

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: December 2, 2025

CALENDAR: 1:00 P.M. CHAPTER 13

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

December 2, 2025 at 1:00 p.m.

- | | | | |
|----|--|---------------------------------------|---|
| 1. | <u>25-24702</u> -B-13 <u>LGT</u> -1 | GUILLERMO CERVANTES Robert W. Fong | CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY LILIAN G. TSANG 10-8-25 [<u>13</u>] |
|----|--|---------------------------------------|---|

CONTINUED TO 1/06/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 12/17/25.

Final Ruling

No appearance at the December 2, 2025, hearing is required. The court will issue an
order.

December 2, 2025 at 1:00 p.m.

2. [25-25111](#)-B-13 NATHANIEL HART AND DARLA OBJECTION TO CONFIRMATION OF
[LGT](#)-1 JACKSON-HART PLAN BY LILIAN G. TSANG
Mohammad M. Mokarram 11-12-25 [[17](#)]
WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed September 19, 2025, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

3. [25-25317](#)-B-13 JANET RITTER
[LGT](#)-1 Pauldeep Bains

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
11-7-25 [[18](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

There being no other objection to confirmation, the plan filed October 13, 2025, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

4. [25-23319](#)-B-13 BRIAN/MICKIE JONES MOTION TO CONFIRM PLAN
[SSH](#)-1 Simran Singh Hundal 10-8-25 [[30](#)]

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 nonopposition. *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. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

5. [25-25826](#)-B-13 ABUBACARR SAHO OBJECTION TO CONFIRMATION OF
 [RAS](#)-1 Cindy Lee Hill PLAN BY DEUTSCHE BANK NATIONAL
 TRUST COMPANY
 11-3-25 [[19](#)]

CONTINUED TO 1/06/25 AT 1:00 P.M. TO BE HEARD AT THE SCHEDULED CONFIRMATION HEARING
DATE AND AFTER THE MEETING OF CREDITORS SET FOR 12/03/25.

Final Ruling

No appearance at the December 2, 2025, hearing is required. The court will issue an
order.

6. [24-90327](#)-B-13 JOSEPH NEITH
[WLG](#)-2 Michael T. Reid

MOTION TO MODIFY PLAN
10-17-25 [[48](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 nonopposition. *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 permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtor has filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

7. [25-22928](#)-B-13 LITA BELLAMY CONTINUED OBJECTION TO
Thru #8 Peter G. Macaluso CONFIRMATION OF PLAN BY HRC
ISLANDER LLC
7-29-25 [[17](#)]

CONTINUED TO 1/06/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 12/18/25.

Final Ruling

No appearance at the December 2, 2025, hearing is required. The court will issue an order.

8. [25-22928](#)-B-13 LITA BELLAMY CONTINUED OBJECTION TO
LGT-1 Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN
G. TSANG
7-30-25 [[21](#)]

CONTINUED TO 1/06/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 12/18/25.

Final Ruling

No appearance at the December 2, 2025, hearing is required. The court will issue an order.

9. [25-25234](#)-B-13 MARIA SISNEROZ
[LGT](#)-1 Natali A. Ron

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
11-10-25 [[13](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). A written reply has been filed to the objection.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

The Chapter 13 Trustee objects to confirmation on grounds that Debtor is delinquent \$440.00 through and including October 25, 2025, and an additional plan payment of \$440.00 was due November 25, 2025. Additionally, at the meeting of creditors, Debtor indicated she gifted her son \$6,000.00 in 2024. The Statement of Financial Affairs at question no. 13 fails to disclose the gift.

Debtor filed a response on December 1, 2025, stating that she has paid \$880.38 thus bringing her plan current, and has filed amended Statement of Financial Affairs on November 26, 2025, to disclose the gift to her son.

The plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed September 25, 2025, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

10. [25-90337](#)-B-13 ERLINDA RAMOS
[FI-1](#) Fred A. Ihejirika

MOTION TO CONFIRM PLAN
10-23-25 [[27](#)]

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 nonopposition. *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). Paragraph 2.01 of Debtor's plan provides for an average plan payment of \$1,356.67 per month. Debtor has failed to provide admissible evidence that the plan is mathematically feasible. The current plan payment proposal causes the plan to take 86 months to fund. Calculations indicate that Debtor's plan payment will need to be at least \$1,595.55 per month for the plan term of 60 months in order for the plan to be feasible.

Second, amended documents are required from Debtor explaining the discrepancy between charitable contributions listed in amended Form 122C-2 and amended Schedule J, and the discrepancy between vacation expenses between Form 122C-2 and amended Schedule J.

