



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

November 12, 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

November 12, 2025 at 11:00 a.m.

1. [24-25011](#)-C-13 DENNIS MCCAFFERTY MOTION TO MODIFY PLAN
[THN](#)-4 Teresa Hung-Nguyen 9-22-25 [[86](#)]

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 51 days' notice was provided. Dkt. 93.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 88) filed on September 22, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 95) on October 29, 2025, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments; and
2. Debtor is unable to afford the plan payments based upon Schedules I and J.

DISCUSSION

The debtor is \$14,215.00 delinquent in plan payments. Declaration, Dkt. 96. 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 Modify Plan filed by the debtor, Dennis McCafferty, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and

November 12, 2025 at 11:00 a.m.

good cause appearing,

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

2. [24-25221](#)-C-13 TAISHAWN/CATHEREAN CONTINUED MOTION TO DISMISS
 [DPC](#)-3 MITCHELL CASE
 Peter G. Macaluso 9-10-25 [[131](#)]

An order withdrawing the motion to dismiss case having been entered on November 4, 2025. Dkt. 139, this matter is removed from calendar. No appearance necessary.

Final Ruling: No appearance at the November 12, 2025 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 36 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 Confirm is granted.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 33) filed on October 8, 2025.

No opposition to the Motion has been filed.

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 debtor, Melva Jeane Hastings, 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 Amended Chapter 13 Plan (Dkt. 33) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Debtor's counsel 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.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. A Proof of Service was not filed with the Motion.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the First Amended Chapter 13 Plan (Dkt. 23) filed on October 6, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 29) on October 29, 2025, opposing confirmation on the following grounds:

1. Debtor did not properly serve the plan upon all interested parties;
2. Debtor has not properly filed amended Schedules I and J; and
3. Debtor is delinquent in plan payments.

DISCUSSION

The debtor is \$2,875.92 delinquent in plan payments. Declaration, Dkt. 30. 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, Frankie Hayduk, 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.

5. [25-24931](#)-C-13 LINDA CATRON
[LC-1](#) Pro Se

NOTICE OF INTENT TO DISMISS
CASE IF DOCUMENT ARE NOT TIMELY
FILED
9-11-25 [[3](#)]

This matter is continued to November 25, 2025 at 11:00 a.m. No appearance at the
November 12, 2025 hearing is necessary.

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 42 days' notice was provided. Dkt. 39.

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 May 27, 2025.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 24 & 25.

The Motion also argues debtor is \$1,093.72 delinquent in plan payments, which is supported by declaration. Dkt. 38.

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 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)(1) procedure which requires 28 days' notice. The Proof of Service shows that 42 days' notice was provided. Dkt. 65.

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 \$5,300.00 delinquent in plan payments, which is supported by declaration. Dkt. 64.

Debtors filed an opposition (Dkt. 66) on October 14, 2025, asserting that debtors will filing a modified plan on or before the hearing.

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

Since the prior hearing, the Trustee filed a status report representing the debtor continues to be delinquent in plan payments. Dkt. 42.

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 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)(1) procedure which requires 35 days' notice. The Proof of Service shows that 50 days' notice was provided. Dkt. 55.

The Motion to Modify is ~~xxxxxxx~~.

The debtors filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 54) filed on September 24, 2025.

Capital One Auto Finance filed a non-opposition to modification on October 7, 2025. Dkt. 59.

The Chapter 13 Trustee filed an Opposition (Dkt. 63) on October 28, 2025, opposing confirmation on the following grounds:

1. The plan is unclear as to the amount of plan payments that have been paid through October, 2025, and the debtors may be delinquent \$250.00;
2. The amount of interest due to creditor Capital One is greater than the amount to be paid through the plan; and
3. The plan proposes distributing excess insurance proceeds to the debtors rather than holding the excess funds until the plan is completed or the case is dismissed.

The debtors filed a response (Dkt. 66) on November 5, 2025 with the following:

1. Debtors agree with the Trustee on the first issue;
2. Debtors agree with the Trustee on the second issue; and

3. Debtors disagree with the Trustee and assert that Capital One has filed a non-opposition to the Motion and that the excess funds be distributed to the debtors as proposed in the plan.

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 to Modify Plan filed by the debtors,
Roseleene and Ademar Samiano, 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 **xxxxxxxxxx**

9. [25-25141](#)-C-13 NIKOLAAS BOS AND SARAH OBJECTION TO CONFIRMATION OF
[RAS](#)-1 BEST PLAN BY U.S. BANK TRUST
Scott Johnson NATIONAL ASSOCIATION
10-15-25 [[12](#)]

No 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 30 days' notice was provided. Dkt. 14.

