingly, the court will sustain this objection.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The trustee's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses, and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained.

28. [25-22164](#)-A-13     **IN RE: SHARON CLARK**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
6-20-2025    [\[12\]](#)

MARY TERRANELLA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

### **Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

29. [25-20765](#)-A-13     **IN RE: STEVEN KING**  
[DPC-1](#)

CONTINUED MOTION TO CONVERT CASE FROM CHAPTER 13 TO CHAPTER  
7 AND/OR MOTION TO DISMISS CASE  
7-22-2025    [\[27\]](#)

PETER CIANCHETTA/ATTY. FOR DBT.  
RESPONSIVE PLEADING

### **No Ruling**



30. [25-20765](#)-A-13     **IN RE: STEVEN KING**  
[PLC-1](#)

MOTION TO CONFIRM PLAN  
7-23-2025    [\[31\]](#)

PETER CIANCHETTA/ATTY. FOR DBT.

### **Tentative Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

**Disposition:** Denied

**Order:** Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

### **REDUCTION OF COLLATERAL VALUE WITHOUT A MOTION**

LBR 3015-1(i) provides that "[t]he hearing on a valuation motion must be concluded before or in conjunction with the confirmation of the plan. If a motion is not filed, or it is unsuccessful, the Court may deny confirmation of the plan."

In this case, the plan proposes to reduce the Franchise Tax Board's Class 2(B) secured claim based on the value of the collateral securing such claim. But the debtor has not yet obtained a favorable order on a motion to determine the value of such collateral. Accordingly, the court must deny confirmation of the plan.

### **PLAN FEASIBILITY**

The proposed plan must be feasible. 11 U.S.C. § 1325(a)(6). Feasibility is a "factual determination" as to the plan's "reasonable likelihood of success." *First Nat'l Bank of Boston v. Fantasia (In re Fantasia)*, 211 B.R. 420, 423 (B.A.P. 1st Cir. 1997). The bankruptcy court needs to "be satisfied that the debtor has the present as well as the future financial capacity to comply with the terms of the plan." *Id.* As one court summarized feasibility, "Thus, a plan is not feasible and is not confirmable if a debtor's income will not support the plan's proposed payments. *In re Barnes*, 275 B.R. 889, 894 (Bankr. E.D. Cal.2002) ("[T]he debtors showed no disposable income with which to fund a plan.... [T]he debtors have been unable to actually pay the amount projected ... to the

trustee."); *In re Bernardes*, 267 B.R. 690, 695 (Bankr. D.N.J. 2001) ("While the feasibility requirement is not rigorous ... the plan proponent must, at minimum, demonstrate that the Debtor's income exceeds expenses by an amount sufficient to make the payments proposed by the plan."); *In re Wilkinson*, 99 B.R. 366, 369 (Bankr. N.D. Ohio 1989) ("[D]ebtors will not be able to comply with the plan and make all payments thereunder."). *In re Buccolo*, 397 B.R. 527, 530 (Bankr. D.N.J. 2008), *aff'd*, 2009 WL 2132435 (D.N.J. July 13, 2009).

#### Schedules I and J

The debtor has not supported the plan by filing recently amended Schedules I and J. The most recently filed budget schedules were filed on March 1, 2025, nearly 6 months ago, ECF No. 12. Without current income and expense information the court and the chapter 13 trustee are unable to determine whether the plan is feasible or whether the plan has been proposed in good faith. See 11 U.S.C. § 1325(a)(3), (6).

#### **ATTORNEY FEES**

It is unclear if the attorney fees are to be paid throughout the life of the plan or at the end of the plan in a lump sum. This information is necessary for the trustee to determine if the plan payments are feasible or not.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

31. [25-21965](#)-A-13     **IN RE: CHARLES NJENGA**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
6-18-2025    [\[12\]](#)

MATTHEW DECAMINADA/ATTY. FOR DBT.

