



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

October 1, 2026 at 1:30 p.m.

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

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

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

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

Please also note the following:

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

October 1, 2026 at 1:30 p.m.

1. [26-22200](#)-C-13 RAJ KAPADIA MOTION TO CONFIRM PLAN
[MJD](#)-1 Matthew J. DeCaminada 9-1-26 [[36](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 41.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 38) filed on September 1.

The Chapter 13 Trustee filed an Opposition (Dkt. 46) on September 22, 2026, opposing confirmation on the following grounds:

1. Debtor has not filed complete amended schedules.

DISCUSSION

It appears that debtor may have not uploaded every page of the schedules and some information is omitted. Until debtor files amended schedules with all information the Chapter 13 Trustee is unable to determine feasibility of the plan.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

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

The Motion to Confirm filed by the debtor, Raj Kapadia, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

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2. [26-24008](#)-C-13 JERRY HARDEMAN
[AP-1](#) Pro Se

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION TO
CONFIRM TERMINATION OR ABSENCE
OF STAY , MOTION FOR RELIEF
FROM CO-DEBTOR STAY
9-2-26 [[19](#)]

Thru #4

DEUTSCHE BANK NATIONAL TRUST
COMPANY VS.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 25.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion for Relief from the Automatic Stay is granted.

Deutsche Bank National Trust Company, as Trustee for Citigroup Mortgage Loan Trust, Series 2004-RES1 Asset Backed Pass-Through Certificates Series 2004-RES1("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's real property commonly known as 8962 Sedgewick Court, Elk Grove, California (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent 27 prepetition payments for a total amount of \$63,916.54. Declaration, Dkt. 19. Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, \$1,370,296.32, exceeds the value of the Property, which is \$600,000.00. *Id.*

Movant also argues cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property. Debtor has previously filed the following 8 cases in the past 4 years:

- (1) 22-21241, Ch 13 filed 5/16/2022, dismissed 9/8/2022;
- (2) 23-20185, Ch 7 filed 1/23/2023, dismissed 2/3/2023;
- (3) 23-20423, Ch 7 filed 2/10/2023, dismissed 2/21/2023;
- (4) 23-20540, Ch 7 filed 2/22/2023, dismissed 6/9/2023;
- (5) 23-24387, Ch 13 filed 12/7/2023, dismissed 7/16/2025;
- (6) 25-23552, Ch 7 filed 7/11/2025, dismissed 7/29/2025;
- (7) 25-25167, Ch 13 filed 9/23/2025, dismissed 6/16/2026;
- (8) 26-23490, Ch 7 filed 6/18/2026, dismissed 7/16/2026.

DISCUSSION

Upon review of the record, the court finds cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent 27 prepetition payments. The court also finds cause exists pursuant to 11 U.S.C. § 362(d)(2) because the total debt secured by the Property, \$1,370,296.32, exceeds the value of the Property, which is \$600,000.

The court also finds cause exists pursuant to 11 U.S.C. § 362(d)(4) because the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property. After a review of the prior cases, the court is persuaded that debtor has not filed any of the prior case in good faith with the intention of completing a case.

Co-Debtor Stay

Additionally, Movant has provided sufficient grounds to grant relief from the co-debtor stay under 11 U.S.C. § 1301(a). Movant has established, pursuant to 11 U.S.C. § 1301(a), that it would be irreparably harmed if relief from the co-debtor stay were not granted because is not receiving payment of the loan.

Language vacating stay

Based on the foregoing, the Motion is granted. The court shall issue an order terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

Request for Waiver of Fourteen-Day Stay of Enforcement

Federal Rule of Bankruptcy Procedure 4001(a)(3) stays an order granting a motion for relief from the automatic stay for fourteen days after the order is entered, unless the court orders otherwise. Movant requests that the court grant relief from the Rule as adopted by the United States Supreme Court.

Movant has pleaded adequate facts and presented sufficient evidence to support the court waiving the fourteen-day stay of enforcement required under Federal Rule of Bankruptcy Procedure 4001(a)(3), and this part of the requested relief is granted.

No other or additional relief is granted by the court.

