



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

October 28, 2025 at 11:00 a.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 28, 2025 at 11:00 a.m.

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1. [25-23447](#)-C-13 MICHAEL MULLINS CONTINUED OBJECTION TO
[RAS](#)-1 Peter G. Macaluso CONFIRMATION OF PLAN BY U.S.
BANK NATIONAL ASSOCIATION
8-1-25 [[23](#)]

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 67 days' notice was provided. Dkt. 25.

<p>The Objection to Confirmation of Plan is sustained.</p>

Creditor U.S. Bank National Association, as Trustee for Asset Backed Securities Corporation Home Equity Loan Trust, Series OOMC 2006-HE3, Asset Backed Pass-Through Certificates, Series OOMC 2006-HE3 ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan fails to provide for Creditor's claim.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on September 30, 2025. Dkt. 26. Debtor asserts that debtor has had many servicers of the loan over the years, and that the loan is provided for in the plan.

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 Creditor's claim, 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).

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.

October 28, 2025 at 11:00 a.m.

The Objection to the Chapter 13 Plan filed by U.S. Bank National Association, as Trustee for Asset Backed Securities Corporation Home Equity Loan Trust, Series OOMC 2006-HE3, Asset Backed Pass-Through Certificates, Series OOMC 2006-HE3, 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.

2. [24-25862](#)-C-13 SUSAN SCOTT
[CLH](#)-3 Cindy Hill

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF HILL & MORRIS FOR
CINDY LEE HILL, DEBTORS
ATTORNEY(S)
9-24-25 [[86](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. Proof of Service has not been filed.

The Motion for Allowance of Professional Fees is ~~xxxxxx~~.

Cindy Lee Hill filed this first and final request seeking approval of compensation for attorney services provided to debtor Susan Scott.

Fees are requested for the period December 31, 2024, through September 23, 2025. The movant requests fees in the amount of \$22,490.00 and costs in the amount of \$278.92.

OPPOSITION

The Chapter 13 Trustee filed an opposition on October 14, 2025. Dkt. 90. The Trustee represents Movant has failed to properly notice the application, has failed to file a proof of service with the motion, and the debtor has not filed a declaration in support of the motion.

RESPONSE

The Movant filed a response asserting that the application was originally drafted to be heard in Department E, but was amended upon the retirement of Judge Sargis and the transferring of the case. Movant further represents that the proof of service was not filed at the time of the filing of the application but that it has now been filed. Finally, Movant asserts that a declaration has been prepared for the debtor to sign but that debtor has not returned it to her.

DISCUSSION

At the hearing ~~xxxxxxxxxx~~

The court shall issue an 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 Allowance of Fees and Expenses filed by Cindy Lee Hill ("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 Movant is allowed the following fees and expenses as a professional of the Estate:

Movant, a professional employed by Debtor Susan Scott,

Fees in the amount of \$xxxx.xx

Expenses in the amount of \$xxxx.xx,

as the final allowance of fees and expenses pursuant to 11 U.S.C. § 330 as counsel for the Debtor.

IT IS FURTHER ORDERED that the fees of \$xxxx.xx and costs of \$xxxx.xx are not allowed by the court.

The fees and costs pursuant to this Motion, and fees in the amount of \$xxxx.xx and costs of \$xxxx.xx approved pursuant to prior interim application, are approved as final fees and costs pursuant to 11 U.S.C. § 330.

IT IS FURTHER ORDERED that Chapter 13 Trustee is authorized to pay the fees and costs allowed by this Order from the available funds of the Estate in a manner consistent with the order of distribution in a Chapter 13 case.

3. [25-23676](#)-C-13 CYNTHIA/MICHAEL DUPZYK CONTINUED OBJECTION TO
[DPC](#)-1 Mikalah Liviakis CONFIRMATION OF PLAN BY DAVID
P. CUSICK
9-10-25 [[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 27 days' notice was provided. Dkt. 18.

The Objection to Confirmation of Plan is sustained.

At the prior hearing on October 8, 2025, the Trustee represented that he had requested a copy of the Trust but had not yet received it. The matter was continued to allow the Trustee time to receive and review the Trust.

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 misidentifies secured claimants collateral.

DEBTORS' OPPOSITION

The debtor filed a declaration in response on September 17, 2025. Dkt. 19. Debtor asserts he is a beneficiary of a Family Trust not an owner, does not anticipate the Trust to be liquidated in the future, and that annual distributions are expected to be about the same as they have been in previous years.