#### **Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

32. [25-21965](#)-A-13     **IN RE: CHARLES NJENGA**  
[WLG-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DIVERSITAS  
HOLDINGS LLC  
6-19-2025    [\[16\]](#)

MATTHEW DECAMINADA/ATTY. FOR DBT.  
CHRISTOPHER BEYER/ATTY. FOR MV.

#### **Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified

plan after this objection to confirmation was filed. The objection will be overruled as moot.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

33. [25-23366](#)-A-13     **IN RE: PRISCILLA / ESTATE OF PRISCILLA SILVERY**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES  
8-6-2025     [[15](#)]

#### **Final Ruling**

The case was dismissed on August 25, 2025, the order to show cause is discharged as moot.

34. [23-24370](#)-A-13     **IN RE: SARA KLINKENBORG DPC-3**

CONTINUED MOTION TO DISMISS CASE  
6-13-2025     [[67](#)]

LUCAS GARCIA/ATTY. FOR DBT.

#### **No Ruling**

35. [23-24370](#)-A-13     **IN RE: SARA KLINKENBORG LBG-101**

MOTION TO MODIFY PLAN  
7-28-2025     [[72](#)]

LUCAS GARCIA/ATTY. FOR DBT.

#### **No Ruling**

36. [25-21872](#)-A-13     **IN RE: MELANIE JOHNSON**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
6-9-2025    [\[22\]](#)

MICHAEL HAYS/ATTY. FOR DBT.  
DEBTOR NON-OPPOSITION

### **Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

37. [25-23174](#)-A-13     **IN RE: NIKKI BRAKE**  
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK  
8-19-2025    [\[17\]](#)

JOSHUA STERNBERG/ATTY. FOR DBT.

### **Final Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan  
**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required  
**Disposition:** Continued to November 4, 2025, at 9:00 a.m.  
**Order:** Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local

Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to November 4, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than September 30, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than October 21, 2025. The evidentiary record will close after October 21, 2025; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

38. [24-23576](#)-A-13     **IN RE: CHANELLE ALYSSA GOODSPEED HOWARD**  
[DS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
7-31-2025    [\[39\]](#)

PETER MACALUSO/ATTY. FOR DBT.  
DANIEL SINGER/ATTY. FOR MV.  
LAKEVIEW LOAN SERVICING, LLC VS.  
RESPONSIVE PLEADING

### **Tentative Ruling**

**Motion:** Stay Relief

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 355 Parkview Terrace, Apt. J2, Vallejo, California

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **STAY RELIEF**

The debtor has defaulted on a loan from the moving party secured by the property described above, and post-petition payments are past due. In addition, the confirmed plan provides that the failure to include a secured claim in Class 1, 2, 3, or 4 of the plan may be cause to terminate the automatic stay. The plan does not provide for the moving party's secured claim. Cause exists to grant relief from stay under § 362(d)(1).

The motion will be granted, and the 14-day stay of Federal Rule of Bankruptcy Procedure 4001(a)(3) will be waived. No other relief will be awarded.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Lakeview Loan Servicing, LLC's motion for relief from the automatic stay has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend

in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted. The automatic stay is vacated with respect to the property described in the motion, commonly known as 355 Parkview Terrace, Apt. J2, Vallejo, California, as to all parties in interest. The 14-day stay of the order under Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived. Any party with standing may pursue its rights against the property pursuant to applicable non-bankruptcy law.

39. [25-21680](#)-A-13     **IN RE: ALIAYA PARKER**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
5-14-2025    [\[21\]](#)

CANDACE BROOKS/ATTY. FOR DBT.

#### **Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.



40. [25-21680](#)-A-13     **IN RE: ALIAYA PARKER**  
[KMM-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY SERVBANK, SB  
5-6-2025    [\[12\]](#)

CANDACE BROOKS/ATTY. FOR DBT.  
KIRSTEN MARTINEZ/ATTY. FOR MV.

