



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Chief Bankruptcy Judge
Department B, Courtroom 32
501 I Street, 6th Floor
Sacramento, California

October 13, 2026 at 1:00 p.m.

Unless otherwise ordered, all matters before the Honorable Chief **Christopher Jaime** shall be simultaneously: (1) **In Person** at, **Sacramento Courtroom No. 32, 6th Floor** (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/Calendar>. 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.

PRE-HEARING DISPOSITIONS INSTRUCTIONS:

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
Chief Bankruptcy Judge
Sacramento, California

October 13, 2026 at 1:00 p.m.

1. [25-25920](#)-B-13 JAIME/RHONDA MCPHEE MOTION FOR RELIEF FROM
[DAT](#)-1 David Foyil AUTOMATIC STAY
Thru #2 9-28-26 [[105](#)]

DOMUS MANAGEMENT COMPANY VS.

Final Ruling

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

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

The court's decision is to deny as moot the motion for relief from automatic stay.

Domus Management Company, a California Corporation ("Movant") seeks relief from the automatic stay with respect to real property commonly known as 133 E. Oak Street, Apt 410, Stockton, California (the "Property"). Movant has provided the Declaration of Melissa Davis to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Declaration states that Movant is the property manager for the Property. Debtor Jaime McPhee ("Debtor") was hired by Movant to perform certain tasks on the Property and was provided a license to occupy the Property with the period of employment, and must immediately vacate the Property upon termination of employment. On February 6, 2026, after nearly seven months of employment, Debtor resigned from his employment with Movant. Movant thereafter served on Debtor and Honda McPhee ("Co-Debtor") a written notice requiring Debtor and Co-Debtor to deliver up possession of the Property within three days of the notice. More than three days lapsed and Movant subsequently filed a complaint for unlawful detainer in San Joaquin County Superior Court.

Movant states that it was not aware of Debtors' chapter 13 bankruptcy when it had filed the unlawful detainer action. Movant was not listed as a creditor on Debtor's filed Verification of Creditor Matrix filed on October 24, 2025, nor the Amended Verification of Creditor Matrix filed on December 22, 2025. Movant asserts it would not have filed the unlawful detainer had it had knowledge of Debtors' bankruptcy. Movant states it will dismiss the unlawful detainer without prejudice and request relief from the automatic stay to serve the three-day notice to vacate and to refile its unlawful detainer action.

Debtors filed an opposition stating that Movant had knowledge of the bankruptcy filing. To support this assertion, Debtors provide only an undated correspondence to their unnamed attorney and an email from a case analyst at Equal Justice Law Group. Exh. C, dkt. 111. Debtors do not provide any supporting evidence that they provided Movant with notice of the bankruptcy case prior to the date of the unlawful detainer action.

October 13, 2026 at 1:00 p.m.

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Discussion

Section 362(c)(3)(A) provides that the provisions of the automatic stay end as to the Debtor 30 days after filing the petition in a debtor's second bankruptcy pending in the past 12 months.

On June 12, 2025, the Debtors filed a Chapter 7 case (case no. 25-22915). That case was dismissed on June 30, 2025, for failure to timely file documents. Dkt. 20.

Debtors filed the instant Chapter 13 case on October 24, 2025.

The court has reviewed the dockets of the present and prior cases and has confirmed that those cases were pending within the previous year. The automatic stay therefore ended on November 23, 2025. See 11 U.S.C. § 362(c)(3)(A).

Since no automatic stay is in place, Movant's request for relief from the automatic stay is denied as moot and Movant may proceed with any state court action.

The motion is ORDERED DENIED AS MOOT for reason stated in the minutes.

The court will issue an order.

2. [25-25920](#)-B-13 JAIME/RHONDA MCPHEE MOTION TO CONFIRM PLAN
[DEF](#)-6 David Foyil 8-13-26 [[93](#)]

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 non-opposition. *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.

The Debtors will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Debtors are delinquent \$1,050.00 and an additional payment of the same amount was due September 25, 2026.

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.

3. [26-24927](#)-B-13 STEVE PARSLEY
[UST](#)-1 Pro Se

MOTION TO DISMISS CASE AND/OR
MOTION FOR TWO-YEAR BAR TO
REFILING
9-10-26 [[11](#)]

Final Ruling

The motion is ORDERED CONVERTED to an adversary proceeding.

An amended complaint may be filed and served by October 27, 2026.

Debtor/Defendant Steve Parsley shall file an answer to any amended complaint by November 24, 2026.

