



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

November 25, 2025 at 1:30 p.m.

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

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

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

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

Please also note the following:

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

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

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

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

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

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

November 25, 2025 at 1:30 p.m.

1. [23-22423](#)-C-7 DANIEL ROLLERI MOTION FOR RELIEF FROM
 [PJK](#)-6 Candace Brooks AUTOMATIC STAY
 10-24-25 [[31](#)]

NEWREZ LLC VS.
CASE CONVERTED: 11/10/25

**This matter is continued to December 30, 2025 at 10:00 a.m. No appearance at the
November 25, 2025 hearing is necessary.**

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 48 days' notice was provided. Dkt. 70.

The Motion to Modify is denied.

The debtor filed this Motion seeking to confirm the Modified Chapter 13 Plan (Dkt. 68) filed on October 8, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 71) on October 24, 2025, opposing confirmation on the following grounds:

1. The plan is not feasible.

DISCUSSION

The plan mathematically requires a payment of \$1,232.26 per month, which is greater than the proposed \$1,133.00 payment.

The debtor has not demonstrated the plan is feasible because the claims filed in the case are greater than scheduled. 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, 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, Misty Aduna, 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.

3. [25-23172](#)-C-13 RAUL BERUMEN
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
10-28-25 [[31](#)]

Tentative Ruling:

The Objection has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 28 days' notice was provided. Dkt. 34.

The Objection to Confirmation of Plan is sustained.

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

1. The plan fails the liquidation test;
2. The debtor's Disclosure of Compensation of Attorney for Debtor is inconsistent with the amount to be paid the debtor's attorney through the plan; and
3. Schedules I & J must be amended to account for non-filing spouses income and debtor's payment towards the monthly mortgage payment.

DEBTOR'S OPPOSITION

The debtor filed an Opposition on November 18, 2025. Dkt. 39. Debtor represents Schedule C, I & J and Statement of Financial Affairs have been amended. Additionally, the Disclosure of Compensation of Attorney for Debtor has been amended. Debtor asserts that a current mortgage statement has been provided to the Trustee.

DISCUSSION

The debtor may have non-exempt assets due to an incorrect homestead exemption amount, and the amount owing on the mortgage on the property, which may provide for non-exempt assets that may be used to pay unsecured creditors. 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, Lilian Tsang, 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. [25-20180](#)-C-13 RANDALL/ROXANN WELKER MOTION TO SELL
[PSB](#)-3 Pauldeep Bains 10-27-25 [[42](#)]

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 21 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 46.

The Motion to Sell is ~~xxxxxx~~.

Debtors Randall and Roxann Welker filed this Motion pursuant to 11 U.S.C. §§ 363 and 1303 seeking to sell property commonly known as 22978 Purdon Rd., Nevada City, CA ("Property").

The proposed purchaser of the Property are Steven and David Whittlesey, and the proposed purchase price is \$200,000.00. The proposal is for the debtors to receive \$100,000.00 as an initial deposit and then carry the remaining balance of \$100,000.00 for a term of 10 years and receiving \$1,000.00 per month.

TRUSTEE'S OPPOSITION

The Chapter 13 Trustee filed an opposition on November 14, 2025. Dkt. 47. The Trustee represents that the confirmed plan requires that a balloon payment is needed to pay the Class 1 and 2 claims, and the amount to be received is not enough to pay off those claims.

The Trustee also asserts that the property was not claimed exempt on debtors' Schedule C and all non-exempt proceeds must be turned over to the Trustee. Additionally, the Trustee represents the confirmed Plan requires the debtors to use a real estate agent to sell the property, which they have not done here.

DISCUSSION

At the time of the hearing, the court announced the proposed sale and requested that all other persons interested in submitting overbids present them in open court. At the hearing, the following overbids were presented in open court: ~~xxxxxxxxxxxxxxxx~~.

Based on the evidence before the court ~~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 Motion to Sell Property filed by Randall and Roxann Welker ("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 ~~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 43 days' notice was provided. Dkt. 79.

The Motion to Confirm is denied.

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 77) filed on October 13, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 85) on October 17, 2025, opposing confirmation on the following grounds:

1. The month 1 plan payment of \$0 does not provide enough for all monthly payments to secured creditors.

Debtor filed a response (Dkt. 89) on November 11, 2025, contending that the Trustee has enough money on hand for the plan to be feasible.

The Trustee filed a reply (Dkt 90) on November 14, 2025. The Trustee asserts that although payments on the Class 1 claim are current, there are not enough funds to bring current the claims for attorney's fees, Class 2 claim of Sacramento County Tax Collector, or the prepetition arrears claim.

Additionally, the trustee contends that the debtor is now delinquent in plan payments.

DISCUSSION

The plan mathematically requires a payment of \$1,275.85 per month, which is greater than the proposed payment.

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

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, Rondell Daniel, 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.

6. [23-22084](#)-C-13 BRIAN/STEPHANIE PACE
[EJS](#)-2 Eric Schwab

MOTION TO VACATE DISMISSAL OF
CASE
11-10-25 [[71](#)]

DEBTORS DISMISSED: 10/22/25

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 15 days' notice was provided. Dkt. 75.

The Motion to Vacate is granted, and the Order dismissing case (Dkt. 68) is vacated.

Debtors Brian and Stephanie Pace filed this Motion seeking to vacate this court's Order (Dkt. 68) dismissing the case on the basis that debtor has now acquired a full time job with regular pay and overtime.

The court issued its Order dismissing the case after debtors became delinquent in plan payments.

APPLICABLE LAW

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

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

FED. R. CIV. P. 60(b). A Rule 60(b) motion may not be used as a substitute for a timely appeal. *Latham v. Wells Fargo Bank, N.A.*, 987 F.2d 1199, 1203 (5th Cir. 1993). The court uses equitable principles when applying Rule 60(b). See 11 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2857 (3d

ed. 1998). The so-called catch-all provision, Federal Rule of Civil Procedure 60(b)(6), is "a grand reservoir of equitable power to do justice in a particular case." *Uni-Rty Corp. V. Guangdong Bldg., Inc.*, 571 F. App'x 62, 65 (2d Cir. 2014) (citation omitted). While the other enumerated provisions of Rule 60(b) and Rule 60(b)(6) are mutually exclusive, relief under Rule 60(b)(6) may be granted in extraordinary circumstances. *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 863 & n.11 (1988).

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

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

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

DISCUSSION

The motion was filed within a reasonable amount of time and the debtors now have the income to not only continue the make plan payments, but to also cure the delinquent amounts. The court is persuaded that justice is served by vacating the dismissal order and reinstating the case.

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

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

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

IT IS ORDERED that the Motion is granted, and the Order dismissing the case (Dkt. 68) is vacated.

7. [25-22891](#)-C-13 KENNETH DONOHUE MOTION TO CONFIRM PLAN
[PGM](#)-1 Peter G. Macaluso 10-21-25 [[71](#)]

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 35 days' notice was provided. Dkt. 75.

The Motion to Confirm is denied without prejudice as moot.

The debtor filed this Motion on October 21, 2025. Thereafter, an order converting the case to a proceeding under Chapter 7 was entered. Dkt. 85.

The case no longer being under Chapter 13, the Motion shall be denied as moot.

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

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

The Motion to Confirm filed by the debtor, Kenneth Donohue ("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 denied without prejudice as moot.