### **Final Ruling**

**Objection:** Chapter 13 Plan Confirmation/Modification

**Notice:** Continued from June 10, 2025; written opposition required

**Disposition:** Sustained

**Order:** Civil minute order

This is a motion to confirm the debtor(s) original/modified Chapter 13 plan. Written opposition to this motion was required. None has been filed. Any opposition to the relief sought has been waived. See *id.* ("Failure of the responding party to timely file written opposition may be deemed a waiver of any opposition to the granting of the motion or may result in the imposition of sanctions.").

### **CHAPTER 13 PLAN CONFIRMATION**

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. Modified Chapter 13 plans are subject to additional scrutiny. 11 U.S.C. § 1329; Fed. R. Bankr. P. 3015(h). The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994). Here, the debtor(s) has not sustained its burden. The Chapter 13 trustee and/or a creditor objected to plan confirmation. Because that objection was set under LBR 9014-1(f)(2), no written response was required. This court continued this matter and required the debtor to do one of the following: (1) file a statement of non-opposition to the objection; (2) filing a written response to the objection; or (3) file, set, and serve a modified plan. The debtor has not responded to this court's order. As a consequence, the debtor(s)' default is entered, and the objection is sustained.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Chapter 13 creditor's objection to confirmation has been presented to the court. Having considered the objection, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the objection is sustained. The court denies confirmation of the chapter 13 plan.

41. [25-21783](#)-A-13     **IN RE: HARPREET SINGH AND RAJBIR KAUR**  
[AP-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY  
6-12-2025    [\[26\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.  
WENDY LOCKE/ATTY. FOR MV.  
DEUTSCHE BANK NATIONAL TRUST COMPANY VS.

#### **No Ruling**

42. [25-21783](#)-A-13     **IN RE: HARPREET SINGH AND RAJBIR KAUR**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
6-4-2025    [\[22\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.

#### **Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

43. [25-21783](#)-A-13     **IN RE: HARPREET SINGH AND RAJBIR KAUR**  
[HLR-3](#)

MOTION TO CONFIRM PLAN  
7-28-2025    [\[58\]](#)

KRISTY HERNANDEZ/ATTY. FOR DBT.

### **Tentative Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

**Disposition:** Denied

**Order:** Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

### **PLAN FEASIBILITY**

The proposed plan must be feasible. 11 U.S.C. § 1325(a)(6). Feasibility is a "factual determination" as to the plan's "reasonable likelihood of success." *First Nat'l Bank of Boston v. Fantasia (In re Fantasia)*, 211 B.R. 420, 423 (B.A.P. 1st Cir. 1997). The bankruptcy court needs to "be satisfied that the debtor has the present as well as the future financial capacity to comply with the terms of the plan." *Id.* As one court summarized feasibility, "Thus, a plan is not feasible and is not confirmable if a debtor's income will not support the plan's proposed payments. *In re Barnes*, 275 B.R. 889, 894 (Bankr. E.D. Cal.2002) ("[T]he debtors showed no disposable income with which to fund a plan.... [T]he debtors have been unable to actually pay the amount projected ... to the trustee."); *In re Bernardes*, 267 B.R. 690, 695 (Bankr. D.N.J. 2001) ("While the feasibility requirement is not rigorous ... the plan proponent must, at minimum, demonstrate that the Debtor's income exceeds expenses by an amount sufficient to make the payments proposed by the plan."); *In re Wilkinson*, 99 B.R. 366, 369 (Bankr. N.D. Ohio 1989) ("[D]ebtors will not be able to comply with the plan and make all payments thereunder."). *In re Buccolo*, 397 B.R. 527, 530 (Bankr. D.N.J. 2008), *aff'd*, 2009 WL 2132435 (D.N.J. July 13, 2009).

### Plan Delinquency

The trustee indicates that the plan payments are delinquent in the amount of \$1,197.00. The plan cannot be confirmed if the plan payments are not current.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

44. [25-23084](#)-A-13     **IN RE: MARILYN/MELECIO NERA**  
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK  
8-14-2025    [\[40\]](#)

PETER MACALUSO/ATTY. FOR DBT.

