

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

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: September 16, 2025

CALENDAR: 1:00 P.M. CHAPTER 13

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

September 16, 2025 at 1:00 p.m.

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1. [25-90413](#)-B-13 CHERYL GONZALES OBJECTION TO DEBTOR'S CLAIM OF
[SAT](#)-2 Peter G. Macaluso EXEMPTIONS
Thru #2 8-1-25 [[45](#)]

Final Ruling

The objection has been set for hearing on at least 44 days' notice to the claimant as required by Local Bankruptcy Rule 3007-1(b)(1). The failure of the claimant to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court defers a decision on the claim of exemption.

Creditor Stefan K. Cathrein ("Creditor") objects to the \$600,000.00 homestead exemption that Debtor Cheryl Gonzalez ("Debtor") claims in amended schedules.

Creditor's objection is intertwined with claims alleged in an action between Creditor and Debtor that was pending in the Tuolumne County Superior Court when Debtor filed this Chapter 13 case. As stated in Item #2 below [DCN SAT-4], the court will terminate the automatic stay of 11 U.S.C. § 362(a) so that Creditor may continue to prosecute the prepetition state court action to judgment and through any appeals. The court therefore defers a decision on Debtor's claim of exemption and Creditor's objection to the exemption claimed until all litigation is fully resolved.¹

A status conference on Creditor's objection is set on **December 20, 2025, at 1:00 p.m.**

For the reason stated in the minutes a decision on Creditor's objection to Debtor's claim of exemption is ORDERED DEFERRED.

The court will prepare an order.

2. [25-90413](#)-B-13 CHERYL GONZALES MOTION TO RECONSIDER
[SAT](#)-4 Peter G. Macaluso 8-19-25 [[58](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule

¹For the same reason, the court also intends to stay the adversary proceeding filed on September 2, 2025, adv. no. 25-2113, which is also based on and arises from claims alleged in the prepetition state court action.

September 16, 2025 at 1:00 p.m.

9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. No appearance at the hearing is required.

The court's decision is to grant the motion to reconsider and deny confirmation of the plan. Furthermore, the automatic stay of 11 U.S.C. § 362(a) is terminated for reasons stated below and the 14-day stay of Fed. R. Bankr. P. 4001(a)(4) is waived.

Debtor Cheryl Gonzalez ("Debtor") filed this Chapter 13 case on May 27, 2025. Dkt. 1. Debtor also filed a Chapter 13 Plan ("Plan") with the petition. Dkt. 3.

On July 7, 2025, the Chapter 13 Trustee ("Trustee") filed an objection to confirmation of the Plan. Dkt. 13. On July 8, 2025, creditor Stefan Carl Cathrein ("Creditor") also filed an objection to confirmation of the Plan. Dkt. 21.

The court overruled Creditor's objection as moot because it conditionally sustained the Trustee's objection. Dkts. 53-56. As a result, the court did not reach the merits of Creditor's objection.

The court provided Debtor with an opportunity to address the merits of the Trustee's objection and to respond to the conditional ruling sustaining the Trustee's objection. Dkt. 54. The Debtor having done so and thereby having resolved the Trustee's objection, on August 19, 2025, the court overruled the Trustee's objection. Dkts. 63, 64. Overruling the Trustee's objection revives Creditor's objection which is no longer moot. The motion to reconsider Creditor's objection is therefore GRANTED.

Confirmation of the Plan will be DENIED and the Plan will not be confirmed. At a minimum, the Plan fails to provide for Creditor's claim, Claim No. 4-1, to which Debtor has not filed an objection. See Plan, § 3.02 (proof of claim, not the plan, controls).

Creditor's remaining objections are intertwined with claims alleged in an action between Creditor and Debtor that was pending in the Tuolumne County Superior Court when Debtor filed this Chapter 13 case. The claims in the prepetition state court action are non-core state law claims. In the interests of comity with the state court and respect for state law, to avoid inconsistent rulings with the state court, because the remaining objections are based primarily on non-core state law claims, and because the state court is particularly adept at resolving the state law issues on which the remaining objections are based, at this juncture, the court abstains from hearing Creditor's remaining objections. See 28 U.S.C. § 1334(c)(1). All other objections to confirmation of the Plan that are not addressed hereinabove are therefore overruled without prejudice.