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

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

The Motion for Relief from the Automatic Stay filed by Deutsche Bank National Trust Company, as Trustee for

Citigroup Mortgage Loan Trust, Series 2004-RES1 Asset Backed Pass-Through Certificates Series 2004-RES1 ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the automatic stay provisions of 11 U.S.C. § 362(a) are vacated to allow Movant, its agents, representatives, and successors, and trustee under the trust deed, and any other beneficiary or trustee, and their respective agents and successors under any trust deed that is recorded against the real property commonly known as 8962 Sedgewick Court, Elk Grove, California, ("Property") to secure an obligation to exercise any and all rights arising under the promissory note, trust deed, and applicable nonbankruptcy law to conduct a nonjudicial foreclosure sale and for the purchaser at any such sale to obtain possession of the Property.

IT IS FURTHER ORDERED that the above relief is also granted pursuant to 11 U.S.C. § 362(d)(4), the court having found that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved multiple bankruptcy filings affecting the Property. If recorded in compliance with applicable State laws governing notices of interests or liens in real property, this order shall be binding in any other case under this title purporting to affect the Property filed not later than 2 years after the date of the entry of this Order.

IT IS FURTHER ORDERED that the request to terminate the co-debtor stay of 11 U.S.C. § 1301(a) is granted to the same extent as provided in the forgoing paragraph granting relief from the automatic stay arising under 11 U.S.C. § 362(a).

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is waived for cause.

No other or additional relief is granted.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 37.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor did not appear at the Meeting of Creditors;
2. Plan is missing vital information;
3. Debtor has not provided photo identification and proof of Social Security number;
4. Debtor has not provided copies of tax returns or pay advices;
5. Debtor's income is not sufficient to make plan payments; and
6. Plan relies on a motion to value collateral and secured claim that has not yet been filed.

DISCUSSION

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor supplied insufficient information in the plan including dividend amount to Class 1 Creditor and unsecured creditors to assist the Chapter 13 Trustee in determining the feasibility of the plan.

The plan proposes valuing the secured claim of Dennis Lanni. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The debtor has not demonstrated the plan is feasible because the debtor's income is insufficient to make the plan payments. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

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

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

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

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

IT IS ORDERED that the Objection is sustained.

4. [26-24008](#)-C-13 JERRY HARDEMAN
[RAS](#)-1 Pro Se

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY
DEUTSCHE BANK NATIONAL TRUST
COMPANY
8-4-26 [[11](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 22 days' notice was provided. Dkt. 13.

The Objection to Confirmation of Plan is sustained.

Creditor Deutsche Bank National Trust Company ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not cure the prepetition arrearages; and
2. Plan is not feasible.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than the debtor's net monthly income. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

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

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

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

The Objection to the Chapter 13 Plan filed by Deutsche Bank National Trust Company, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

5. [26-24011](#)-C-13 RAMONA HUGHIE
[DPC](#)-2 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
9-10-26 [[29](#)]

Thru #6

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 32.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

A review of the docket shows the case was dismissed on September 29, 2026. Therefore, this Objection is overruled as moot.

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

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

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

IT IS ORDERED that the Objection is overruled as moot.

6. [26-24011](#)-C-13 RAMONA HUGHIE
[SD-1](#) Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK TRUST
NATIONAL ASSOCIATION
8-24-26 [[19](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 23.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

A review of the docket shows the case was dismissed on September 29, 2026. Therefore, this Objection is overruled as moot.

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

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

The Objection to the Chapter 13 Plan filed by Creditor U.S. Bank Trust National Association, as Trustee of BMCF-EG Dome Series II Trust, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled as moot.

7. [26-24115](#)-C-13 RONALD BLANCHETTE
[DPC](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
9-9-26 [[16](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 19.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor is delinquent in plan payments;
2. Plan is overextended;
3. Schedule I & J need to be amended;
4. Plan may not be feasible; and
5. The plan and the Disclosure of Attorney Compensation are not consistent.

DEBTOR'S RESPONSE

The debtor filed a response on September 22, 2026. Dkt. 23. Debtor asserts there is no basis to oppose and agrees that the plan is not confirmable.

DISCUSSION

The debtor is \$16,055.81 delinquent in plan payments. Declaration, Dkt. 18. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Because claims are greater than scheduled, the plan will take 66 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Debtor agrees that the plan is not confirmable. That is reason to deny confirmation. Therefore, the Objection is sustained.

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

Findings of Fact and Conclusions of Law are stated in the

Civil Minutes for the hearing.

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

IT IS ORDERED that the Objection is sustained.

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 36.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Modify is granted.

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on September 22, 2026. Dkt. 40.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

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

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

The Motion to Modify Plan filed by the debtor, Yen Hoang Thi Nguyen, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 35) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 46 days' notice was provided. Dkt. 57.

The Motion to Confirm is denied.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 51) filed on August 11, 2028.