### **Final Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Continued to November 4, 2025, at 9:00 a.m.

**Order:** Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to November 4, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than September 30, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than October 21, 2025. The evidentiary record will close after October 21, 2025; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

45. [25-20386](#)-A-13     **IN RE: JAMES/NICOLE RIDDLE**  
[NF-2](#)

MOTION TO CONFIRM PLAN  
7-30-2025    [\[40\]](#)

NIKKI FARRIS/ATTY. FOR DBT.

### **Final Ruling**

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the movant, approved by the trustee

**Subject:** Second Amended Chapter 13 Plan, filed July 30, 2025

### **DEFAULT OF RESPONDENT**

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks confirmation of the Second Amended Chapter 13 Plan, ECF No. 41. The plan is supported by Schedules I and J filed May 26, 2025, ECF No. 23. The Chapter 13 trustee has filed a non-opposition to the motion, ECF No. 49.

### **CHAPTER 13 PLAN CONFIRMATION**

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court finds that the debtor has sustained that burden, and the court will approve confirmation of the plan.

46. [25-20087](#)-A-13     **IN RE: MOSES/TARA MENDOZA**  
[WW-1](#)

MOTION TO MODIFY PLAN  
7-22-2025    [\[29\]](#)

MARK WOLFF/ATTY. FOR DBT.

**No Ruling**

47. [25-21289](#)-A-13     **IN RE: MELINDA WARD**  
[DS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
5-20-2025    [\[11\]](#)

CHAD JOHNSON/ATTY. FOR DBT.  
DANIEL SINGER/ATTY. FOR MV.  
DEBTOR DISCHARGED: 07/01/25  
TH MSR HOLDINGS LLC VS.

**No Ruling**

48. [25-21492](#)-A-13     **IN RE: MARK DOSHIER-MCCLARREN**  
[DPC-1](#)

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY DAVID P.  
CUSICK  
5-7-2025    [\[13\]](#)

NIKKI FARRIS/ATTY. FOR DBT.

**Final Ruling**

**Matter:** Objection to Confirmation of Chapter 13 Plan  
**Notice:** LBR 3015-1(c)(4); no written opposition required  
**Disposition:** Overruled as moot  
**Order:** Civil minute order

Chapter 13 debtors may modify the plan before confirmation. 11 U.S.C. § 1323(a). If the debtor files a modification of the plan under § 1323, the modified plan becomes the plan. 11 U.S.C. § 1323(b). Filing a modified plan renders moot any objection to confirmation of the prior plan. The debtor has filed a modified plan after this objection to confirmation was filed. The objection will be overruled as moot.

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the objection to confirmation is overruled as moot.

49. [25-21492](#)-A-13      **IN RE: MARK DOSHIER-MCCLARREN**  
[NF-2](#)

MOTION TO CONFIRM PLAN  
7-30-2025    [\[30\]](#)

NIKKI FARRIS/ATTY. FOR DBT.

### Tentative Ruling

**Motion:** Confirm Chapter 13 Plan

**Notice:** LBR 3015-1(d)(1), 9014-1(f)(1); written opposition filed by the trustee

**Disposition:** Denied

**Order:** Civil minute order

The motion requests confirmation of the Chapter 13 plan in this case. See 11 U.S.C. §§ 1322, 1323, 1325; Fed. R. Bankr. P. 2002(b); LBR 3015-1(d)(1)-(2). The Chapter 13 trustee opposes the motion, objecting to confirmation.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

