

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Sacramento, California

October 31, 2023 at 2:00 p.m.

FINAL RULINGS

1. <u>23-21331-E-13</u>	RAKESH/ASHIKA REDDY	MOTION TO CONFIRM PLAN
<u>WW-2</u>	Mark Wolff	9-20-23 <u>[59]</u>

Final Ruling: No appearance at the October 31, 2023 hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Chapter 13 Trustee, creditors, parties requesting special notice, attorneys of record who have appeared in the Bankruptcy Case, the Adversary Proceeding, or contested matter and Office of the United States Trustee on September 20, 2023. By the court’s calculation, 41 days’ notice was provided. 35 days’ notice is required. FED. R. BANKR. P. 2002(a)(9); LOCAL BANKR. R. 3015-1(d)(1).

The Motion to Confirm the Plan has been set for hearing on the notice required by Local Bankruptcy Rule 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

The Motion to Confirm the Plan is granted.

11 U.S.C. § 1323 permits a debtor to amend a plan any time before confirmation. The debtor, Rakesh Reddy and Ashika Reddy (“Debtor”), has provided evidence in support of confirmation. Dec., Dckt.

61. The Chapter 13 Trustee, David Cusick ("Trustee"), filed a Non-Opposition on October 17, 2023. Dckt. 65.

In this Second Amended Plan the Debtor has addressed several issues. Debtor has several Class 2 claims for which the collateral, vehicles which were not specifically identified in the prior Plan, raising concerns that someone in the future may assert that these were "ghost vehicles." The Second Amended Plan identifies the serial number for each vehicle, precluding any of them appearing to be mere apparitions.

Debtor and creditors with secured claims have worked constructively to reach non-"Frankensteinian" interest rates for the Class 2 secured claims. For creditors with general unsecured claims, the Second Amended Plan provides for a dividend of not less than 29%, which will be an aggregate total of not less than \$280,831, not mere spider like webbing appearance for non-substantial payments on these claims.

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

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 to Confirm the Chapter 13 Plan filed by the debtor, Rakesh Reddy and Ashika Reddy ("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 is granted, and Debtor's Chapter 13 Plan filed on September 20, 2023, is confirmed. Debtor's Counsel shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee, David Cusick ("Trustee"), for approval as to form, and if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

2. [23-23272-E-13](#)
[RJ-1](#)

MELISSA TYARS
Richard Jare

**MOTION TO VALUE COLLATERAL OF
EXETER FINANCE CORP
10-17-23 [16]**

WITHDRAWN BY M.P.

Final Ruling: No appearance at the October 31, 2023 hearing is required.

Melissa K. Tyars ("Debtor") having filed a Notice of Dismissal, Dckt. 19, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041, the Motion to Value Collateral has been dismissed without prejudice, and the matter is removed from the calendar.