The Chapter 13 Trustee filed an Opposition (Dkt. 73) on September 22, 2026, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments;
2. Plan relies on motions to value collateral that have yet to be filed; and
3. Plan does not define the amount to be paid for attorney's fees.

DISCUSSION

The debtor is \$55.30 delinquent in plan payments. Declaration, Dkt. 74. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan proposes valuing the secured claims of Quantum3 Group, LLC and OneMain Financial Group. The motion to value claim of Quantum3 Group, LLC was granted. However, the motion to value claim of OneMain Financial Group was denied.

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

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

The Motion to Confirm filed by the debtors, Napoleon and Krystle Aparicio, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 30.

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

1. Debtor is delinquent in plan payments;
2. Debtor did not attend the Meeting of Creditors;
3. Plan payment is not enough to pay all claims;
4. Plan fails the liquidation test;
5. Debtor has not provided pay advices or tax returns;
6. Debtor has not provided photo identification;
7. Debtor has not accurately or completely filled out Schedules.

DISCUSSION

The debtor has not made a plan payment and is \$1,538.00 delinquent in plan payments. Declaration, Dkt. 29. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Appearance is mandatory. See 11 U.S.C. § 343. Attempting to confirm a plan while failing to appear and be questioned by the Chapter 13 Trustee and any creditors who appear represents a failure to cooperate. See 11 U.S.C. § 521(a)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The plan mathematically requires a payment of \$6,204.50 per month, which is greater than the proposed \$1,568.00 payment.

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what is proposed. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The debtor has non-exempt assets totaling \$384,560.00. The plan provides for a ten percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The debtor has not provided the trustee with all required pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

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

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

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

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

IT IS ORDERED that the Objection is sustained.

11. [26-23019](#)-C-13 MATTHEW/MARICEL BOHANNAN MOTION TO VALUE COLLATERAL OF
[LSL](#)-1 Leo G Spanos TRAVIS CREDIT UNION
8-19-26 [[25](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 29.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Travis Credit Union's ("Creditor") claim secured by the debtor's property commonly known as 2022 Hyundai Tucson (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$15,150.00. Declaration, Dckt. 27.

The Chapter 13 Trustee filed non-opposition on September 11, 2026. Dkt. 43.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on July 30, 2022, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

Upon review of the record, the court finds the value of the Property is \$15,150.00. There are no senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$15,150.00. 11 U.S.C. § 506(a).

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Travis Credit Union

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("Creditor") secured by property commonly known as 2022 Hyundai Tucson (the "Property") is determined to be a secured claim in the amount of \$15,150.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 34.

The Motion to Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 33) filed on August 24, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 40) on September 9, 2026, opposing confirmation on the following grounds:

1. Debtors have not filed a supplemental Schedule I & J in support of the motion; and
2. Plan relies on a Motion to Value that has not been decided.

DISCUSSION

Debtors' Motion to Value Collateral has now been decided and finalized in Item 11 above. Therefore, that issue is resolved.

Debtors filed supplemental Schedules I & J on September 15, 2026. Dkt. 45. It appears that this issue has also now been resolved.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

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

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

The Motion to Confirm filed by the debtors, Matthew and Maricel Bohannan, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the Amended Chapter 13 Plan (Dkt. 33) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Counsel for the debtors shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 trustee for approval as to form, and if so approved, the trustee will submit the proposed order to the court.

13. [26-24221](#)-C-13 ROSELYN LATA AND SHANTUNU OBJECTION TO CONFIRMATION OF
[DPC](#)-1 GOPALAN PLAN BY DAVID P. CUSICK
Candace Y. Brooks 9-10-26 [[15](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor has not amended Schedule I & J to accurately reflect debtor's new employment; and
2. Debtors' plan misclassifies a truck that debtor is surrendering.

DISCUSSION

The debtor has not supplied sufficient information relating to the debtors' income and expenses to assist the Chapter 13 Trustee in determining the feasibility of the plan. Debtor fails to report the income from debtor's new employment.

Debtors testified that they were surrendering the 2006 Dodge Ram that was involved in a vehicle accident and were going to file a new plan to reclassify the claim to Class 3.

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

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

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

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

IT IS ORDERED that the Objection is sustained.

14. [26-23527](#)-C-13 ANGEL/KARINA GARCIA
[DPC](#)-1 Richard L. Jare

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
7-29-26 [[28](#)]

Thru #15

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 31.

The Objection to Confirmation of Plan is sustained.