Third, feasibility of the plan cannot be determined due to the unclear monthly contract installment owed to Advance Financial/Grand Pacific Marbrisa Owner's Assoc/Hilton HGV. Additional documentation is required from Debtor.

Fourth, appropriate classification of Bridgecrest Acceptance Corp. for a 2010 Honda Civic cannot be determined. Additional documentation is required from Debtor.

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.

11. [25-25140](#)-B-13 DIANE BARNES
[LGT](#)-1 Peter G. Macaluso

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
11-7-25 [[17](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection 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.

There being no other objection to confirmation, the plan filed October 6, 2025, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

12. [25-25245](#)-B-13 SONAL VYAS
[LGT](#)-1 Carl R. Gustafson

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
11-10-25 [[19](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

being no other objection to confirmation, the plan filed September 25, 2025, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

13. [25-24547](#)-B-13 ANGELA CLEMENTS CONTINUED OBJECTION TO
[LGT](#)-1 Simran Singh Hundal CONFIRMATION OF PLAN BY LILIAN
G. TSANG
10-9-25 [[22](#)]

CONTINUED TO 1/06/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 12/17/25.

Final Ruling

No appearance at the December 2, 2025, hearing is required. The court will issue an
order.

14. [20-23354](#)-B-13 JOHNELLE GRAZE
[LGT](#)-1 Kathleen H. Crist

OBJECTION TO DISCHARGE BY
LILIAN G. TSANG
10-31-25 [[49](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection to discharge, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

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

The court will issue an order.

15. [25-24069](#)-B-13 SERGIO LEDEZMA GUERRERO CONTINUED OBJECTION TO
[LGT](#)-1 Donald Iwuchukwu CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-11-25 [[12](#)]

Final Ruling

The *initial* Chapter 13 Plan filed August 3, 2025, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to continue the hearing to December 9, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.

First, Debtor has not filed all required tax returns for all taxable periods ending during the 4-year period ending on the petition filing date. According to the letter received from the Internal Revenue Service Debtor did not file tax returns for 2022.

Second, the proposed plan lists Selene Finance as a Class 1 claim holder, holding a lien encumbering Debtor's residence with arrears of \$13,500.00. However, proof of claim no. 4-2 filed by Selene Finance lists arrears in the amount of \$20,376.90. Absent a sustained objection to the proof of claim, the plan does not properly provide for the full amount of the arrears.

Third, the proposed plan provides for \$2,500.00 toward priority claims, which according to Schedule E are for the benefit of the Internal Revenue Service. However, proof of claim no. 3-1 filed by the Internal Revenue Service asserts that the Debtor owes \$12,008.93 in priority debt, and proof of claim no. 2-1 filed by the Franchise Tax Board asserts \$295.77 in priority debt. The proposed plan is not feasible to provide for the full amount of priority claims as filed.

The plan does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on December 5, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained 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 December 9, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on December 9, 2025, at 1:00 p.m.

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

The court will issue an order.

16. [25-25175](#)-B-13 LAURA BURSEE
[CYB-1](#) Candace Y. Brooks
Thru #17

MOTION TO VALUE COLLATERAL OF
ONEMAIN FINANCIAL GROUP, LLC
11-9-25 [[13](#)]

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 value the secured claim of OneMain Financial Group, LLC at \$0.00 and continue the matter to December 9, 2025, at 1:00 p.m.

Debtor moves to value the secured claim of OneMain Financial Group, LLC ("Creditor"). Debtor is the owner of a 2018 Nissan Altima ("Vehicle"). Debtor seeks to value the Vehicle at a replacement value of \$7,700.00 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. 4-1 filed by OneMain Financial Group, LLC is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title does not secure a purchase-money loan and instead was a lien against the Vehicle in exchange for a loan of \$15,963.58. Because of this, the requirement that the loan be incurred more than 910 days prior to filing of the petition is not applicable. 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 \$7,700.00. 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.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on December 5, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtor, the Debtor's attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained 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 December 9, 2025, at 1:00 p.m. will be vacated.

If a response is timely filed and served, the court will hear the objection on December 9, 2025, at 1:00 p.m.

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

The court will issue an order.

17. [25-25175](#)-B-13 LAURA BURSEE
[LGT](#)-1 Candace Y. Brooks

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
11-10-25 [[16](#)]

Final Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankr. R. 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankr. R. 9014-1(f)(1)(C). No written reply has been filed to the objection.

All objections have been resolved and the court has determined that oral argument is not necessary. See Local Bankr. R. 1001-1(f), 9014-1(h). This matter will be decided on the papers. No appearance at the hearing is necessary.