The Objection to Confirmation of Plan is xxxxxxxx

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

1. The Plan improperly classifies Creditor's claim as Class 4 rather than Class 1.

DISCUSSION

Creditor contends that it will file a Proof of Claim before the claims bar date. However, at this point, Creditor has not filed a Proof of Claim and has not provided any competent admissible evidence supporting its position.

At the hearing xxxxxxxxxxxx

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 xxxxxxxxxxxx

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 52 days' notice was provided. Dkt. 36.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 34) filed on September 22, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 42) on October 28, 2025, opposing confirmation on the following grounds:

1. Debtors have not filed amended Schedules I & J;
2. The percentage paid to unsecured creditors is too low;
3. A Proof of Claim has not been filed for the secured claim of Select Portfolio Servicing.

DISCUSSION

The plan provides for a one percent dividend to unsecured claims, which is less than the twenty percent dividend necessary to meet the liquidation test. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(4).

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, Vasilios Tsigaris, 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.

11. [25-21770](#)-C-13 BRAD/KATEE LOMEN
[BLL](#)-2 Richard Hall

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF BOTTOMLINE
LAWYERS FOR RICHARD A. HALL,
DEBTORS ATTORNEY(S)
9-30-25 [[64](#)]

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 44 days' notice was provided. Dkt. 66.

The Motion for Allowance of Professional Fees is xxxxxx.

Debtors' attorney, Richard Hall, filed this request seeking approval of compensation for attorney services provided to the debtors.

Fees are requested for the period through confirmation of the plan on September 9, 2025. Dkt. 65. The movant requests fees in the amount of \$1,750.00, which was withdrawn from the attorney trust account.

The Chapter 13 Trustee filed a response (Dkt. 70) on October 24, 2025. The Trustee agrees the amount is reasonable, but represents that No Rights and Responsibilities form has been filed in the case.

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 Richard Hall ("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, Professional employed by debtors Brad and Katee Lomen,

Fees in the amount of \$xxxx.xx,

as an interim allowance of fees.

12. [25-21073](#)-C-13 HEATHER REIMUND
[JTK](#)-2 Mark Shmorgon

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-8-25 [[50](#)]

THE MONEY BROKERS, INC. 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 36 days' notice was provided. Dkt. 56.

The Motion for Relief from the Automatic Stay is xxxxxx.

The Money Brokers, Inc. ("Movant") filed this Motion seeking relief from the automatic stay as to the debtor's property commonly known as 6647 20th Street, Rio Linda, CA (the "Property").

Movant argues cause for relief from stay exists pursuant to 11 U.S.C. § 362(d)(1) because the debtor is in default on the debt and in the terms of the plan to subdivide the lot and pay all creditors by September 30, 2025. Declaration, Dkt. 52.

TRUSTEE'S RESPONSE

The Chapter 13 Trustee filed a response (Dkt. 59) on October 28, 2025 representing the debtor is delinquent \$2,000 plus a lump sum from sale or refinance of property. The Trustee also represents the amount on the claim is delinquent \$1,520 through the September 2025 disbursement, and the total paid to Creditor by the Trustee as of September is \$9,220.00.

DEBTOR'S OPPOSITION

Debtor filed an Opposition on October 29, 2025. Dkt. 61. Debtor asserts that she is confident she can complete the subdivision and pay off creditor if she is given an additional six months. Additionally, debtor contends there is a 30% equity cushion in the Property.

REPLY

Creditor's reply asserts that debtor has violated § 364 by not seeking court approval to obtain credit to pay Sacramento County. Creditor further asserts that debtor does not address the delinquent plan payment issue.

DISCUSSION

At the hearing xxxxxxxxxx

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, for no particular reason, that the court grant relief from the Rule as adopted by the United States Supreme Court. With no grounds for such relief specified, the court will not grant additional relief merely stated in the prayer.

Movant has not 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 not 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 The Money Brokers, 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 is **xxxxxxxxxx**

IT IS FURTHER ORDERED that the fourteen-day stay of enforcement provided in Federal Rule of Bankruptcy Procedure 4001(a)(3) is not waived for cause.

No other or additional relief is granted.