DISCUSSION

The Trustee indicated the order confirming has corrected the collateral issue. Therefore, that is no longer an issue for confirmation.

The debtor has non-exempt assets from income from a family trust. The plan provides for a 7.5% percent dividend to unsecured claims, which is less than the dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(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 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. [25-23482](#)-C-13 ASHLEY DUPLESSIS
[EAT](#)-1 Julius J. Cherry

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY UNITED
WHOLESALE MORTGAGE, LLC
8-28-25 [[17](#)]

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 40 days' notice was provided. Dkt. 19.

The Objection to Confirmation of Plan is sustained.

Creditor United Wholesale Mortgage, LLC ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan fails to fully provide for arrearage to Creditor; or in the alternative,
2. The court has not yet ruled on a motion to approve loan modification.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a response on September 3, 2025. Dkt. 21. The Chapter 13 Trustee agrees with the Creditor's assertion that the plan cannot be confirmed until the motion to approve loan modification is approved.

DISCUSSION

Currently, the debtor has filed a motion to approve loan modification that is set to be heard on October 28, 2025. Before the court enters an order on the Motion, 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 United Wholesale Mortgage, LLC, 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. [25-23482](#)-C-13 ASHLEY DUPLESSIS
[GC-1](#) Julius J. Cherry

MOTION TO APPROVE LOAN
MODIFICATION
8-27-25 [[12](#)]

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 62 days' notice was provided. Dkt. 16.

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 Incur Debt is granted.

Debtor filed this Motion seeking authority to enter into a loan modification agreement.

The proposed financing is in the deferred amount of \$91,963.92 and total capitalized amount of \$29,911.97, paid at 5.99% interest over a 40 year term. Monthly payments are proposed to be \$2,927.07.

The Chapter 13 Trustee filed a statement of non-opposition. Dkt. 20.

The court finds that the proposed credit, based on the unique facts and circumstances of this case, is reasonable. There being no opposition from any party in interest and the terms being reasonable, the Motion is granted.

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 Incur Debt filed by Debtor Ashley Duplessis 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 debtor's counsel shall prepare an appropriate order granting the Motion, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and if so approved submit the proposed order to the court.

6. [25-23682](#)-C-13 KELSIE ESTEP
[GC-1](#) Julius J. Cherry

MOTION TO VALUE COLLATERAL OF
USAA FEDERAL SAVINGS BANK
9-6-25 [[14](#)]

Final Ruling: No appearance at the October 27, 2025 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 53 days' notice was provided. Dkt. 18.

The Motion to Value is granted.

The debtor filed this Motion seeking to value the portion of USAA Federal Savings Bank's ("Creditor") claim secured by the debtor's property commonly known as 2023 Tesla Y (the "Property").

The debtor and creditor have filed a stipulation as to the value of the property and treatment of creditor's claim. Dkt. 16. They agree the value of the property is \$27,000.00.

The Chapter 13 Trustee has filed a statement of non-opposition. Dkt. 36.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on December, 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 \$27,000.00. Therefore, Creditor's secured claim is determined to be \$27,000.00. 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 USAA Federal Savings Bank ("Creditor") secured by property commonly known as 2023 Tesla Y (the "Property") is determined to be a secured claim in the amount of \$27,000.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

7. [25-23683](#)-C-13 KATHLEEN DAVIS
[DPC](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
9-10-25 [[14](#)]

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. 17.

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 relies on motion to value collateral that has not yet been decided;
2. Debtor may receive an inheritance; and
3. Debtor has failed to provide all business documents.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on September 30, 2025. Dkt. 37. Debtor represents the Motion to Value is currently set to be heard on October 14, 2025. Debtor has amended her schedules and has filed Business and Income Form.

DISCUSSION

The Chapter 13 Trustee argues that Debtor has failed to file a statement of gross business income and expenses attached to Schedule I. Line 8a of Schedule I requires Debtor to "[a]ttach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income." Debtor is required to submit that statement and cooperate with the Chapter 13 Trustee. 11 U.S.C. § 521(a)(3). It appears debtor has now provided the required attachment.

The plan proposes valuing the secured claims of Ally Financial, Inc. and M & T Bank. Before the court enters an order valuing those secured claims, 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 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.

8. [25-23683](#)-C-13 KATHLEEN DAVIS
[JCW](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY ALLY
BANK
9-11-25 [[18](#)]

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. 21.

The Objection to Confirmation of Plan is sustained.