The court's decision is to overrule the objection and confirm the plan.

The Chapter 13 Trustee objected to confirmation on grounds that failed to list the secured claim of U.S. Department of Housing and Urban Development on Schedule D and that feasibility of the plan depended on the outcome of a motion to value collateral of OneMain Financial Group, LLC.

Debtor filed amended Schedule D and the motion to value collateral was conditionally granted at Item #16, CYB-1.

Assuming no objection is filed to the court's granting of the motion to value collateral, CYB-1, the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The objection is overruled and the plan filed September 23, 2025, is confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

18. [23-23479](#)-E-13 ANTHONY/JANELLE IVANICH MOTION TO MODIFY PLAN
[MET](#)-1 Mary Ellen Terranella 10-16-25 [[41](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rule 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Non-opposition was filed by the Chapter 13 trustee. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to permit the requested modification and confirm the modified plan.

11 U.S.C. § 1329 permits a debtor to modify a plan after confirmation. The Debtors have filed evidence in support of confirmation. No opposition to the motion was filed by the Chapter 13 Trustee or creditors. The modified plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329, and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

19. [25-25386](#)-B-13 HUGO/LOYDA GUTIERREZ
[LGT](#)-1 Carl R. Gustafson

OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
11-7-25 [[15](#)]

Final Ruling

The objection to confirmation was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Nonetheless, the court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to overrule the objection as moot.

Subsequent to the Chapter 13 Trustee filing its objection, Debtors filed an amended plan on November 20, 2025. The confirmation hearing for the amended plan is scheduled for January 13, 2026. The earlier plan filed September 30, 2025, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

20. [25-22890](#)-B-13 MICHAEL TRISBY
[DEI](#)-1 Donald Iwuchukwu

MOTION FOR COMPENSATION FOR
DONALD IWUCHUKWU, DEBTORS
ATTORNEY(S)
8-11-25 [[25](#)]

DEBTOR DISMISSED: 06/30/25

Final Ruling

Before the court is a motion for compensation filed by Donald Iwuchukwu ("Counsel"), the attorney for Chapter 13 debtor Michael Trisby ("Debtor"). The court has reviewed the motion and all related documents. The court has also reviewed and takes judicial notice of the docket. See Fed. R. Evid. 201(c)(1). Oral argument is not necessary and will not assist in the decision-making process. See Local Bankr. R. 1001-1(f), 9014-1(h). For the reasons explained below, the motion will be granted in part and denied in part.

This Chapter 13 case was filed on June 10, 2025. It was dismissed twenty days later on June 30, 2025, due to incomplete filing of documents.

The Disclosure of Compensation of Attorney for Debtor(s) states that Debtor paid Counsel \$1,900.00 pre-petition.

On June 24, 2025, Debtor informed Counsel that he no longer desired to continue with his Chapter 13 case, he no longer wanted to retain real property that was subject to foreclosure when the petition was filed, and he wanted his Chapter 13 case dismissed. Counsel filed a motion to dismiss on June 25, 2025. The clerk's order of June 30, 2025, dismissing this case for failure to timely file documents mooted Debtor's motion to dismiss.

Counsel's hourly rate is \$500.00. Counsel states he provided a total of 8.20 hours of legal services. Counsel also states he seeks only the \$1,900.00 paid pre-petition, and that he has discounted his fees by \$2,018.00.

Counsel's billing statements reflect the following pre-petition services:

| Date | Work Performed | Hours | Rate | Employee | Total |
|--------|--|-------|----------|---------------------------|----------|
| 6/9/25 | Initial Consultation | 0.60 | \$500.00 | DI (attorney) | \$300.00 |
| 6/9/25 | Researched property title profile & retrieved Notice of Trustee's Sale | 0.30 | \$250.00 | EAC (paralegal & realtor) | \$75.00 |
| 6/9/25 | Messenger svc to Debtor | 1.00 | \$100.00 | CM (legal secretary) | \$100.00 |

As an initial matter, Counsel's hourly rate of \$500.00 is not reasonable because it is not consistent with the reasonable hourly rates charged by similar consumer bankruptcy attorney's in this district. See *In re Lupekha*, 2024 WL 1146610, *3 (Bankr. E.D. Cal., March 14, 2024). The court will therefore adjust Counsel's hourly rate to a reasonable rate of \$375.00 for purposes of this motion. The paralegal and legal secretary hourly rates are reasonable and therefore need no adjustment.