13. [25-22775](#)-C-13 LUCIA MORALES AND KEVIN OBJECTION TO CLAIM OF SANTANDER
[PGM](#)-4 HENRIQUEZ PLEITEZ CONSUMER USA INC., CLAIM NUMBER
Peter Macaluso 3
10-14-25 [[67](#)]

Tentative Ruling:

The Motion has been set on Local Rule 3007-1(b)(1) procedure which requires 44 days' notice. The Proof of Service shows that 30 days' notice was provided. Dkt. 71.

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 Objection to Proof of Claim is sustained, and the date of purchase is November 26, 2022.

Debtors filed this objection asserting that the Proof of Claim No. 3 filed by Santander Consumer USA d/b/a/ Chrysler Capital ("Creditor") incorrectly states that the purchase of the vehicle occurred on November 26, 2022 rather than December 12, 2022. Debtors provided a Retail Installment Sale Contract, Service Package, GAP Addendum, and First Amended Complaint in Santa Clara County Superior Court as exhibits to the Objection.

Section 502(a) provides that a claim supported by a Proof of Claim is allowed unless a party in interest objects. Once an objection has been filed, the court may determine the amount of the claim after a noticed hearing. 11 U.S.C. § 502(b). It is settled law in the Ninth Circuit that the party objecting to a proof of claim has the burden of presenting substantial evidence to overcome the prima facie validity of a proof of claim, and the evidence must be of probative force equal to that of the creditor's proof of claim. Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir. 1991); see also United Student Funds, Inc. v. Wylie (In re Wylie), 349 B.R. 204, 210 (B.A.P. 9th Cir. 2006). Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion, and requires financial information and factual arguments. In re Austin, 583 B.R. 480, 483 (B.A.P. 8th Cir. 2018). Notwithstanding the prima facie validity of a proof of claim, the ultimate burden of persuasion is always on the claimant. In re Holm, 931 F.2d at p. 623.

Once a party has objected to a proof of claim, the creditor asserting the claim may not withdraw the claim except on order of the court. Fed. R. Bankr. P. 3006.

Based on the evidence before the court, the court finds the creditor's claim was filed untimely. The Objection to the Proof of Claim is sustained, and the date of purchase of the vehicle is November 26, 2022.

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 Claim filed in this case by the Debtors, Lucia Morales and Kevin Henriquez Pleitez, 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 to Proof of Claim Number 3 of Santander Consumer USA d/b/a/ Chrysler Capital is sustained, and the date of purchase is November 26, 2022.

Final Ruling: No appearance at the November 12, 2025 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 48 days' notice was provided. Dkt. 37.

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 Confirm is granted.

The debtors filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 34) filed on September 26, 2025.

The Chapter 13 trustee filed a non-opposition on October 29, 2025. Dkt. 38.

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, Edgar and Theresa Morales, 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. 34) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. Debtor's counsel 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.

15. [25-23575](#)-C-13 LARHONDA SAUNDERS
[LS-1](#) Pro Se

CONTINUED MOTION TO VALUE
COLLATERAL OF ELITE V20
INVESTMENTS, LLC
7-15-25 [[10](#)]

No Tentative Ruling:

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

The Motion to Value is xxxxx.

The debtor filed this Motion seeking to value the portion of Elite V20 Investments, LLC's ("Creditor") claim secured by the debtor's property commonly known as 5321 Rockwell Road, North Highlands, CA (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$150,000.00. Declaration, Dkt. 12.

The Chapter 13 Trustee filed an opposition on July 29, 2025. Dkt. 16. The Trustee represents Creditor was listed as holding a second mortgage on the property in the amount of \$123,733.04. The Trustee asserts that Debtor has put an inconsistent value on the property on her Schedule A/B and Schedule D, and the higher value of \$309,600.00 would provide enough equity for the second lien of Creditor to attach to.

The debtor filed a response (Dkt. 21) on August 6, 2025, admitting there was a typographical error on her schedules, which she corrected. Additionally, debtor contends that she had a realtor visit the property and concluded the value of the property is no more than \$120,000.00.

PRIOR HEARING

At the prior hearing on September 9, 2025, Creditor Elite V20 Investments appeared and opposed the motion. Creditor represented it would like the ability to appraise the property and the motion was continued to allow the Creditor to appraise the property.

OPPOSITION

Creditor Elite V20 Investments filed an opposition on October 17, 2025 representing that its appraisal assigned a value to the property of \$215,000.00. Declaration of Bart Nathan, Dkt. 35.