Debtors filed a status report on September 22, 2026, representing the 2022 tax returns have been filed and lodged with the Trustee. Dkt. 50.

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

1. That debtor has not filed all tax returns;
2. The plan is overextended;
3. The Debtors' Right and Responsibilities of Chapter 13 Debtors and Their Attorneys is not the required Eastern District form, which includes additional language that does not conform to the local rules.

DISCUSSION

The debtor has not provided the trustee with all required tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

Because claims are greater than scheduled, the plan will take 75 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

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

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

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

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

IT IS ORDERED that the Objection is sustained.

15. [26-23527](#)-C-13 ANGEL/KARINA GARCIA
[RAS](#)-1 Richard L. Jare

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK TRUST
NATIONAL ASSOCIATION
7-21-26 [[25](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 27.

The Objection to Confirmation of Plan is sustained.

At the prior hearing, debtor and Creditor represented that the Creditor was considering amending its POC (No. 31-1) and withdrawing its objection. At this point, the court does not see that an amended POC has yet been filed.

Creditor U.S. Bank Trust National Association ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan misclassifies Creditor's claim.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim. Section 3.07 instructs that all delinquent secured claims that mature after completion of the plan are to be included in Class 1. U.S. Bank Trust National Association filed a Proof of Claim that represents that its claim includes an arrearage. Therefore, the claim must be included in Class 1 and not Class 4.

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

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

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

The Objection to the Chapter 13 Plan filed by U.S. Bank Trust National Association, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 29.

The Objection to Confirmation of Plan is sustained.
--

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

1. Debtor is delinquent in plan payments;
2. Creditor has an outstanding objection; and
3. Debtor is improperly claiming an exemption of a claim of personal property damages.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on September 22, 2026. Dkt. 39. Debtor asserts that the issues will be resolved on or before the hearing.

DISCUSSION

The debtor is \$5,530.00 delinquent in plan payments. Declaration, Dkt. 28. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

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

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

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

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

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 34 days' notice was provided. Dkt. 35.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor is \$11,948.55 delinquent in plan payments, which is supported by declaration. Dkt. 34.

Failure to maintain plan payments constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

18. [25-23938](#)-C-13 BRYAN/LISA HAILEY
[JDS](#)-1 Nicholas Wajda

MOTION FOR RELIEF FROM
AUTOMATIC STAY
9-4-26 [[47](#)]

NEWREZ LLC VS.

Final Ruling: No appearance at the October 1, 2026 hearing is required.

This motion has been continued by stipulated order to November 17,
2026 at 11:00 a.m. (Dkt. 62). No appearance necessary.

19. [25-26338](#)-C-13 MICHAEL WYCLIFFE AND
[PGM](#)-2 REBECCA WEAVER
Peter G. Macaluso

MOTION TO MODIFY PLAN
8-20-26 [[34](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 47 days' notice was provided. Dkt. 39.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Modify is granted.

The debtors filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

The Chapter 13 trustee filed a non-opposition on September 21, 2026. Dkt. 45.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

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

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

The Motion to Modify Plan filed by the debtors, Michael and Rebecca Weaver, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 36) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. Counsel for Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 49 days' notice was provided. Dkt. 40.

The Motion to Confirm is denied.

At the prior hearing the Trustee represented that the debtor was still delinquent and was continued to confirm that the payments have been processed with the Trustee.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 37) filed on July 21, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 49) on August 25, 2026, opposing confirmation on the following grounds:

1. Plan relies on a motion to value that has not been filed;
and
2. Debtor is delinquent in plan payments.

DISCUSSION

The plan proposes valuing the secured claim of Red Target/Hatkoff Minassian ALC. Before the court enters an order valuing that secured claim, the plan's feasibility is uncertain.

The debtor is \$5,519.00 delinquent in plan payments. Declaration, Dkt. 50. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

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

The Motion to Confirm filed by the debtor, Darrell Veasley, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

21. [22-20151](#)-C-13 ROBERTA WILLIAMS
[KMM](#)-1 Mikalah Liviakis

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-26-26 [[48](#)]

SERVBANK, N.A. VS.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 41 days' notice was provided. Dkt. 53.

The Motion for Relief from the Automatic Stay is xxxxxx.

Servbank, N.A. as attorney-in-fact, for RANLife, Inc., ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's real property commonly known as 11712 Corino Way, Rancho Cordova, California (the "Property")

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is delinquent 3 postpetition payments totaling \$5,415.06. Declaration, Dkt. 52.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on September 21, 2026. Dkt. 59. Debtor asserts that she has made all of her required postpetition mortgage payments pursuant to the terms of the plan and has provided bank statements demonstrating the alleged missed payments were made.