If an amended complaint is not timely filed, the adversary proceeding will be dismissed.

The court will issue an order.

4. [25-22729](#)-B-13 JUSTIN CHARON MOTION TO CONFIRM PLAN
[DEF](#)-3 David Foyil 8-13-26 [[85](#)]
Thru #5

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 non-opposition. *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 third amended plan.

First, Debtor's plan proposes an impermissible modification of the first mortgage on Debtor's principal residence, which is not permitted under 11 U.S.C. §1322(b)(2). Accordingly, the plan may not be confirmed.

Second, the plan provides inconsistent terms pertaining to the treatment of the pre-petition arrears owed to Lafayette Federal Credit Union (2nd Lien) and Lafayette Federal Credit Union (3rd Lien). Because of this, the Chapter 13 Trustee is unable to administer the plan.

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.

5. [25-22729](#)-B-13 JUSTIN CHARON CONTINUED MOTION TO DISMISS
[LGT](#)-4 David Foyil CASE
7-13-26 [[81](#)]

Final Ruling

This matter was continued from August 27, 2026, to be heard in conjunction with the motion to confirm third amended plan, DEF-3. The court stated in its civil minutes, dkt. 98, that the plan must be confirmable or else the case would be dismissed since this case has been pending for 13 months without a confirmed plan, resulting in prejudicial and undue delay.

Given that the motion to confirm plan was denied at DEF-3, the motion to dismiss case is granted.

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

The court will issue an order.

6. [26-23339](#)-B-13 ALMA RIVERA AND RAMON MOTION TO CONFIRM PLAN
[SLH](#)-1 ROSALES 8-25-26 [[22](#)]
Seth L. Hanson

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 non-opposition. *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 Debtors have 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

7. [26-22854](#)-B-13 RACHEL JOHNSON
[MGG](#)-1 Matthew G. Grech

MOTION TO CONFIRM PLAN
8-31-26 [[26](#)]

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 non-opposition. *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 first amended plan.

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). The current plan payment proposal causes the plan to take 65.41 months to fund. Calculations indicate that Debtor's plan payment will need to be at least \$1,959.05 per month for the plan term of 60 months to be feasible.

Second, the plan misclassifies claims. Lakeview Loan Servicing, LLC filed proof of claim 12 that lists pre-petition arrears in the amount of \$3,251.01. Since there was a delinquency at the time of filing, the mortgage must be paid through the plan under Class 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.

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 non-opposition. *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 first amended plan.

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). The current plan payment proposal causes the plan to take 374.47 months to fund. Calculations indicate that Debtor's plan payment will need to be at least \$11,707.42 per month for the plan term of 60 months to be feasible.

Second, Debtor is delinquent \$6,642.01 and an additional plan payment of \$6,650.00 was due on September 25, 2026. Debtor has not been able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6).

Third, the plan provides for the payment of fees in excess of the fixed compensation allowed in Local Bankr. R. 2016-1(c). In order to comply with the local rule, the monthly dividend can be no more than \$91.66 per month.

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.

Final Ruling

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

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

The court's decision is to **conditionally grant the motion to retain insurance proceeds and continue the matter to October 20, 2026, at 1:00 p.m.**

Debtors seek permission to retain insurance proceeds in the amount of \$18,092.00 under 11 U.S.C. § 363(b). On September 2, 2026, Debtors' 2023 Tesla Model S ("Vehicle") was involved in a collision and was declared a total loss. The total insurance settlement amount was \$67,944.39 and the balance owed on the Vehicle is approximately \$49,852.85. After the lien on the Vehicle is paid in full, there will be proceeds remaining in the approximate amount of \$18,092.00. Debtors intend to use these funds to replace the Vehicle.

The court finds that Debtors' retention of insurance proceeds, after paying the lien in full, is reasonable. There being no opposition from any party in interest, the motion is granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 16, 2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 20, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 20, 2026, at 1:00 p.m.

10. [26-25059](#)-B-13 REATENA VEN MOTION TO VALUE COLLATERAL OF
[SLH](#)-1 Seth L. Hanson LOBEL FINANCIAL CORP.
Thru #12 9-8-26 [[10](#)]

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 non-opposition. *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 value the secured claim of Lobel Financial Corp. at \$14,246.00.