DISCUSSION

Rule 9014(d) provides that testimony of witnesses with respect to disputed material factual issues shall be taken in the same manner as testimony in an adversary proceeding. Because there is a disputed material fact, the Matter must be set for evidentiary hearing.

Upon review of the record, the court finds the value of the Property is xxx. There are \$163,028.47 of senior liens encumbering the Property. Therefore, Creditor's secured claim is determined to be \$xxx. 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 **xxxxxxxxxx**

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 only 24 days' notice was provided. Dkt. 32.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Fourth Amended Chapter 13 Plan (Dkt. 26) filed on October 7, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 37) on October 28, 2025, opposing confirmation on the following grounds:

1. Not enough notice was provided;
2. The proof of service was not filed as a separate document and did not use the Official Certificate of Service;
3. Plan not served on all creditors;
4. There is no declaration from the debtor in support of the motion;
5. The attorney's fees are more than allowable under local rules;
6. The plan is unable to pay the full arrearages to Class 1 claims;
7. The plan proposes paying Creditor Bridgecrest Acceptance as a class 1 and class 4 claimant;
8. The plan does not provide for the secured claim filed by the Franchise Tax Board;
9. The plan does not provided for the claim of Medallion Bank;
10. The debtor has not provided proof of payment to Mr. Cooper as purported; and
11. Debtor is unable to make plan payments.

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 claims 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 what the debtor's schedules show he can make. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c)(4)(A) states that debtor's counsel is only entitled to 25% of fees paid prior to the filing and another 25% as of confirmation of the plan. Local Rule 2016-1(c)(4)(B) states that the Chapter 13 trustee shall pay debtor's counsel equal monthly installments over the term of the plan. The plan's provision appears to pay counsel the entire fee amount upon confirmation, which does not follow the local rule on payment of counsel's fees, this is reason to deny confirmation.

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, Jonathon Navarrete, 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.

17. [25-25688](#)-C-13 ANDREA MURPHY
[MS-1](#) Mark Shmorgon

MOTION TO VALUE COLLATERAL OF
ALLY BANK
10-15-25 [[8](#)]

Final Ruling: No appearance at the November 12, 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 29 days' notice was provided. Dkt. 11.

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 Ally Credit's ("Creditor") claim secured by the debtor's property commonly known as 2018 Mitsubishi Mirage ES Hatchback 4D (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$5,096.00. Declaration, Dkt. 10.

The Chapter 13 Trustee filed a notice of non-opposition on October 28, 2025. Dkt. 12.

DISCUSSION

The lien on the Vehicle's title secures a purchase-money loan incurred on August 17, 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 \$5,096.00. Therefore, Creditor's secured claim is determined to be \$5,096.00. 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 Ally Credit ("Creditor") secured by property commonly known as 2018 Mitsubishi Mirage ES Hatchback 4D (the "Property") is determined to be a secured claim in the amount of \$5,096.00, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

18. [23-24590](#)-C-13 JON FENTON
[DPC](#)-4 D. Randall Ensminger

CONTINUED MOTION TO DISMISS
CASE
8-14-25 [[154](#)]

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 54 days' notice was provided. Dkt. 157.

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 \$3,280.00 delinquent in plan payments, which is supported by declaration. Dkt. 156.

The Chapter 13 Trustee filed a status report (Dkt. 165) on November 4, 2025, representing no further payments have been made and the debtor is delinquent over four payments.

Failure to 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 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.

19. [24-24390](#)-E-13 TARRA WASILCHEN
[NOS](#)-3 Peter Cianchetta

MOTION FOR RELIEF FROM
AUTOMATIC STAY
10-14-25 [[91](#)]

DAVID CHAPMAN VS.

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 29 days' notice was provided. Dkt. 106.

The Motion for Relief from the Automatic Stay is granted.

David Bruce Chapman ("Movant") filed this Motion seeking relief from the automatic stay to allow Case No. 23-CV034628-590 in Mecklenburg County, North Carolina (the "Litigation") to be concluded.

Movant argues that this is a family law matter that needs to be resolved, including the amounts of any spousal support or child custody issues, before a plan can be confirmed. Declaration, Dkt. 103.

Debtor filed a notice of non-opposition (Dkt. 107) on October 15, 2025, agreeing that relief should be granted so the Litigation can proceed and Mecklenburg County Family Court could continue.

The Chapter 13 Trustee filed a statement of non-opposition on October 28, 2025. Dkt. 108.

