

**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 23, 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 23, 2025 at 1:00 p.m.**

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1. [25-20003](#)-B-13 ADELAI DA RUIZ MOTION TO CONFIRM PLAN  
[FAT](#)-4 Flor De Maria A. Tataje 8-7-25 [[54](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d) (1), 9014-1(f) (1), and Federal Rule of Bankruptcy Procedure 2002(b). 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 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 not confirm the second amended plan.

Objecting creditor UNCLE Credit Union holds a deed of trust secured by Debtor's residence. The creditor has filed a timely proof of claim in which it asserts \$39,167.56 in pre-petition arrearages. Although the proposed plan provides for the cure of these pre-petition arrearages and maintenance of future note installments, the plan fails to specify a cure of the \$14,372.22 (from \$25,486.71 minus \$11,114.49) in post-petition arrearage owed to Creditor in Class 1 besides speculatively stating that "[a]ll missed regular payments shall be paid in month 60" and when Debtor's amended schedules show that she lacks the disposable income to pay the "missed regular payments." Dkt. 53, Section 7. The plan does not comply with 11 U.S.C. § 1325(a) (1).

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

2. [25-22504](#)-B-13 RUBEN/ROSEMARIE ALVAREZ CONTINUED OBJECTION TO  
[JCW](#)-1 Mohammad M. Mokarram CONFIRMATION OF PLAN BY CAPITAL  
**Thru #3** ONE AUTO FINANCE, A DIVISION OF  
CAPITAL ONE, N.A.  
7-15-25 [[22](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed May 21, 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 30, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

Creditor Capital One Auto Finance objects to confirmation of Debtors' plan on grounds that it fails to provide for treatment of a 2019 Kia Optima sedan that was incurred within the 910-day period preceding the date of the filing of the petition, and therefore is not subject to cramdown, and does not pay the applicable prime plus interest rate.

No response was filed by Debtors.

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 26, 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 30, 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 30, 2025, at 1:00 p.m.

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

The court will issue an order.

3. [25-22504](#)-B-13 RUBEN/ROSEMARIE ALVAREZ CONTINUED OBJECTION TO  
[LGT](#)-1 Mohammad M. Mokarram CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
7-3-25 [[16](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed May 21, 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 30, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The proposed plan provides for the Internal Revenue Service's secured claim, as a Class 2(A) claim in the amount of \$1.00. However, the Internal Revenue Service filed Claim No. 7-1 in the amount of \$52,952.07. The current plan payment of \$1,900.00 is not sufficient to pay the IRS secured claim. In order for the plan to fund and provide for the Internal Revenue Service's secured claim, the payments would need to be \$2,885.40 for 60 months. Schedule J filed on July 28, 2025, lists a monthly net income of \$1,900.00. Based on the schedules, Debtors cannot afford increasing their plan payments and therefore the plan is not feasible. 11 U.S.C. § 1325(a)(6).

No response was filed by Debtors.

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 26, 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 30, 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 30, 2025, at 1:00 p.m.

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

The court will issue an order.

4. [25-23708](#)-B-13 BRIAN RUSSELL  
[LGT-1](#) Yasha Rahimzadeh

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G. TSANG  
8-28-25 [[17](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed July 21, 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 30, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the Disclosure of Compensation of Attorney for Debtor form filed on July 21, 2025, is incorrect. The form does not match that of the standardized form as provided on the Eastern District of California court's website. In regard to question 6, the required language of the standard form is missing. In regard to question 7, the form excludes judicial lien avoidances and relief from stay actions. As these are included in the Rights and Responsibilities filed by the Debtor and Debtor's Attorney on July 22, 2025, dkt. 4, their exclusion at line 7 is not appropriate.

Second, not all of Debtor's disposable monthly income is being paid into the plan per Form 122C-1 and 122C-2. Form 122C-2 at line 45 shows that Debtor should have \$1,275.43 remaining per month to pay general unsecured creditors, or \$76,525.80 over the 60-month plan duration. The proposed plan pays only \$30,162.00 to general unsecured creditors.

Third, the Debtor has not provided the Trustee with copies of payment advices or a declaration that the information is unavailable for the 6-month period prior to the filing of the petition. The Debtor provided some payment advices for the month of May, 2025, but advices for the remaining pay periods of January through June 2025 are missing.