DISCUSSION

At the hearing xxxxxxxxxx

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

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

The Motion for Relief from the Automatic Stay filed by Servbank, N.A. as attorney-in-fact, for RANLife, Inc. ("Movant") having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the motion for relief from the automatic stay is xxxxxxxxxxxxxx

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 30.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on July 28, 2026.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 25 & 26.

The Motion also argues debtor is \$4,614.75 delinquent in plan payments, which is supported by declaration. Dkt. 29.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 21 days' notice was provided. Dkt. 15.

The Motion to Extend the Automatic Stay is granted.

Frank Hughes ("Debtor") seeks to have the provisions of the automatic stay provided by 11 U.S.C. § 362(a) extended beyond thirty days in this case. This is Debtor's second bankruptcy petition pending in the past year. Debtor's prior bankruptcy case was dismissed on August 24, 2026, after Debtor failed timely file documents. Order, Bankr. E.D. Cal. No. 26-24497, Dkt. 12. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end as to Debtor thirty days after filing of the petition.

Here, Debtor states that the instant case was filed in good faith and explains that the previous case was dismissed because he was not previously represented by counsel and missed a deadline but he is now represented by experienced chapter 13 counsel.

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond thirty days if the filing of the subsequent petition was filed in good faith. 11 U.S.C. § 362(c)(3)(B). As this court has noted in other cases, Congress expressly provides in 11 U.S.C. § 362(c)(3)(A) that the automatic stay **terminates as to Debtor**, and nothing more. In 11 U.S.C. § 362(c)(4), Congress expressly provides that the automatic stay **never goes into effect in the bankruptcy case** when the conditions of that section are met. Congress clearly knows the difference between a debtor, the bankruptcy estate (for which there are separate express provisions under 11 U.S.C. § 362(a) to protect property of the bankruptcy estate) and the bankruptcy case. While terminated as to Debtor, the plain language of 11 U.S.C. § 362(c)(3) is limited to the automatic stay as to only Debtor. The subsequently filed case is presumed to be filed in bad faith if one or more of Debtor's cases was pending within the year preceding filing of the instant case. *Id.* § 362(c)(3)(C)(i)(I). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* § 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, 209-10 (2008). An important indicator of good faith is a realistic prospect of success in the second case, contrary to the failure of the first case. See, e.g., *In re Jackola*, No. 11-01278, 2011 Bankr. LEXIS 2443, at *6 (Bankr. D. Haw. June 22, 2011) (citing *In re Elliott-Cook*, 357 B.R. 811, 815-16 (Bankr. N.D. Cal. 2006)). Courts consider many factors—including those used to determine good faith

under §§ 1307(c) and 1325(a)—but the two basic issues to determine good faith under § 362(c) (3) are:

- A. Why was the previous plan filed?
- B. What has changed so that the present plan is likely to succeed?

In re Elliot-Cook, 357 B.R. at 814-15.

Debtor has sufficiently rebutted 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 granted, and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

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

The Motion to Extend the Automatic Stay filed by Frank Hughes having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, and the automatic stay is extended pursuant to 11 U.S.C. § 362(c) (3) (B) for all purposes and parties, unless terminated by operation of law or further order of this court.

IT IS ORDERED that the Motion to extend the automatic stay, which terminates only as to Debtor pursuant to 11 U.S.C. § 362(c) (3) (A) thirty days after the commencement of this case, is denied. No determination is made by the court to the other provisions of 11 U.S.C. § 362(a) that apply to property of the bankruptcy estate.

24. [26-20156](#)-C-13 JOEL SPENCER AND CARINA MOTION TO EMPLOY RANDO
[SLH](#)-1 ALABANZA-SPENCER RODRIGUEZ AS SPECIAL COUNSEL
Seth Hanson 8-18-26 [[35](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 49 days' notice was provided. Dkt. 39.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Employ is granted.

Debtors seeks to employ Eason & Tambornini, ALC as special counsel for the estate pursuant to Local Bankruptcy Rule 9014-1(f)(1) and Bankruptcy Code Sections 327(a) and 330.

Debtors argue the employment is necessary to prosecute a worker's compensation claim.

The Declaration of Rando Rodriguez filed in support of the Motion attests to Eason & Tambornini's disinterestedness and experience. Dkt. 37.