DISCUSSION

The court may grant relief from stay for cause when it is necessary to allow litigation in a nonbankruptcy court. 3 COLLIER ON BANKRUPTCY ¶ 362.07[3][a] (Alan N. Resnick & Henry J. Sommer eds. 16th ed.). The moving party bears the burden of establishing a prima facie case that relief from the automatic stay is warranted, however. *LaPierre v. Advanced Med. Spa Inc. (In re Advanced Med. Spa Inc.)*, No. EC-16-1087, 2016 Bankr. LEXIS 2205, at *8-9 (B.A.P. 9th Cir. May 23, 2016). To determine "whether cause exists to allow litigation to proceed in another forum, 'the bankruptcy court must balance the potential hardship that will be incurred by the party seeking relief if the stay is not lifted against the potential prejudice to the debtor and the bankruptcy estate.'" *Id.* at *9 (quoting *Green v. Brotman Med. Ctr., Inc. (In re Brotman Med. Ctr., Inc.)*, No. CC-08-1056-DKMo, 2008 Bankr. LEXIS 4692, at *6 (B.A.P. 9th Cir. Aug. 15, 2008)) (citing *In re Aleris Int'l, Inc.*, 456 B.R. 35, 47 (Bankr. D. Del. 2011)). The basis for such relief under 11 U.S.C. § 362(d)(1) when there is pending litigation in another forum is predicated on factors of judicial economy, including whether the suit involves multiple parties or is ready for trial. See *Christensen v. Tucson Estates, Inc. (In re Tucson Estates, Inc.)*, 912 F.2d 1162 (9th Cir. 1990); *Packerland Packing Co. v. Griffith Brokerage Co. (In re Kemble)*, 776 F.2d 802 (9th Cir. 1985); *Santa Clara Cty. Fair Ass'n v.*

Sanders (In re Santa Clara Cty. Fair Ass'n), 180 B.R. 564 (B.A.P. 9th Cir. 1995); *Truebro, Inc. v. Plumberex Specialty Prods., Inc. (In re Plumberex Specialty Prods., Inc.)*, 311 B.R. 551 (Bankr. C.D. Cal. 2004).

The court finds that the nature of the Litigation warrants relief from stay for cause.

The court shall issue an order modifying the automatic stay as it applies to Debtor to allow Movant to continue the Litigation. The automatic stay is not modified with respect to enforcement of the judgment against the debtor, the Chapter 13 Trustee, or property of the bankruptcy estate. Any judgment obtained shall be submitted to this court for the proper treatment of any claims arising under the Bankruptcy Code.

No other or additional relief is granted by the court.

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 Relief from the Automatic Stay filed by David Bruce Chapman ("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 modified as applicable to the debtors 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 to proceed with litigation in Case No. 23-CV034628-590 in Mecklenburg County, North Carolina.

IT IS FURTHER ORDERED that the automatic stay is not modified with respect to enforcement of any judgment the debtor, the Chapter 13 Trustee, or property of the bankruptcy estate. Any judgment obtained by Movant shall be submitted to this court for the proper treatment of any claims arising under the Bankruptcy Code.

No other or additional relief is granted.

20. [24-21091](#)-E-13 KIANA ZAMORA

[DPC](#)-4

Joshua Sternberg

CONTINUED MOTION TO
DISMISS
CASE
9-12-25 [[104](#)]

Thru #21

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 25 days' notice was provided. Dkt. 107.

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

The Motion was continued from the prior hearing to be heard at the same time and Debtor's motion to confirm plan below.

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 May 12, 2025.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 102.

The Motion also argues debtor is \$681.34 delinquent in plan payments, which is supported by declaration. Dkt. 106.

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 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)(1) procedure which requires 35 days' notice. The Proof of Service shows that 44 days' notice was provided. Dkt. 113.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Amended Chapter 13 Plan (Dkt. 112) filed on September 30, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 116) on October 29, 2025, 2023, opposing confirmation on the following grounds:

1. Debtor is unable to afford to make the plan payments; and
2. The plan does not include a provision to pay attorney's fees.

The debtor filed a response (Dkt. 120) on November 4, 2025, asserting that the plan is feasible and the debtor has amended her Schedule J. Additionally, debtor will not pay counsel through the plan, but will pay the balance of attorney's fees at the end of the plan.

DISCUSSION

The debtor has not demonstrated the plan is feasible because the plan terms require a higher payment than what the debtor's schedules show he can make. That is reason to deny confirmation. 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, Kiana Zamora, 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.