Fourth, Debtors' Schedule I lists a payroll deduction of \$155.61 as a required repayment of retirement fund loans. Trustee has received Debtor's Retirement Account Statement, which indicates that Debtor's loan balance as of March 31, 2025, was \$1,395.88, with an expected payoff date of January 29, 2026. The retirement loan will mature during Debtor's 60-month plan term, and Debtor's plan payment fails to increase accordingly.

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 26, 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 30, 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 30, 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. [25-20011](#)-B-13 NICOLE MERRITT-ARMAS MOTION TO CONFIRM PLAN  
[WLG-3](#) Nicholas Wajda 8-14-25 [[72](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). 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. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is 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.

6. [25-20717](#)-B-13 CASEY WOODBURY  
[KSH-1](#) Pro Se

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
6-27-25 [[61](#)]

WILMINGTON SAVINGS FUND  
SOCIETY, FSB VS.

CONTINUED TO 1:00 P.M. ON 11/19/2025 AS REQUESTED BY DEBTOR TO ALLOW THE DEBTOR  
ADDITIONAL TIME TO SELL THE PROPERTY AND CLOSE ESCROW.

**Final Ruling**

No appearance at the September 23, 2025, hearing is required.

As a condition for the continuance, and as offered by Debtor, two additional payments of \$3,000.00 each shall be made to secured creditor Wilmington Savings Fund Society, FSB ("Creditor"), as adequate protection payments for the months of September and October 2025 (Claim 1-1). The Chapter 13 Trustee ("Trustee") is authorized to disburse these adequate protection payments to Creditor. If Debtor fails to make payments sufficient to allow the Trustee to disburse either of the adequate protection payments Creditor may file an ex parte application for relief from the automatic stay and set the motion for hearing on the court's next available calendar. The only issue considered at the hearing will be payment of the adequate protection payments.

The court will issue an order.

7. [25-20228](#)-B-13 DANIEL BAKER  
[DBJ](#)-2 Douglas B. Jacobs

MOTION TO MODIFY PLAN  
8-19-25 [[40](#)]

**Final Ruling**

The Debtor having filed a notice of withdrawal of its motion, the motion 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.

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



8. [25-24429](#)-B-13 NARDEEP SANDHU  
[RPG-1](#) Pro Se

MOTION TO DISMISS CASE AND/OR  
MOTION FOR A 180-DAY BAR TO  
REFILING  
8-29-25 [[11](#)]

**Final Ruling**

The motion to dismiss is denied as moot. This case was dismissed on September 15, 2025, for failure to timely file required documents. This matter is removed from calendar.

The motion to dismiss is ORDERED DENIED AS MOOT for the reasons stated in the minutes.

The court will prepare an order.

9. [25-21031](#)-B-13 JAMES JOHN CATUBIG  
[AVN-2](#) Anh V. Nguyen

MOTION TO CONFIRM PLAN  
8-13-25 [[50](#)]

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). 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. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to confirm the amended plan.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The Debtor has provided evidence in support of confirmation. No opposition to the motion has been filed by the Chapter 13 Trustee or creditors. The amended plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is 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.

10. [25-23645](#)-B-13 JULIUS FAIHTINGER OBJECTION TO CONFIRMATION OF  
FW-1 Seth L. Hanson PLAN BY US BANK TRUST NATIONAL  
**Thru #11** ASSOCIATION  
9-4-25 [[18](#)]

**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 US Bank Trust National Association ("Creditor") objects to confirmation of the plan on grounds that the plan does not list real property to which Creditor is a lienholder, does not provide for treatment for Creditor's loan, and does not provide for prepetition arrearages.

Debtor filed a response stating that the property is not owned by Debtor and that Debtor's interest in the property was transferred to Paula L. Estrada on March 14, 2019, approximately six years before this bankruptcy case was filed. Consequently, Creditor's claim is not secured by any property owned by Debtor.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed July 17, 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.

11. [25-23645](#)-B-13 JULIUS FAIHTINGER OBJECTION TO CONFIRMATION OF  
[LGT-1](#) Seth L. Hanson PLAN BY LILIAN G. TSANG  
8-29-25 [[13](#)]

**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.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that Debtor is delinquent \$2,150.00 and that an additional plan payment in the same amount will come

due on September 25, 2025.