The \$1,900.00 Counsel received from Debtor pre-petition and that he now requests to retain is also not reasonable because it is significantly disproportionate to the pre-petition services Counsel provided Debtor.

Subject to the adjustments noted above, the court will allow Counsel compensation in the total amount of \$400.00 for pre-petition services, calculated as follows: (1) attorney @ \$375.00/hr. x .60 = \$225.00; (2) paralegal at \$250.00/hr. x .30 = \$75.00; and (3) legal secretary @ \$100.00/hr. x 1.00 = \$100.00.

By **December 9, 2025**, Counsel shall return \$1,500.00 to Debtor and file proof that funds have been returned.

The motion is ORDERED GRANTED IN PART AND DENIED IN PART for the 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 nonopposition. *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, Debtor is delinquent \$60.00. A total of \$4,100.00 has come due through and including September 2025, and Debtor has only paid a total of \$4,040.00 to date. Additional monthly plan payments of \$820.00 were due on October 25, 2025, and November 25, 2025. 11 U.S.C. § 1325(a)(6).

Second, according to the proposed plan, Debtor is surrendering the first deed of trust on 69 Winton Road held by Wilmington Savings Fund Society FSB. However, Debtor's amended Schedule J still reflects a mortgage payment of \$775.34 on Line 4. Should the Debtor choose to move forward with the surrender of 69 Winton Road then Schedule J must be amended to remove the mortgage expense.

Third, the plan provides for the payment of fees in excess of the fixed compensation allowed in Local Bankruptcy Rule 2016-1(c). Section 3.06 lists attorney's fee dividend of \$250.00. Per Local Rule 2016-1(c)(4)(C), the attorney fee balance should be paid in equal monthly installments over the term of the most recently confirmed plan. The attorney fee dividend will need to be reduced to \$150.00 per month for 60 months now that the plan term has increased from 36 to 60 months.

Fourth, Debtor has filed a stipulation resolving a motion to value collateral of Franklin Credit Management Servicing. However, this motion to value was on the real property listed at 69 Winton Road, West Point, California 95255, and the stipulation attached with the Order Approving has an incorrect collateral address of 26772 Elmore Court, Pioneer, California 95666.

Fifth, Schedule C improperly asserts a homestead exemption in three separate properties, two of which are not Debtor's principal dwelling. The court sustained the Chapter 13 Trustee's objection to exemptions, LGT-3, on November 19, 2025.

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.

22. [24-22492](#)-B-13 SHANA BRADLEY
[PGM](#)-3 Peter G. Macaluso

MOTION TO MODIFY PLAN
10-13-25 [[100](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 nonopposition. *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 permit the requested modification and not confirm the modified plan.

Creditors Hughes Federal Credit Union and Steven B. Jacques have not been noticed of Debtor's proposed changes and have not agreed to the treatment that Debtor proposes in his response, dkt. 108. Additionally, Debtor's proposed changes fail to cure the delinquency that remains on the above referenced claims.

Separately, a Declaration of Susan S. Gallant Trustee of Creditor T&S Bluestone Trust seemingly requests that the court foreclose on an unnamed real property. The court does not grant such relief in a motion to modify plan.

The modified plan does not comply with 11 U.S.C. §§ 1322 and 1325(a) and is not confirmed.

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

The court will issue an order.

23. [25-23794](#)-B-13 AUDEL/MERRYCLAIRE
[DAB](#)-2 VALENCIA
David A. Boone

MOTION TO CONFIRM PLAN
10-27-25 [[29](#)]

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 nonopposition. *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.

Debtors will not be able to make all payments under the plan and comply with the plan. 11 U.S.C. § 1325(a)(6). Monthly payments for months 1 through 3 total \$3,191.59 with the Chapter 13 Trustee's administrative fees. Debtors' plan payment is only \$1,316.00 per month in months 1 through 3. Accordingly, the plan is not feasible months 1 through 3.

Similarly, Debtors will not be able to make all payments under the plan for months 4 through 24. These monthly payments total \$3,760.68 with Trustee's administrative fees. Debtors' plan payment is only \$2,600.00 per month in months 4 through 24. 11 U.S.C. § 1325(a)(6).

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.

24. [25-25295](#)-B-13 STEPHEN/DEBORAH MADDING
[LGT](#)-1 Scott D. Shumaker
OBJECTION TO CONFIRMATION OF
PLAN BY LILIAN G. TSANG
11-10-25 [[15](#)]
WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its objection, the objection 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.