To facilitate the expedient resolution of Creditor's remaining objections, and to facilitate the expedient resolution of the adversary proceeding referenced in Item #1 above [DCN SAT-2], the court *sua sponte* terminates the automatic stay of 11 U.S.C. § 362(a) so that Creditor may continue to fully prosecute the prepetition state court action against Debtor up to and including entry of judgment and through any appeal. See *In re Bellucci*, 119 B.R. 763, 779 (Bankr. E.D. Cal. 1990). However, there shall be no enforcement of or execution on any judgment entered by the state court and any such judgment, if any, shall be enforced only as a claim in this bankruptcy case and/or in the related adversary proceeding.

The motion to reconsider is ORDERED GRANTED to the extent stated hereinabove.

Creditor's objection to confirmation of the Plan is ORDERED SUSTAINED for the reason stated hereinabove.

Confirmation of the Plan is ORDERED DENIED and the Plan is not confirmed.

The automatic stay of 11 U.S.C. § 362(a) is ORDERED TERMINATED for the purpose(s) stated hereinabove and the 14-day stay of Fed. R. Bankr. P. 4001(a)(4) is WAIVED.

The court will issue an order.

3. [25-23218](#)-B-13 VERA DEL MONTE OBJECTION TO CONFIRMATION OF
 [LGT](#)-1 Mary D. Anderson PLAN BY LILIAN G. TSANG
 8-15-25 [[16](#)]

CONTINUED TO 10/07/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 9/24/25.

Final Ruling

No appearance at the September 16, 2025, hearing is required. The court will issue an
order.

4. [25-23319](#)-B-13 BRIAN/MICKIE JONES
[LGT](#)-1 Simran Singh Hundal

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
8-21-25 [[23](#)]

Final Ruling

The *initial* Chapter 13 Plan filed July 10, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to September 23, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). The current plan payment proposal causes the plan to take 63 months to fund. Calculations indicate that Debtors' average monthly plan payment will need to be at least \$3,427.05 per month for the plan term of 60 months in order to be feasible.

Second, Debtor's receipts for Worker's Compensation insurance received from December 2024 through January 2025 reflects income that is greater than the income reflected on Form 122C-1. Debtors' must file amended documents that accurately reflect their income from all sources in the six-month period prior to filing, or a declaration explaining the discrepancy.

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on September 19, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 23, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on September 23, 2025, at 1:00 p.m.

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

The court will issue an order.

5. [25-23726](#)-B-13 PATRICIA GUILFORD
[BSH](#)-3 Brian S. Haddix

MOTION TO VALUE COLLATERAL OF
SANTANDER CONSUMER USA INC.
8-19-25 [[27](#)]

Final Ruling

The motion has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). However, there appears to be improper service of process on Santander Consumer USA Inc. The address used by the Debtor is the address where "payments to the creditor" should be sent and not "notices to the creditor" according to Claim No. 3-1. Therefore, the court's decision is to deny the motion without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

6. [25-24071](#)-B-13 ROBERT COZART
Jessica A. Dorn

ORDER TO SHOW CAUSE FOR FAILURE
TO UPDATE CONTACT INFORMATION
IN PACER
8-20-25 [[15](#)]

Final Ruling

An order to show cause was issued due to a discrepancy between the mailing address and email address for debtor's counsel in PACER and on the petition. Debtor's counsel has failed to correct this discrepancy. Local Bankruptcy Rule 5005.5-1(e) provides that each registered user shall maintain a complete and accurate PACER registration.

The hearing is continued to September 23, 2025, at 1:00 p.m.

Counsel will contact the Clerk's office and inquire specifically how this order to show cause may be resolved. Counsel will then file a declaration stating that the issue raised in the order to show cause has been resolved in the manner required by the Clerk's office.

If a declaration is filed by 5:00 p.m. on September 19, 2025, the order to show cause will be discharged, no further sanctions will be ordered, the case will remain pending, the continued hearing will be removed from calendar, and no appearance at the continued hearing will be required. Otherwise, if a declaration is not timely filed, counsel must appear in person at the continued hearing.

The hearing is ORDERED CONTINUED.

The court will issue an order.

7. [25-23473](#)-B-13 LOUIE/SIARAH GARCIA
[JCW](#)-1 Mark S. Nelson

OBJECTION TO CONFIRMATION OF
PLAN BY ALLY BANK
8-21-25 [[14](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A written reply has been filed to the objection.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

Creditor Ally Bank ("Creditor"), whose claim is secured by a 2020 Chrysler 300, objects to confirmation of the plan on grounds that it fails to pay the applicable prime plus interest rate. Creditor states that the plan should provide the prime interest rate of 7.0% plus 2.0%, for a total of 9.0%.

Debtors filed a response stating that they are willing to increase the interest rate from 7.50% to 8.489% as listed in Claim No. 9-1 filed by Creditor. Creditor did not file any subsequent reply.