Debtor filed a response stating that he cured the delinquency and will pay the \$2,150.00 monthly plan payments as scheduled.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed July 17, 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.

12. [25-90449](#)-B-13 ANNE TAYLOR  
[LGT](#)-1 Andrew A. Moher

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
7-18-25 [[18](#)]

**Final Ruling**

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the Chapter 13 Trustee filing its objection and supplemental objection to confirmation, Debtor filed an amended plan on September 18, 2025. The confirmation hearing for the amended plan is scheduled for November 4, 2025. The earlier plan filed June 2, 2025, is not confirmed.

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

The court will issue an order.

13. [22-22551](#)-B-13 PAUL/VICKI MAINS  
[ES-2](#) Eric L. Seyvertsen

MOTION TO WAIVE SECTION 1328  
CERTIFICATE REQUIREMENT,  
CONTINUE CASE ADMINISTRATION,  
SUBSTITUTE PARTY, AS TO DEBTOR  
8-19-25 [[49](#)]

### 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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to substitute Joint Debtor to continue administration of the case, and waive the deceased Debtor's certification otherwise required for entry of a discharge.

Joint Debtor Vicki Mains gives notice of the death of her husband Debtor Paul Mains and requests the court to substitute Vicki Mains in place of Paul Mains for all purposes within this Chapter 13 proceeding.

### Discussion

Local Bankruptcy Rule 1016-1(b) allows the moving party to file a single motion, pursuant to Federal Rule of Civil Procedure 18(a) and Federal Rules of Bankruptcy Procedure 7018 and 9014(c), asking for the following relief:

- 1) Substitution as the representative for or successor to the deceased or legally incompetent debtor in the bankruptcy case [Fed. R. Civ. P. 25(a), (b); Fed. R. Bankr. P. 1004.1 & 7025];
- 2) Continued administration of a case under chapter 11, 12, or 13 (Fed. R. Bankr. P. 1016);
- 3) Waiver of post-petition education requirement for entry of discharge [11 U.S.C. §§ 727(a)(11), 1328(g)]; and
- 4) Waiver of the certification requirements for entry of discharge in a Chapter 13 case, to the extent that the representative for or successor to the deceased or incompetent debtor can demonstrate an inability to provide such certifications (11 U.S.C. § 1328).

In sum, the deceased debtor's representative or successor must file a motion to substitute in as a party to the bankruptcy case. The representative or successor may also request a waiver of the post-petition education, and a waiver of the certification requirement for entry of discharge "to the extent that the representative for or successor to the deceased or incompetent debtor can demonstrate an inability to provide such certifications." Local Bankr. R. 1016-1(b)(4).

Based on the evidence submitted, the court will grant the request for substitution and to waive the § 1328 and financial management requirements for Debtor. The continued administration of this case is in the best interests of all parties and no opposition being filed by the Chapter 13 Trustee or any other parties in interest.

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

The court will issue an order.

14. [25-90453](#)-B-13 GURJIT DHALIWAL  
[LGT](#)-1 David C. Johnston

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
7-17-25 [[26](#)]

DEBTOR DISMISSED: 08/28/25

**Final Ruling**

The case having been dismissed on August 29, 2025, the objection to confirmation of plan is overruled as moot.

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

The court will issue an order.

15. [24-25556](#)-B-13 EXIQUIO/ARCHANA GUERRA MOTION TO MODIFY PLAN  
[JCK](#)-2 Kathleen H. Crist 8-14-25 [[41](#)]

**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 August 14, 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.



16. [25-90161](#)-B-13 LANCE ROBERTS  
[SAD](#)-3 Gabriel E. Liberman

MOTION TO APPROVE LOAN  
MODIFICATION  
8-20-25 [[47](#)]

### **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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the loan modification.

U.S. Bank Trust National Association, as Trustee of LB-Igloo Series IV Trust, its successors and/or assigns, ("Creditor") and moves this court for an order approving trial loan modification. The modification is for a term period of January 1, 2025, through September 1, 2025, with a principal and interest payment of \$5,561.31, at an interest rate of 6.00%.