### PLAN FEASIBILITY

The proposed plan must be feasible. 11 U.S.C. § 1325(a)(6). Feasibility is a "factual determination" as to the plan's "reasonable likelihood of success." *First Nat'l Bank of Boston v. Fantasia (In re Fantasia)*, 211 B.R. 420, 423 (B.A.P. 1st Cir. 1997). The bankruptcy court needs to "be satisfied that the debtor has the present as well as the future financial capacity to comply with the terms of the plan." *Id.* As one court summarized feasibility, "Thus, a plan is not feasible and is not confirmable if a debtor's income will not support the plan's proposed payments. *In re Barnes*, 275 B.R. 889, 894 (Bankr. E.D. Cal.2002) ("[T]he debtors showed no disposable income with which to fund a plan.... [T]he debtors have been unable to actually pay the amount projected ... to the trustee."); *In re Bernardes*, 267 B.R. 690, 695 (Bankr. D.N.J. 2001) ("While the feasibility requirement is not rigorous ... the plan proponent must, at minimum, demonstrate that the Debtor's income



exceeds expenses by an amount sufficient to make the payments proposed by the plan."); *In re Wilkinson*, 99 B.R. 366, 369 (Bankr. N.D. Ohio 1989) ("[D]ebtors will not be able to comply with the plan and make all payments thereunder."). *In re Buccolo*, 397 B.R. 527, 530 (Bankr. D.N.J. 2008), *aff'd*, 2009 WL 2132435 (D.N.J. July 13, 2009).

#### Plan Excludes Large Claim

The trustee opposes confirmation of the plan due to the exclusion of a large claim. The trustee states that the plan fails to account for an arrearage claim of \$25,170.00 filed by the United States Small Business Administration, Claim 14. The debtor's ability to keep their business and income depends on the payment of this claim. As such, the trustee is unable to determine if the plan is feasible. See 11 U.S.C. § 1325(a).

The court will deny confirmation of the debtor's plan.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

The debtor's motion to confirm a chapter 13 plan has been presented to the court. Having considered the motion together with papers filed in support and opposition to it, and having heard the arguments of counsel, if any, and good cause appearing, presented at the hearing,

IT IS ORDERED that the motion is denied. The court denies confirmation of the chapter 13 plan.

50. [25-23092](#)-A-13     **IN RE: BRIAN/KIMBERLY STARK**  
[DPC-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY DAVID P. CUSICK  
8-14-2025    [\[19\]](#)

JULIUS CHERRY/ATTY. FOR DBT.

### **Final Ruling**

**Objection:** Trustee's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Continued to November 4, 2025, at 9:00 a.m.

**Order:** Civil minute order

The Chapter 13 trustee objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to November 4, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than September 30, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the Chapter 13 trustee's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagree with the trustee's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the trustee's objection to confirmation, state whether the issue is disputed or undisputed, and

include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the trustee shall file and serve a reply, if any, no later than October 21, 2025. The evidentiary record will close after October 21, 2025; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the Chapter 13 trustee's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that if the parties resolve the trustee's objection, and there are no additional objections to confirmation pending, then the debtor(s) may submit an order confirming the plan which has been signed by the Chapter 13 trustee. The trustee's signature on the order confirming plan represents to the court that no further objections to confirmation of the proposed plan are pending.

51. [25-23092](#)-A-13     **IN RE: BRIAN/KIMBERLY STARK**  
[JCW-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY PLANET HOME LENDING,  
LLC  
8-14-2025    [[15](#)]

JULIUS CHERRY/ATTY. FOR DBT.  
JENNIFER WONG/ATTY. FOR MV.

### **Final Ruling**

**Objection:** Creditor's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Continued to November 4, 2025, at 9:00 a.m.

**Order:** Civil minute order

Creditor, Planet Home Lending, LLC, objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

## CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to November 4, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than September 30, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the creditor's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagrees with the creditor's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the creditor's objection to confirmation, state whether the issue is disputed or undisputed, and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the creditor shall file and serve a reply, if any, no later than October 21, 2025. The evidentiary record will close after October 21; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the creditor's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that any stipulation between the parties resolving this matter must be approved and signed by the Chapter 13 trustee prior to filing with the court. The trustee's signature on the stipulation warrants that the terms of the proposed stipulation do not impact the plan's compliance with 11 U.S.C. § 1325(a).