DISCUSSION

Pursuant to § 327(a), a trustee or debtor in possession is authorized, with court approval, to engage the services of professionals, including attorneys, to represent or assist the trustee in carrying out the trustee's duties under Title 11. To be so employed by the trustee or debtor in possession, the professional must not hold or represent an interest adverse to the estate and be a disinterested person.

Section 328(a) authorizes, with court approval, a trustee or debtor in possession to engage the professional on reasonable terms and conditions, including a retainer, hourly fee, fixed or percentage fee, or contingent fee basis. Notwithstanding such approved terms and conditions, the court may allow compensation different from that under the agreement after the conclusion of the representation, if such terms and conditions prove to have been improvident in light of developments not capable of being anticipated at the time of fixing of such terms and conditions.

Taking into account all of the relevant factors in connection with the employment and compensation of the Eason & Tambornini, considering the declaration demonstrating that the attorney does not hold an adverse interest to the Estate and is a disinterested persons, the nature and scope of the services to be provided, the court grants the Motion on the terms and conditions set forth in the retainer agreement filed as Exhibit A, Dkt. 38. Approval of the commission is subject to the provisions of 11 U.S.C. § 328

October 1, 2026 at 1:30 p.m.

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and review of the fee at the time of final allowance of fees for the professional.

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

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

The Motion to Employ filed by Debtors having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Employ is granted, and debtors are authorized to employ Eason & Tambornini, ALC as special counsel for the estate on the terms and conditions as set forth in the Retainer Agreement filed as Exhibit A, Dkt. 38.

IT IS FURTHER ORDERED that no compensation is permitted except upon court order following an application pursuant to 11 U.S.C. § 330 and subject to the provisions of 11 U.S.C. § 328.

25. [26-23958](#)-C-13 MATTHEW SEVERSON
[ALG](#)-1 Bonnie Baker

OBJECTION TO CONFIRMATION OF
PLAN BY NOLAN SPENCER JANGAARD
AND ASHLEY JOELLE JANGAARD,
TRUSTEES OF THE NOLAN SPENCER
AND ASHLEY JOELLE JANGAARD
FAMILY TRUST
9-9-26 [[33](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 35.

The Objection to Confirmation of Plan is sustained.

Creditor Nolan Spencer Jangaard and Ashley Joelle Jangaard, Trustees of The Nolan Spencer and Ashley Joelle Jangaard Family Trust Dated April 15, 2019 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not fully provide for Creditor's claim;
2. Plan relies on a motion to avoid lien that has not yet been decided; and
3. Plan is not feasible.

DISCUSSION

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Notwithstanding whether the plan provides for the prepetition arrearage as Creditor argues, the debtor has not carried his burden to show the plan is adequately funded. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

The plan proposes avoiding the lien of Lisa Gormley, Trustee of the Darla Jean Lampe Trust. Before the court enters an order avoiding the lien, the plan's feasibility is uncertain.

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

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

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

The Objection to the Chapter 13 Plan filed by Creditor Nolan Spencer Jangaard and Ashley Joelle Jangaard, Trustees of The Nolan Spencer and Ashley Joelle Jangaard Family Trust Dated April 15, 2019, having been presented to

the court, and upon review of the pleadings, evidence,
arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is sustained.

26. [26-24258](#)-C-13 TRAVIS HOUSTON AND
[DPC](#)-1 MELISSA QUINTERO
Pauldeep Bains

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
9-10-26 [[13](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 26 days' notice was provided. Dkt. 16.

The Objection to Confirmation of Plan is sustained.

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

1. Plan fails the liquidation test; and
2. Plan fails the best efforts test.

DISCUSSION

The debtors may have some non-exempt assets. The plan provides for a 8.4% percent dividend to unsecured claims, which is less than the percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

The plan proposes a monthly payment that is less than all of the debtor's disposable income because debtor receives a reimbursement for childcare that is not scheduled. That is reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

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

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

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

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

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 42 days' notice was provided. Dkt. 21.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 18) filed on August 25, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 25) on September 22, 2026, opposing confirmation on the following grounds:

1. Plan is overextended; and
2. The attorney fee dividend is undefined.

DISCUSSION

Because claims are greater than scheduled, the plan will take 62 months to complete. That is reason to deny confirmation. 11 U.S.C. § 1322(d).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The Motion is denied, and the plan is not confirmed.

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

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

The Motion to Confirm filed by the debtor, Hugo Espinoza, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

28. [26-24166](#)-C-13 JOHN HOWDEN
[DPC](#)-2 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
9-10-26 [[31](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

Per the order entered at dkt. 41, this matter has been continued to
October 20, 2026 at 11:00 a.m. to coincide with the Trustee's motion to
dismiss (dkt. 38).