Debtor moves to value the secured claim of Lobel Financial Corp. ("Creditor"). Debtor is the owner of a 2011 Chevy Camaro ("Vehicle"). Debtor seeks to value the Vehicle at a replacement value of \$14,246.00 as of the petition filing date. As the owner, Debtor's opinion of value is evidence of the asset's value. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. Claim No. 2-2 filed by Lobel Financial Corporation is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on July 14, 2023, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$17,705.14. Therefore, the Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$14,246.00.. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

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

The court will issue an order.

11. [26-25059](#)-B-13 REATENA VEN MOTION TO AVOID LIEN OF CAPITAL
[SLH](#)-2 Seth L. Hanson ONE BANK (USA) N.A.
9-8-26 [[14](#)]

Final Ruling

Debtor filed a motion to avoid lien of [creditor]. While Capital One Bank (USA) N.A. was served with the motion, service violates Fed. R. Bankr. P. 7004(h), which requires service on insured depository institutions to be made "by certified mail addressed to an officer of the institution[.]" Fed. R. Bankr. P. 7004(h). The proof of service accompanying the motion indicates that the motion and notice were not addressed solely to an officer. Dkt. 18. This does not satisfy Rule 7004(h).

Courts have interpreted the service "to an officer of the institution" requirement of Fed. R. Bankr. P. 7004(h) to mean that service on an insured depository institution must be "solely" to the attention of an officer of the institution. *Hamlett v. Amsouth Bank (In re Hamlett)*, 322 F.3d 342, 345-46 (4th Cir. 2003) (examining the legislative

history of Rule 7004(h), comparing it to Rule 7004(b)(3), and concluding that the term "officer" in Rule 7004(h) does not include other posts with the respondent creditor). The court in *PNC Mortg. v. Rhiel*, 2011 WL 1044939 (S.D. Ohio March 18, 2011), stated this even more clearly as follows:

Thus, while Rule 7004(b)(3) allows service of process to a corporation to be accomplished through mailing the complaint and summons by certified mail to an officer, a managing agent, or a general agent of the corporation, Rule 7004(h) requires that service to an insured depository institution be made by certified mail only to an officer of the institution[.]

Although Rhiel marked the box on the summons applicable to insured depository institutions, the summons and complaint were actually mailed to the attention of an 'Officer, Managing or General Agent' of [the insured depository institution] as opposed to just an 'Officer.' Accordingly, Rhiel did not meet the technical requirements of Rule 7004(h) in effectuating service of process in this case. The question then becomes whether this technical error rendered the service of process insufficient[.] Here, the Court concludes that the technical error rendered service of process defective.

Id. at *4 (cleaned up).

Service of the motion here is defective.

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

The court will issue an order.

12.	26-25059 -B-13 SLH -3	REATENA VEN Seth L. Hanson	MOTION TO AVOID LIEN OF LVNV FUNDING LLC 9-8-26 [19]
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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 non-opposition. *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 grant the motion to avoid lien.

This is a request for an order avoiding the judicial lien of LVNV Funding LLC ("Creditor") against the Debtor's property commonly known as 917 Fall River Dr., Modesto, California ("Property").

A judgment was entered against Debtor in favor of Creditor in the amount of \$3,517.79. An abstract of judgment was recorded with Stanislaus County on December 28, 2025, which encumbers the Property.

Pursuant to the Debtor's Schedule A, the Property has an approximate value of \$426,700.00 as of the date of the petition. Debtor has claimed an exemption pursuant to Cal. Civ. Proc. Code § 704.730 in the amount of \$225,000.00 on Schedule C. All

other liens recorded against the Property total \$207,927.58.

After application of the arithmetical formula required by 11 U.S.C. § 522(f) (2) (A), there is no equity to support the judicial lien. Therefore, the fixing of this judicial lien impairs the Debtor's exemption of the real property and its fixing is avoided subject to 11 U.S.C. § 349(b) (1) (B).

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

The court will issue an order.

13. [26-21286](#)-B-13 TINA WILSON
[PLC](#)-8 Peter L. Cianchetta

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF CIANCHETTA &
ASSOCIATES FOR PETER L.
CIANCHETTA, DEBTORS ATTORNEY(S)
9-23-26 [[147](#)]

Final Ruling

Counsel Peter Cianchetta having filed a notice of withdrawal of its motion, the motion 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.

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

The court will issue an order.

14. [26-24587](#)-B-13 ERVIN THOMPSON MOTION TO CONFIRM PLAN
[PGM](#)-1 Peter G. Macaluso 9-4-26 [[22](#)]

CONTINUED TO 11/03/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 10/22/26.