The motion is supported by the Declaration of Alisha Foxx. The Declaration affirms Creditor and Debtor's agreement to enter into the modification trial period.

This post-petition financing is consistent with the Chapter 13 plan in this case and Debtor's ability to fund that plan. There being no objection from the Trustee or other parties in interest, and the motion complying with the provisions of 11 U.S.C. § 364(d), the motion is granted.

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

The court will issue an order.

17. [22-90166](#)-B-13 MICHELLE MOTION TO VACATE DISMISSAL OF  
[TAA](#)-4 NIGHTENGALE-PERRY AND CASE  
NATHAN PERRY 9-8-25 [[100](#)]  
Kevin Tang

DEBTORS DISMISSED: 09/04/25

### **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, and may appear at the hearing to offer oral argument.

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 grant the motion to vacate dismissal of case. Because of the need to reinstate the case immediately to prevent irreparable harm to Debtors Michelle Nightengale-Perry and Nathan Perry ("Debtors"), the court grants the motion as an *ex parte* motion for reconsideration.

Debtors move to vacate the order dismissing this Chapter 13 case. The Chapter 13 case was dismissed on September 4, 2025, for failure to make plan payments. Debtors states that they mistakenly believed that they had until September 2, 2025, to cure their delinquency of resolve the issue through a modified plan. On September 2, 2025, Debtor's counsel emailed the Chapter 13 Trustee to state Debtors' intent to resolve the default by filing a modified plan. On September 4, 2025, the Trustee responded by email stating that a proposed dismissal order had already been submitted but that its office would not oppose Debtors filing a motion to vacate. Later that same day, the court entered its order dismissing case.

### **Discussion**

Federal Rule of Civil Procedure 60(b)(1), 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. Relief for excusable neglect is governed by the *Pioneer-Briones* factors, *i.e.*, (1) the danger of prejudice to any non-moving party if the dismissal is vacated; (2) the length of delay and the potential impact of that delay on judicial proceeding; (3) the reason for the delay, including whether the delay was within the reasonable control of the movant; and (4) whether the debtor's conduct was in good faith. *Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993); *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 381 (9th Cir. 1997).

Danger of prejudice to creditors is minimal. Debtors moved quickly - four days after this case was dismissed to set aside the dismissal order. Vacating dismissal will not delay these proceedings since Debtors are prepared to cure their delinquency through a modified plan. Dismissal also resulted from actions outside the control of Debtors' counsel, who followed normal procedures. And there is no indication of any bad faith by Debtors.

Therefore, the Debtors' motion to vacate the order dismissing this Chapter 13 case will be granted, the dismissal order at dkt. 98 vacated, and this case ordered reinstated. Further, by vacating the dismissal order which caused the automatic stay of 11 U.S.C. § 362(a) to terminate, upon entry of the order vacating the dismissal order, the automatic stay of § 362(a) is revived for all purposes and as to all parties in interest - but only upon entry of the order vacating the dismissal order and for acts occurring thereafter. *State Bank of Southern Utah v. Gledhill (In re Gledhill)*, 76 F.3d 1070, 1079-1080 and n.8 (10th Cir. 1996); *Ramirez v. Whelen (In re Ramirez)*, 188 B.R. 413, 416 (9th Cir. BAP 1995) ("Occasionally, it might suffice to revive the stay by way of motion for reconsideration under Federal Rules of Civil Procedure 59(e) or 60(b), which are applicable in bankruptcy by virtue of Federal Rules of Bankruptcy

Procedure 9021 and 9023 [sic].") (Klein, J., concurring).

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

The court will prepare an order.

18. [24-21068](#)-B-13 DESIREE LEWIS  
[25-2068](#)  
LEWIS V. REAL TIME RESOLUTION  
FINANCIAL SERVICES, INC. ET A

MOTION TO RECONSIDER DISMISSAL  
OF CASE  
9-9-25 [[39](#)]

ADVERSARY PROCEEDING CLOSED:  
09/03/25

**Final Ruling**

An order denying the motion for reconsideration was signed and entered by the court on September 11, 2025. Dkt. 44. This matter is removed from calendar.