29. [26-24175](#)-C-13 TAJIANA REICH
[DPC](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY DAVID P. CUSICK
9-9-26 [[24](#)]

Thru #30

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 27.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

A review of the docket shows the case was dismissed on September 29, 2026. Therefore, this Objection is overruled as moot.

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

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

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

IT IS ORDERED that the Objection is overruled as moot.

30. [26-24175](#)-C-13 TAJIANA REICH
[JCW](#)-1 Pro Se

OBJECTION TO CONFIRMATION OF
PLAN BY MECHANICS BANK
9-3-26 [[20](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 33 days' notice was provided. Dkt. 23.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion.

The Objection to Confirmation of Plan is overruled as moot.

A review of the docket shows the case was dismissed on September 29, 2026. Therefore, this Objection is overruled as moot.

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

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

The Objection to the Chapter 13 Plan filed by Mechanics Bank, c/o Westlake Portfolio Management, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Objection is overruled as moot.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 36 days' notice was provided. Dkt. 111.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 107) filed on August 31, 2026.

The Chapter 13 Trustee filed an Opposition (Dkt. 112) on September 3, 2026, opposing confirmation on the following grounds:

1. Plan does not suspend all missed dividends and will not bring delinquent secured claims current.

Debtor filed a response (Dkt. 117) proposing additional language in the order confirming plan that rectifies the issue.

The Chapter 13 Trustee filed a reply (Dkt. 118) asserting that the issue cannot be rectified in the order confirming plan and all creditors must be notified.

DISCUSSION

The debtor is \$4,536.32 delinquent in payments to secured creditors. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

Upon review of the record, the court finds the plan does not comply with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is denied, and the plan is not confirmed.

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

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

The Motion to Confirm filed by the debtor, Rondell Daniel, Sr., having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is denied, and the plan is not confirmed.

32. [26-20782](#)-C-13 JEFFERSON/CHAVET JOSEPH MOTION TO VALUE COLLATERAL OF
[SLG](#)-1 Joshua Sternberg FORD CREDIT
5-22-26 [[39](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 58.

The Motion to Value is denied.

The debtor filed this Motion seeking to value the portion of Ford Credit's ("Creditor") claim secured by the debtor's property commonly known as a 2021 Chevrolet Tahoe Premier (the "Property").

The debtor has not presented competent admissible evidence of the replacement value of the Property at the time of filing. Debtor's counsel argues the value of the vehicle is \$34,500.00.

The Chapter 13 Trustee filed a response (Dkt. 43) asserting that debtor has not provided sufficient information to allow for a valuation under 11 U.S.C. § 1325(a).

Ford Motor Credit Company LLC filed a response (Dkt. 48) asserting that the value of the vehicle is \$44,140.00.

DISCUSSION

As an initial matter, the court notes that this is Movant's second motion that uses the same docket control number. Local Rule 9014-1(c)(3) requires the attorney for the moving party to use the attorney's, or law firm's, initials followed by a number, with a new number for each new motion. The Local Rule provides an example of how this should be done.

Without competent admissible evidence the court is unable to make a valuation determination under § 1325(a). Therefore, the motion is denied.

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is denied.

Thru #34

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 23.

The Objection to Confirmation of Plan is sustained.

Creditor Bonnie Baker ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan does not include all disposable income; and
2. Debtor is delinquent in plan payments.

DISCUSSION

The plan proposes a monthly payment of \$978, which is greater than all of the debtor's disposable income. That is not a reason to deny confirmation. 11 U.S.C. § 1325(b)(1).

However, the Trustee in calendar item 34 asserts that the debtor is delinquent in plan payments. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

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

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

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

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

IT IS ORDERED that the Objection is sustained.

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 27 days' notice was provided. Dkt. 27.

The Objection to Confirmation of Plan is sustained.

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

1. Debtor did not appear at the Meeting of Creditors;
2. Debtor is delinquent in plan payments; and
3. Creditor has an outstanding objection.

DISCUSSION

Debtor appeared at the continued Meeting of Creditors held pursuant to 11 U.S.C. § 341. Therefore, this issue is resolved.

The debtor is \$978.00 delinquent in plan payments. Declaration, Dkt. 26. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

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

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

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

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

IT IS ORDERED that the Objection is sustained.