Final Ruling

No appearance at the hearing is required. The court will issue an order.

15. [24-25094](#)-B-13 ABEL ALEMAN
[JCK](#)-1 Kathleen H. Crist

MOTION TO VACATE DISMISSAL OF
CASE AND SET ASIDE THE ENTRY OF
ORDER OF DISMISSAL
9-25-26 [[27](#)]

DEBTOR DISMISSED: 09/16/26

Final Ruling

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

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

The court's decision is to conditionally grant and continue the matter to October 20, 2026, at 1:00 p.m.

Debtor moves to vacate the order dismissing this Chapter 13 case. The Chapter 13 case was dismissed on September 16, 2026, for delinquency in plan payments. Debtor states that she cured the default by the required date of September 15, 2026, because she had purchased a cashier's check in the required amount of \$2,510.00, sent it via United States Postal Service Express Mail Flat Rate Package to the Chapter 13 Trustee's payment address in Memphis, Tennessee, that same day, and the package was placed in the Trustee's PO Box on September 15, 2026, at 7:45 am

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. Debtor moved quickly after this case was dismissed to set aside the dismissal order. Vacating dismissal will not delay these proceedings since the Debtor has already timely cured the delinquency and is committed to making plan payments moving forward. Lastly, there is no indication of any bad faith by the Debtor.

Therefore, the Debtor's motion to vacate the order dismissing this Chapter 13 case will be granted, the dismissal order at dkt. 25 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).

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 16,

2026, to file and serve an opposition or other response to the motion. See Local Bankr. R. 3007-1(b)(2). Any opposition or response shall be served on the Chapter 13 Trustee and creditor by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 20, 2026, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 20, 2026, at 1:00 p.m.

16. [26-21294](#)-B-13 JAMES SIMPSON
[SSH](#)-1 Simran Singh Hundal

MOTION TO CONFIRM PLAN
8-25-26 [[29](#)]

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 non-opposition. *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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

17. [26-24332](#)-B-13 MARTHA/ALVARO ZUNIGA CONTINUED OBJECTION TO
[LGT](#)-1 Flor De Maria A. Tataje CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-15-26 [[15](#)]

Final Ruling

This matter was continued from October 6, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, October 9, 2026. Although amended schedules were filed, no response was filed refuting that Debtors are over the unsecured debt limit. Therefore, the court's conditional ruling at dkt. 23, sustaining the objection, shall become the court's final decision. The continued hearing on October 13, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

18. [26-24434](#)-B-13 HARPRIT/SUNEETA SINGH CONTINUED OBJECTION TO
[LGT](#)-1 Mark A. Wolff CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-11-26 [[15](#)]

Final Ruling

This matter was continued from October 6, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, October 9, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 25, sustaining the objection, shall become the court's final decision. The continued hearing on October 13, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

19. [26-24249](#)-B-13 JAVIER/JAMIE SILVA
[LGT](#)-1 Kathleen H. Crist

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-11-26 [[20](#)]

Final Ruling

This matter was continued from October 6, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, October 9, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 36, sustaining the objection, shall become the court's final decision. The continued hearing on October 13, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

20. [26-24264](#)-B-13 RAYSHUN/KIMBERLY MILTON CONTINUED OBJECTION TO
[LGT](#)-1 Rabin Pournazarian CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-11-26 [[17](#)]

Final Ruling

This matter was continued from October 6, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, October 9, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 33, sustaining the objection, shall become the court's final decision. The continued hearing on October 13, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

21. [26-24374](#)-B-13 KEILAND HENDERSON
[LGT](#)-1 Matthew G. Grech

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-11-26 [[16](#)]

Final Ruling

This matter was continued from October 6, 2026, to allow any party in interest to file a response by 5:00 p.m. Friday, October 9, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 30, sustaining the objection, shall become the court's final decision. The continued hearing on October 13, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.

22. [26-25188](#)-B-13 ROBERT MCINNES
[SMJ](#)-1 Scott M. Johnson

CONTINUED MOTION TO AVOID LIEN
OF STATES RECOVERY SYSTEMS,
INC.
9-16-26 [[9](#)]

Final Ruling

This matter was continued from October 6, 2026, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, October 9, 2026. Nothing was filed. Therefore, the court's conditional ruling at dkt. 19, granting the motion to avoid judicial lien, shall become the court's final decision. The continued hearing on October 13, 2026, at 1:00 p.m. is vacated.

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

The court will issue an order.