19. [25-23569](#)-B-13 SONIA VILLANAZUL QUINTERO OBJECTION TO CONFIRMATION OF  
[LGT-1](#) Eric V. Wood PLAN BY LILIAN G. TSANG  
8-29-25 [[12](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed July 14, 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 30, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, the plan does not provide for all of Debtor's projected disposable income to be applied to unsecured creditors under the plan. 11 U.S.C. § 1325(b)(1)(B). Form 122C-1 lists Debtor's non-filing spouse's average income from wages as \$5,949.54. However, Form 122C-2, line 43, lists a monthly expense described as "separated wife's monthly expenses" in the amount of \$5,949.00. However, the Statement of Financial Affairs indicates that Debtor is married, and Debtor testified at the meeting of creditors that she and her non-filing spouse are living together and not separated. An amended 122C-1 and 122C-2 must be filed to determine whether Debtor is contributing all of the household's projected disposable income into the plan for the benefit of general unsecured creditors.

Second, Schedule I must be amended to accurately reflect Debtor's non-filing spouse's employment and income information.

Third, Section 3.12 of the plan provides for priority claims in the amount of \$599.00 plus 4% interest. Section 3.14 only provides for a 1% dividend to general unsecured claims. Since the proposed plan is only paying 1% to the general unsecured claims, interest cannot be paid towards the unsecured priority tax debts. The proposed plan therefore violates 11 U.S.C. § 1322(b)(10).

Fourth, amended schedules A/B, H, and I are required to accurately reflect Debtor's ownership of real property, marital status, and household income.

Fifth, the Debtor has not provided the Trustee with copies of payment advices or a declaration that the information is unavailable for the 6-month period prior to the filing of the petition. This is required for both the Debtor and non-filing spouse.

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 26, 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 30, 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 30, 2025, at 1:00 p.m.

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

The court will issue an order.

20. [25-23484](#)-B-13 KIRK WENZEL OBJECTION TO CONFIRMATION OF  
[LGT](#)-1 Pro Se PLAN BY LILIAN G. TSANG  
**Thru #21** 9-2-25 [[20](#)]

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

**Final Ruling**

No appearance at the September 23, 2025, hearing is required. The court will issue an order.

21. [25-23484](#)-B-13 KIRK WENZEL OBJECTION TO CONFIRMATION OF  
[RAS](#)-1 Pro Se PLAN BY ATHENE ANNUITY AND LIFE  
COMPANY  
7-31-25 [[17](#)]

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

**Final Ruling**

No appearance at the September 23, 2025, hearing is required. The court will issue an order.

**Final Ruling**

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d) (2), 9014-1(f) (1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 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 permit the requested modification and confirm the modified plan.

The Chapter 13 Trustee filed a response to the motion to confirm on grounds that the Class 1 mortgage arrears of \$2,759.76 is incorrect. The post-petition arrears through July 2025 are actually \$2,763.35, a difference of \$3.59. Additionally, the Trustee notes that the proof of service did not show that amended schedules I and J were served on interested parties.

Debtor filed a response stating that the post-petition Class 1 mortgage arrears can be clarified in the order confirming and that an amended proof of service and declaration was filed.

The modified plan complies with 11 U.S.C. §§ 1322 and 1325(a) and is 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.

23. [25-23590](#)-B-13 ARISTON/BABY RUTH GAOAT OBJECTION TO CONFIRMATION OF  
[LGT-1](#) Peter G. Macaluso PLAN BY LILIAN G. TSANG  
8-29-25 [[13](#)]

### **Final Ruling**

The *initial* Chapter 13 Plan filed July 14, 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 30, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

First, amendments are needed to the Statement of Financial Affairs to accurately reflect Debtor's wages, gambling income, and ownership interest in a business in the last 4 years.

Second, amended Schedule A/B and D are required to accurately list a 2017 Honda Civic.

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 26, 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 30, 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 30, 2025, at 1:00 p.m.

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

The court will issue an order.



24. [25-23495](#)-B-13 WENDY/MARK CONVERSE  
[LGT](#)-1 Mikalah Liviakis

OBJECTION TO CONFIRMATION OF  
PLAN BY LILIAN G TSANG  
8-29-25 [[14](#)]

WITHDRAWN BY M.P.

**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)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

An order confirming plan filed on July 9, 2025, was signed and entered by the court on September 8, 2025.