52. [23-23797](#)-A-13     **IN RE: MICHAEL/AMY WHITING**  
[DPC-3](#)

CONTINUED MOTION TO DISMISS CASE  
6-18-2025    [\[61\]](#)

THOMAS AMBERG/ATTY. FOR DBT.

**No Ruling**

53. [25-23256](#)-A-13     **IN RE: CHERYL MCNEAL**  
[DTB-1](#)

OBJECTION TO CONFIRMATION OF PLAN BY PRESTIGE FINANCIAL  
SERVICES  
8-21-2025    [\[12\]](#)

RICHARD JARE/ATTY. FOR DBT.  
DIANA TORRES-BRITO/ATTY. FOR MV.

### **Final Ruling**

**Objection:** Creditor's Objection to Confirmation of Plan

**Notice:** LBR 3015-1(c)(4), 9014-1(f)(2); no written opposition required

**Disposition:** Continued to November 4, 2025, at 9:00 a.m.

**Order:** Civil minute order

Creditor, Prestige Financial Services, objects to confirmation of the debtor(s) plan.

Chapter 13 plan confirmation is governed by 11 U.S.C. §§ 1322, 1325 and by Federal Rule of Bankruptcy Procedure 2002(b) and Local Bankruptcy Rule 3015-1. The debtor has the burden of proving that the plan complies with all statutory requirements of confirmation. *In re Andrews*, 49 F.3d 1404, 1407-08 (9th Cir. 1995); *In re Barnes*, 32 F.3d 405, 407-08 (9th Cir. 1994).

The court will continue the hearing on this objection to allow the parties to augment the evidentiary record.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

IT IS ORDERED that the hearing on this objection will be continued to November 4, 2025, at 9:00 a.m. The court may rule in this matter without further hearing.

IT IS FURTHER ORDERED that no later than September 30, 2025, the debtor(s) shall do one of the following:

(A) File a Statement of No Opposition. If the debtor(s) agree that the creditor's objection is well taken, the debtor(s) shall concede the merits and file a statement of non-opposition to the objection. L.R. 230(c) ("A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect..."); LBR 1001-1(c)-(d) (omitting the applicability of L.R. 230 unless the court orders otherwise);

(B) Respond in Writing to the Objection. If the debtor(s) disagrees with the creditor's objection, the debtor(s) shall file and serve a written response to the objection; the response shall specifically address each issue raised in the creditor's objection to confirmation, state whether the issue is disputed or undisputed,

and include admissible evidence in support of the debtor's position. If the debtor(s) file a response under paragraph 3(B) of this order, then the creditor shall file and serve a reply, if any, no later than October 21, 2025. The evidentiary record will close after October 21; or

(C) File a Modified Plan. If the debtor(s) wish to resolve the creditor's objection by filing a modified plan, then the debtor(s) shall: (1) file and serve a modified Chapter 13 plan; and (2) file and serve a motion to confirm the modified plan.

IT IS FURTHER ORDERED that any stipulation between the parties resolving this matter must be approved and signed by the Chapter 13 trustee prior to filing with the court. The trustee's signature on the stipulation warrants that the terms of the proposed stipulation do not impact the plan's compliance with 11 U.S.C. § 1325(a).

54. [24-25534](#)-A-13      **IN RE: KEITH GAINES**  
[MC-2](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY AND DEFENDANTS  
8-22-2025    [\[56\]](#)

MUOI CHEA/ATTY. FOR DBT.