Provided the increased interest rate as stated by Debtors, the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The modifications shall be provided in the order confirming, the objection is overruled, and the plan filed July 8, 2025, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

8. [25-23474](#)-B-13 GENOLA SCOTT
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
8-15-25 [[12](#)]

Final Ruling

The *initial* Chapter 13 Plan filed July 8, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to September 23, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The Chapter 13 Trustee objects to plan confirmation on grounds that a 2018 Toyota Tundra loan matures during the pendency of this case and is in default, and therefore must be paid for through the plan rather than directly by the Debtor to AmeriCredit Financial Services, Inc., dba GM Financial. Similarly, a 2021 Chevy Silverado loan matures during the pendency of the case and therefore must be paid for through the plan. The Trustee also requested and has not been provided a copy of Debtor's general liability insurance for her dog grooming business.

Debtor filed a response stating that the 2018 Toyota Tundra is her non-filing spouse's debt, in his name, and is expected to pay off in over 60 months. The Chevy Silverado, on the other hand, is expected to be paid off in 45 months. Debtor states that after the Chevy Silverado is paid off, she and her non-filing spouse will have increased disposable income for the remaining 15 months which can then go toward increasing plan payments.

Debtor does not state whether she has provided a copy of her general liability insurance for the dog grooming business.

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

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on September 19, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 23, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on September 23, 2025, at 1:00 p.m.

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

The court will issue an order.

9. [25-23376](#)-B-13 CHRISTINE/JERRY BRYANT OBJECTION TO CONFIRMATION OF
[LGT](#)-1 Peter G. Macaluso PLAN BY LILIAN G. TSANG
8-15-25 [[12](#)]

CONTINUED TO 10/07/25 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 9/24/25.

Final Ruling

No appearance at the September 16, 2025, hearing is required. The court will issue an
order.

10. [25-23282](#)-B-13 DAVID SOUZA
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
8-18-25 [[12](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed June 30, 2025, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

11. [25-20594](#)-B-13 LUIS IBARRA
[HWW](#)-6 Hank W. Walth
Thru #12

CONTINUED MOTION TO CONFIRM
PLAN
7-23-25 [[113](#)]

Final Ruling

This matter was continued from September 2, 2025, to be heard in conjunction with the filing of counsel Hank W. Walth's Rule 60 motion. That motion was granted at Item #12, HWW-7. There being no other objection to confirmation, the plan filed July 23, 2025, will be confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

12. [25-20594](#)-B-13 LUIS IBARRA
[HWW](#)-7 Hank W. Walth

MOTION FOR COMPENSATION FOR
HANK W. WALTH, DEBTORS
ATTORNEY(S)
9-2-25 [[122](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to continue the hearing to September 23, 2025, at 1:00 p.m., conditionally grant the request to seek compensation under Local Bankr. R. 2016-1(c).

Debtor's counsel Hank W. Walth ("Counsel") moves for relief from final judgment, order, or proceeding under Fed. R. Civ. P. 60(b) so that Counsel may elect compensation under Local Bankr. R. 2016-1(c).

Local Bankr. R. 2016-1(e) specifies that it is the debtor's counsel, not the debtor, who makes the election as to how to be compensated. Because Debtor filed his first, original plan without legal representation, Counsel believed Local Bankr. R. 2016-1(e) was inapplicable, and thus advised Debtor to leave section 3.05 blank. Counsel was aware when he substituted in that an amended plan would have to be filed, and thus believed that the 2016-1(e) election would have to be made by Counsel in the first amended plan that he filed for Debtor, or failure to do so would be irrevocable.

Debtor and Counsel at all times intended for attorney's fees to be paid as "flat, no look" fees from the moment Counsel substituted into this case, as evidenced by the filing of the amended plans, the Disclosure of Compensation of Attorney for Debtor, and Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys, and the supporting Declaration of Hank W. Walth.

Discussion

Federal Rule of Civil Procedure 60(b), applicable by Federal Rule of Bankruptcy Procedure 9024, permits the court to relieve a party from a final judgment or order for "mistake, inadvertence, surprise, or excusable neglect[.]" Fed. R. Civ. P. 60(b)(1); Fed. R. Bankr. P. 9024. Counsel explains that his advice to Debtor to leave section

3.05 of the original plan blank, with the belief that the election could be made by Debtor's counsel in an amended plan, was made based upon his mistaken interpretation of Local Bankr. R. 2016-1(e).

Given the aforementioned, Counsel is granted his request to seek compensation under Local Bankr. R. 2016-1(c).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, September 19, 2025, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 23, 2025, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on September 23, 2025, at 1:00 p.m.