35. [26-24894](#)-C-13 ARIEL/SAMANTHA CASTILLO MOTION TO VALUE COLLATERAL OF
[CRG](#)-1 Carl R. Gustafson MERIWEST CREDIT UNION
9-1-26 [[9](#)]

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 13.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of Meriwest Credit Union's ("Creditor") claim secured by the debtor's property commonly known as a 2022 Kia Telluride (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$26,788.00. Declaration, Dkt. 11.

The Chapter 13 Trustee filed non-opposition on September 15, 2026. Dkt. 15.

DISCUSSION

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

Upon review of the record, the court finds the value of the Property is \$26,788.00. Therefore, Creditor's secured claim is determined to be \$26,788.00. 11 U.S.C. § 506(a).

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion pursuant to 11 U.S.C. § 506(a) is granted, and the claim of Meriwest Credit Union ("Creditor") secured by property commonly known as 2022 Kia

Telluride (the "Property") is determined to be a secured claim in the amount of \$26,788.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

DEBTOR DISMISSED: 09/11/26

Final Ruling: No appearance at the October 1, 2026 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an order shortening time. The OST was entered on September 25, 2026. Dkt. 205.

The Motion to Vacate is granted, and the Order Dismissing Case (Dkt. 192) is vacated.

Debtor Jon Fenton filed this Motion seeking to vacate this court's Order (Dkt. 192) dismissing the case on the basis that the dismissal was based upon a filing error by the Clerk's Office.

The court issued its Order dismissing the case after the debtor became delinquent in plan payments and did not file a modified plan.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a response (Dkt. 203) on September 24, 2026, representing that he takes no position on the matter and that debtor is current under the proposed modified plan.

APPLICABLE LAW

Federal Rule of Civil Procedure Rule 60(b), as made applicable by Federal Rule of Bankruptcy Procedure 9024, governs the reconsideration of a judgment or order. Grounds for relief from a final judgment, order, or other proceeding are limited to:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

FED. R. CIV. P. 60(b). A Rule 60(b) motion may not be used as a substitute

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for a timely appeal. *Latham v. Wells Fargo Bank, N.A.*, 987 F.2d 1199, 1203 (5th Cir. 1993). The court uses equitable principles when applying Rule 60(b). See 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2857 (3d ed. 1998). The so-called catch-all provision, Federal Rule of Civil Procedure 60(b)(6), is "a grand reservoir of equitable power to do justice in a particular case." *Uni-Rty Corp. V. Guangdong Bldg., Inc.*, 571 F. App'x 62, 65 (2d Cir. 2014) (citation omitted). While the other enumerated provisions of Rule 60(b) and Rule 60(b)(6) are mutually exclusive, relief under Rule 60(b)(6) may be granted in extraordinary circumstances. *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 863 & n.11 (1988).

A condition of granting relief under Rule 60(b) is that the requesting party show that there is a meritorious claim or defense. This does not require a showing that the moving party will or is likely to prevail in the underlying action. Rather, the party seeking the relief must allege enough facts that, if taken as true, allow the court to determine if it appears that such defense or claim could be meritorious. 12 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE ¶¶ 60.24[1]-[2] (3d ed. 2010); see also *Falk v. Allen*, 739 F.2d 461, 463 (9th Cir. 1984).

Additionally, when reviewing a motion under Rule 60(b), courts consider three factors: "(1) whether the plaintiff will be prejudiced, (2) whether the defendant has a meritorious defense, and (3) whether culpable conduct of the defendant led to the default." *Falk*, 739 F.2d at 463 (citations omitted).

Another consideration is the importance of finality of judgments. The standard for determining whether a Rule 60(b)(1) motion is filed within a reasonable time is a case-by-case analysis. The analysis considers "the interest in finality, the reason for delay, the practical ability of the litigant to learn earlier of the grounds relied upon, and prejudice to other parties." *Gravatt v. Paul Revere Life Ins. Co.*, 101 F. App'x 194, 196 (9th Cir. 2004) (citations omitted); *Sallie Mae Servicing, LP v. Williams (In re Williams)*, 287 B.R. 787, 793 (B.A.P. 9th Cir. 2002) (citation omitted).

DISCUSSION

It appears that debtor's counsel did upload the modified plan, but that it did not make it to the docket. The proposed modified plan at this point works. There was mistake or inadvertence that occurred and new evidence that warrants reconsideration. Therefore, the order dismissing case will be vacated.

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

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

The Motion to Vacate filed by Jon Fenton having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is granted, and the Order Dismissing Case (Dkt. 192) is vacated.