### **Tentative Ruling**

**Motion:** Approve Compromise or Settlement of Controversy  
**Notice:** LBR 9014-1(f) (2); no written opposition required  
**Disposition:** Granted  
**Order:** Civil minute order

**Parties to Compromise:** Debtor Keith Lamahl Gaines; State Farm;  
Ricardo James Walker; Guadalupe Lopez Walker

**Dispute Compromised:** Settlement amount of \$9,861.60 from personal  
injury settlement due to a car accident

**Summary of Material Terms:** Settlement will be distributed in the  
following amounts 1) attorney fees of \$3,287.20, 2) medical lien  
payment of \$4,158.93, 3) costs of \$500, and 4) remaining balance of  
\$1,925.47 to debtor Keith Gaines

Unopposed motions are subject to the rules of default. Fed. R. Civ.  
P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default  
of the responding party is entered. The court considers the record,  
accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v.*  
*Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **APPROVAL OF COMPROMISE**

In determining whether to approve a compromise under Federal Rule of  
Bankruptcy Procedure 9019, the court determines whether the  
compromise was negotiated in good faith and whether the party

proposing the compromise reasonably believes that the compromise is the best that can be negotiated under the facts. *In re A & C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). More than mere good faith negotiation of a compromise is required. The court must also find that the compromise is fair and equitable. *Id.* "Fair and equitable" involves a consideration of four factors: (i) the probability of success in the litigation; (ii) the difficulties to be encountered in collection; (iii) the complexity of the litigation, and expense, delay and inconvenience necessarily attendant to litigation; and (iv) the paramount interest of creditors and a proper deference to the creditors' expressed wishes, if any. *Id.* The party proposing the compromise bears the burden of persuading the court that the compromise is fair and equitable and should be approved. *Id.*

The movant requests approval of a compromise that settles the dispute described above. The compromise is reflected in the settlement agreement attached to the motion as an exhibit. The probability of success factor weighs in favor of compromise because litigation would risk a loss of monetary award. Additionally, appeals could be filed after the resolution of litigation that would cause difficulties in collection. Last, litigating the issue would be costly and timely while also not ensuring a monetary settlement. Based on the motion and supporting papers, the court finds that the compromise presented for the court's approval is fair and equitable considering the relevant *A & C Properties* factors. The compromise or settlement will be approved.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Debtor's motion to approve a compromise has been presented to the court. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted. The court hereby approves the compromise that is reflected in the settlement agreement attached to the motion as an exhibit and filed at docket no. 58.

55. [24-22480](#)-A-13     **IN RE: RHONDA RICHARDSON**  
[PGM-2](#)

MOTION TO REFINANCE  
8-26-2025    [\[48\]](#)

PETER MACALUSO/ATTY. FOR DBT.

### **Tentative Ruling**

**Motion:** Motion to Refinance Mortgage

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Civil minute order

**Subject:** 7558 Putman Road, Vacaville, California

**Proposed Mortgage:** 30-year fixed mortgage of \$564,712.00 with 6.25% interest rate

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). No opposition has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

The debtor seeks to incur new debt to refinance an existing mortgage loan. The terms of the proposed mortgage would pay off the debtor's current mortgage, liens, and encumbrances. Additionally, the proposed refinance would pay 100% dividend to all creditors, including general unsecured creditors consistent with the Chapter 13 plan. The current mortgage payment under the plan is \$5,643.14, Notice of Mortgage Payment Change, Doc. 13. The new mortgage payment would be \$4,214.00 for year 1 through year 11, with a decrease to \$4,214.00 for year 12 through year 30. Declaration, ECF No. 50. The court will grant the motion and approve the debtor's incurring of this new debt.

### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Debtor's Motion to Refinance Mortgage has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the motion,

IT IS ORDERED that the motion is granted.



56. [25-24150](#)-A-13     **IN RE: TRACEY MYNHIER**  
[MOH-1](#)

MOTION TO IMPOSE AUTOMATIC STAY  
8-26-2025    [\[12\]](#)

MICHAEL HAYS/ATTY. FOR DBT.

### **Tentative Ruling**

**Motion:** Impose the Automatic Stay

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

### **FACTS**

Debtor first filed a case in December 2024. This case was dismissed on January 7, 2025. Debtor then filed another case in February 2025, but that case was soon dismissed on August 2, 2025. Debtor filed the instant case on August 7, 2025. See Voluntary Petition, ECF No. 1. Debtor's last case was dismissed due to plan delinquency and failure to file her tax returns.