Creditor Ally Bank ("Creditor") opposes confirmation of the Chapter 13 plan on the basis that:

1. The plan fails to provide for the full replacement value of Creditor's collateral; and
2. Plan fails to pay the applicable interest rate on its claim.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on September 30, 2025. Dkt. 38. Debtor represents the Motion to Value is currently set to be heard on October 14, 2025. Debtor asserts that an interest rate of 8% is appropriate in this case.

DISCUSSION

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

Creditor opposes confirmation on the basis that the plan proposes paying its claim at four percent interest. Creditor argues that this interest rate is outside the limits authorized by the Supreme Court in *Till v. SCS Credit Corp.*, 541 U.S. 465 (2004). In *Till*, a plurality of the Court supported the "formula approach" for fixing post-petition interest rates. *Id.* Courts in this district have interpreted *Till* to require the use of the formula approach. See *In re Cachu*, 321 B.R. 716 (Bankr. E.D. Cal. 2005); see also *Bank of Montreal v. Official Comm. of Unsecured Creditors (In re American Homepatient, Inc.)*, 420 F.3d 559, 566 (6th Cir. 2005) (*Till* treated as a decision of the Court). Even before *Till*, the Ninth Circuit had a preference for the formula approach. See *Cachu*, 321 B.R. at 719 (citing *In re Fowler*, 903 F.2d 694 (9th Cir. 1990)).

The court agrees with the court in *Cachu* that the correct valuation of the interest rate is the prime rate in effect at the commencement of this case plus a risk adjustment. Because the creditor has only identified risk factors common to every bankruptcy case, the court fixes the interest rate as the prime rate in effect at the commencement of the case, 7.50%, plus a 1.25% risk adjustment, for a 8.75% interest rate.

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 Ally Bank, 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.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. A Proof of Service has not been filed.

The Motion for Protective Order is xxxxxx.

Debtor Tarra Wasilchen seeks a protective order pursuant to Federal Rule of Civil Procedure 45 as incorporated by Federal Rule of Bankruptcy Procedure 7026 and Federal Rule of Civil Procedure 45 as incorporated by Federal Rule of Bankruptcy Procedure 9016 regarding David Bruce Chapman's Rule 2004 examination and requests for documents. Debtor argues the protective order is necessary to materials turned over in this bankruptcy case may be used to her detriment in the family law case currently underway in North Carolina.

OPPOSITION

Creditor David Bruce Chapman filed an opposition (Dkt. 98) on October 14, 2025, asserting that there is significant overlap in the documents being sought in the family law case and this case, and financial documents are as relevant here as they are in the family law case. Creditor argues that Debtor has not met her burden of demonstrating good cause exists to grant the motion.

Additionally, Creditor contends that Debtor has waived her right to object to discovery requests because she did not timely object under Rule 45. Finally, Creditor asserts that Debtor is using this motion as a delay tactic. Debtor has represented that her Chapter 13 Plan is not confirmable until after the family law case decides on any spousal and/or child support obligations, but has also asserted that the family law case is stayed because of the filing of this bankruptcy case.

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 Protective Order filed by Tarra Wasilchen 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 Protective Order is xxxxxxxxxx

10. [25-23593](#)-C-13 WILLIAM/MARY BRYANT
[DPC](#)-1 Mark A. Wolff

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
9-3-25 [[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 34 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. Plan impermissibly modify's secured creditor's rights;
and
2. Plan fails to provide for the claim of the IRS.

DISCUSSION

The additional plan provision paying the secured claim of Barry Monblat is an improper modification of a claim secured only by a security interest in real property that is the debtor's principal residence. That is reason to deny confirmation. 11 U.S.C. § 1322(b)(2).

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. The plan fails to provide for payment of the secured portion of the claim and underestimates the priority portion of the claim. 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.

11. [25-23099](#)-C-13 NICOLAJ OLSEN
[DPC](#)-1 Julius J. Cherry

CONTINUED AMENDED OBJECTION TO
CONFIRMATION OF PLAN BY DAVID
P. CUSICK
9-15-25 [[20](#)]

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. 15.

The Objection to Confirmation of Plan is sustained.

Since the prior hearing the Chapter 13 Trustee, David Cusick ("Trustee"), filed an amended opposition and now opposes confirmation of the Chapter 13 plan on the basis that:

1. Plan requires a higher dividend to unsecured creditors.

DISCUSSION

The plan provides for a zero percent dividend to unsecured claims, which is less than the 13.57% dividend necessary to fully fund the plan based upon the debtor's income and expenses. 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.