13. [24-24297](#)-E-13 LATASHA RICHARDSON
[LDR](#)-3 Peter G. Macaluso
Thru #14

OBJECTION TO CLAIM OF U.S. BANK
TRUST COMPANY, NATIONAL
ASSOCIATION, CLAIM NUMBER 16-2
AND/OR MOTION TO AVOID LIEN OF
U.S. BANK TRUST COMPANY,
NATIONAL ASSOCIATION , MOTION
TO VALUE COLLATERAL OF U.S.
BANK TRUST COMPANY, NATIONAL
ASSOCIATION , MOTION FOR
SANCTIONS
8-12-25 [[121](#)]

Final Ruling

Debtor Latasha Richardson ("Debtor"), representing herself pro se, has joined in one document numerous unrelated claims for relief, i.e., an objection to claim, a motion to avoid, and a motion value. In that regard, the objection fails to comply with Local Bankr. R. 9014-1(d)(5) and none of the exceptions in the local rule apply. The objection is therefore overruled without prejudice and all misjoined relief requested in the objection is denied without prejudice.

Even if pro se pleadings are held to a less stringent standard than those drafted by lawyers, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), pro se litigants in ordinary civil cases are not excused from compliance with procedural rules. *McNeil v. United States*, 508 U.S. 106, 113 (1993) ("we have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel"). Pro se litigants are expected to know and comply with procedural rules. *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 382 (9th Cir. 1997) (acknowledging the rule that "pro se litigants are not excused from following court rules"); *Jacobsen v. Filler*, 790 F.2d 1362, 1364-65 (9th Cir. 1986). Debtor is therefore on notice that future requests for relief must be filed, set, and served in compliance with all statutes, federal bankruptcy rules, and the court's local rules or relief requested will be similarly denied.

The objection is ORDERED OVERRULED and all misjoined relief requested is ORDERED DENIED.

The court will issue an order.

14. [24-24297](#)-E-13 LATASHA RICHARDSON
[PGM](#)-2 Peter G. Macaluso

MOTION BY PETER G. MACALUSO TO
WITHDRAW AS ATTORNEY
8-18-25 [[133](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. Cf. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to grant the motion to withdraw as attorney.

Peter Macaluso ("Counsel"), attorney for Debtor, moves to withdraw as attorney under Local Bankr. R. 2017-1(e) because communication has broken down between Counsel and Debtor, become adversarial, and Debtor is unwilling to follow the advice of Counsel going forward in this case, making legal representation ineffective. Further, Debtor continues to file pleadings in this matter against the advice of Counsel and on August

12, 2025 emailed Counsel a substitution of attorney to sign and filed it unsigned by Counsel on August 12, 2025.

Chapter 13 Trustee David Cusick filed a non-opposition to Counsel's motion.

Debtor filed an opposition stating that Counsel's declaration was not signed, the declaration is not legally cognizable, and the declaration fails to state the current or last known address of the client.

Discussion

Local Bankr. R. 2017-1(e) provides that an attorney who has appeared may not withdraw leaving the client in propria persona without leave of the court upon noticed motion and notice to the client and all other parties who have appeared. The attorney shall provide an affidavit stating the current or last known address or addresses of the client and the efforts made to notify the client of the motion to withdraw. Withdrawal of an attorney is governed by the Rules of Professional Conduct of the State Bar of California and Counsel shall conform to the requirements of those rules.

Here, Counsel has provided notice to Debtor and all other parties. The last known address of Debtor is provided in the motion. The declarations filed by Counsel are also electronically signed.

Pursuant to California Rule of Professional Conduct 1.16, formerly California Rule of Professional Conduct 3-700, a lawyer may withdraw from representing a client if the client breaches a material term of an agreement with the lawyer and the lawyer has given the client reasonable warning of withdrawal, if a continuation of the representation is likely to result in a violation of the rules, if the client renders it unreasonably difficult for the lawyer to carry out the representation effectively, or if other good cause for withdrawal exists. Cal. Rules Prof. Conduct 1.16(b).

Counsel asserts that communication with Debtor has broken down, become adversarial, and Debtor is unwilling to follow the advice of Counsel. Debtor continues to file pleadings in this case against the advice of counsel. These are cause for permitting the Counsel's withdrawal pursuant to California Rule of Professional Conduct 1.16.

The court will permit the Counsel's withdrawal from this bankruptcy case. The motion will be granted. The Counsel shall mail Debtor her case file within seven (7) days of the hearing on this motion, at the last known address of the Debtor.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.