### **IMPOSITION OF THE STAY**

Upon request of a party in interest, the court may impose the automatic stay where the debtor has had two or more previous bankruptcy cases that were pending within the 1-year period prior to the filing of the current bankruptcy case but were dismissed. See 11 U.S.C. § 362(c)(4)(B). The stay may be imposed "only if the party in interest demonstrates that the filing of the *later case* is in *good faith* as to the creditors to be stayed." *Id.* (emphases added). However, the motion must be filed no later than 30 days after the filing of the later case. *Id.* The statute does not require the hearing to be completed within such 30-day period.

The court finds that 2 or more cases were pending within the one-year period before the filing of the current bankruptcy case but were dismissed. Debtor stated in her declaration that she attempted to employ counsel that could assist her in a chapter 13 matter but was not successful. Declaration of Debtor, ECF No. 14. She has now employed another attorney who is able to assist in her chapter 13 matter and has stressed the importance of filing her tax returns. *Id.* She has successfully filed her 2021 and 2022 tax refunds with the 2023 tax refunds to be prepared by August 26, 2025. *Id.* She is additionally working on getting her 2024 taxes filed soon, before October. *Id.* Debtor has low expenses, but considering her mortgage is provided for in the plan, the expenses seem appropriate for a single woman. A plan has been filed and it appears debtor's income

sufficiently funds the plan. For the reasons stated in the motion and supporting papers, the court finds that the filing of the current case is in good faith as to the creditors to be stayed. The motion will be granted.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

A motion to impose the automatic stay has been presented to the court in this case. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted, and the automatic stay of § 362(a) is imposed in this case. The automatic stay shall remain in effect to the extent provided by the Bankruptcy Code. The automatic stay shall be effective upon the date of entry of this order.

57. [25-24280](#)-A-13     **IN RE: AMBER BARBOSA-CUSPARD**  
[PGM-1](#)

MOTION TO EXTEND AUTOMATIC STAY  
8-26-2025    [\[13\]](#)

PETER MACALUSO/ATTY. FOR DBT.

#### **Tentative Ruling**

**Motion:** Extend the Automatic Stay

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Granted

**Order:** Civil minute order

Unopposed motions are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c). The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

#### **EXTENSION OF THE STAY**

Upon request of a party in interest, the court may extend the automatic stay where the debtor has had one previous bankruptcy case that was pending within the 1-year period prior to the filing of the current bankruptcy case but was dismissed. See 11 U.S.C. § 362(c)(3)(B). Procedurally, the automatic stay may be extended only “after notice and a hearing *completed* before the expiration of the 30-day period” after the filing of the petition in the later case. *Id.* (emphasis added). To extend the stay, the court must find that

the filing of the *later case* is in good faith as to the creditors to be stayed, and the extension of the stay may be made subject to conditions or limitations the court may impose. *Id.*

Debtor's previous case was dismissed on July 31, 2025. The instant case was filed on August 14, 2025, ECF No. 1. The debtor has filed a Chapter 13 plan on August 25, 2025, ECF No. 11, which she believes is confirmable and likely to succeed. The debtor's income supports the proposed plan payments.

For the reasons stated in the motion and supporting papers, the court finds that the filing of the current case is in good faith as to the creditors to be stayed. The motion will be granted.

#### **CIVIL MINUTE ORDER**

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

A motion to extend the automatic stay has been presented to the court in this case. Having considered the motion, oppositions, responses and replies, if any, and having heard oral argument presented at the hearing,

IT IS ORDERED that the motion is granted, and the automatic stay of § 362(a) is extended in this case. The automatic stay shall remain in effect to the extent provided by the Bankruptcy Code.

58. [25-24479](#)-A-13     **IN RE: MARGARET SOMKOPULOS**  
[KLG-1](#)

MOTION TO EXTEND AUTOMATIC STAY O.S.T.  
8-29-2025    [\[12\]](#)

ARETE KOSTOPOULOS/ATTY. FOR DBT.

**No Ruling**