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

### Final Ruling

The motion has been set for hearing on an order shortening time by Local Bankruptcy Rule 9014-1(f)(3). Since the time for service is shortened to fewer than 14 days, no written opposition is required. Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues that are necessary and appropriate to the court's resolution of the matter.

The court's decision is to **continue the hearing to September 30, 2025, at 1:00 p.m., and conditionally grant the motion to extend the automatic stay.**<sup>1</sup>

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on August 28, 2025, for delinquency in plan payments (case no. 25-90106). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition which here is October 3, 2025. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was set for hearing within 30 days of the filing of the instant case. 11 U.S.C. § 362(c)(3)(B).

### Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The presumption that the present case was filed in bad faith does not apply where the prior case was dismissed because of the failure to file documents if such failure was due to the negligence of a debtor's attorney. See 11 U.S.C. § 362(c)(3)(C)(i)(II)(aa). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-210 (2008).

Debtor states that dismissal of the prior case was primarily due to the negligence of the Debtor's attorney in not advising the court and the Chapter 13 Trustee that a cashier's check for the two payments had in fact been mailed to the Chapter 13 Trustee's bank in Memphis, Tennessee, and the attorney's failure to file a written opposition to the Chapter 13 Trustee's motion to dismiss case.

Debtor further contends that no creditors will be prejudiced by extending the automatic

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<sup>1</sup>The court initially set the hearing on this motion on an order shortening time based a representation by Debtor Joann Diaz ("Debtor") that "the court will be dark on September 30, 2025." Dkt. 10 at 2:15. The court has confirmed that it has no plans to be dark on September 30, 2025. The lights will be and the court will hear its calendar as posted. Inasmuch as this case was filed on September 3, 2025, and Debtor concedes that "September 30, 2025, [is] within 30 days of the petition date," *id.* at 2:13, there is no prejudice to Debtor by the continuance. The motion will either be granted or heard on September 30, 2025.

stay. The Debtor proposed a five year plan in the prior case. The Debtor's home is scheduled to be foreclosed on October 6, 2025, three days after the automatic stay will terminate. The Debtor's home is worth \$455,000.00 and the lender, whose loan dates back to 2007, is owed less than \$215,000.00.

The Debtor has sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The motion is conditionally granted and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

**Conditional Nature of this Ruling**

Any party in interest shall have until 5:00 p.m. on September 26, 2025, to file and serve a response to the motion. 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 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 30, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the motion on September 30, 2025, at 1:00 p.m.

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

The court will issue an order.

26. [25-23319](#)-B-13 BRIAN/MICKIE JONES  
[LGT](#)-1 Simran Singh Hundal

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

**Final Ruling**

This matter was continued from September 16, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, September 10, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 26, sustaining the objection, shall become the court's final decision. The continued hearing on September 23, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

27. [25-24071](#)-B-13 ROBERT COZART  
Jessica A. Dorn

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

**Final Ruling**

Debtor's attorney, Jessica Dorn, filed a timely declaration stating that she has followed the step-by-step instructions provided by the Clerk's Office on August 26, 2025, and when she contacted the Clerk's Office on September 18, 2025, the office indicated that its system still reflected her old mailing address and did not know why this was the case. Ms. Dorn states that she was still waiting to hear from the Clerk's Office at the time her declaration was filed.

This matter is continued to **October 7, 2025, at 1:00 p.m.** for further status.

The court will make an internal inquiry of the Clerk on the status of Ms. Dorn's multiple good faith attempts to comply with the order to show cause. If the court ascertains the problem is fixed, the continued hearing will be removed from calendar.

No appearance is required on September 23, 2025, at 1:00 p.m.

28. [25-23474](#)-B-13 GENOLA SCOTT  
[LGT](#)-1 Peter G. Macaluso

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

**Final Ruling**

This matter was continued from September 16, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, September 10, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 17, sustaining the objection, shall become the court's final decision. The continued hearing on September 23, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

29. [25-20594](#)-B-13 LUIS IBARRA  
[HWW](#)-7 Hank W. Walth

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

**Final Ruling**

This matter was continued from September 16, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, September 10, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 127, granting the motion, shall become the court's final decision. The continued hearing on September 23, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.