There being no other objection to confirmation, the plan filed September 29, 2025, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

25. [24-90698](#)-B-13 GRISEL OLIVEROS
[SSH](#)-3 Simran Singh Hundal

MOTION TO RECONSIDER DISMISSAL
OF CASE
11-11-25 [[64](#)]

DEBTOR DISMISSED: 10/30/25

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 grant the motion to reconsider dismissal of case.

Debtor moves to alter or amend the court's judgment under Fed. R. Civ. P. 59(e) applicable by Bankruptcy Rule 9023. The court had dismissed Debtor's bankruptcy case since an amended plan was not filed by the time the court had published its rulings for the October 28, 2025, hearing. However, Debtor contends that an amended plan was properly filed prior to the October 28, 2025, 1:00 p.m. hearing. A review of the court's docket shows that the amended plan was filed on October 27, 2025, at 7:36 p.m.

Discussion

Filed less than 14 days after the entry of judgment, the Debtor's motion is governed by Civil Rule 59(e) applicable by Bankruptcy Rule 9023. *First Ave. West Building, LLC v. James (In re Onecast Media, Inc.)*, 439 F.3d 558, 561-62 (9th Cir. 2006); *In re Zinnel*, 2012 WL 8022513, *1-2 (Bankr. E.D. Cal. 2012). There are four grounds on which a Civil Rule 59(e) motion may be granted: (1) to correct manifest errors of law or fact upon which the judgment rests; (2) to present newly discovered or previously unavailable evidence; (3) to prevent manifest injustice; or (4) if amendment is justified by an intervening change in controlling law. *Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011). Relief under Civil Rule 59(e) is "an extraordinary remedy which should be used sparingly." *Id.*

The second ground for relief is applicable here. Debtor presents evidence that an amended plan was filed prior to the hearing on the motion to dismiss case. This resolves the issue raised in the motion to dismiss case - that there was an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

The Debtor has demonstrated that extraordinary relief under Civil Rule 59(e) is warranted. Debtor's motion to reconsider dismissal of case is granted.

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

The court will issue an order.

26. [25-22498](#)-B-13 VILMA DELEON-MIRANDA AND CONTINUED AMENDED OBJECTION TO
[LGT](#)-1 JOSE MIRANDA-VACA CONFIRMATION OF PLAN BY LILIAN
Peter G. Macaluso G. TSANG
7-3-25 [[19](#)]

DEBTORS DISMISSED: 10/30/25

Final Ruling

The case having been dismissed on October 30, 2025, the objection to confirmation of plan is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reason stated in the minutes.

The court will issue an order.

27. [23-20710](#)-B-13 FREDERICK GROSS
[GSJ](#)-1 Grace S. Johnson

CONTINUED MOTION TO MODIFY PLAN
9-5-25 [[46](#)]

Final Ruling

This matter was continued from November 19, 2025. All issues raised in the Chapter 13 Trustee's objection to modification of the plan have been resolved. The modified plan filed September 5, 2025, complies with 11 U.S.C. §§ 1322 and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.

28. [25-25033](#)-B-13 JUAN VASQUEZ-RAMIREZ CONTINUED OBJECTION TO
[LGT](#)-1 Lars Fuller CONFIRMATION OF PLAN BY LILIAN
Thru #29 G. TSANG
10-24-25 [[13](#)]

CONTINUED TO 1/06/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 12/18/25.

Final Ruling

No appearance at the December 2, 2025, hearing is required. The court will issue an
order.

29. [25-25033](#)-B-13 JUAN VASQUEZ-RAMIREZ CONTINUED OBJECTION TO
[RAS](#)-1 Lars Fuller CONFIRMATION OF PLAN BY HSBC
BANK USA, NATIONAL ASSOCIATION
10-30-25 [[16](#)]

CONTINUED TO 1/06/26 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS
SET FOR 12/18/25.

Final Ruling

No appearance at the December 2, 2025, hearing is required. The court will issue an
order.

30. [25-23841](#)-B-12 SILVERDALE FARMS, INC. CONTINUED STATUS CONFERENCE RE:
[CAE](#)-1 David C. Johnston VOLUNTARY PETITION
7-25-25 [[1](#)]

ADVANCED TO 12/02/25 AT 11:00 A.M. TO BE HEARD WITH THE MOTION TO CONFIRM CHAPTER 12 PLAN.

Final Ruling

No appearance at the December 2, 2025, 1:00 p.m. hearing is required. The court will issue an order.

31. [25-24990](#)-B-13 REMARCABLE HILL CONTINUED OBJECTION TO
[LGT](#)-1 Peter G. Macaluso CONFIRMATION OF PLAN BY LILIAN
Thru #33 G. TSANG
10-27-25 [[38](#)]

Final Ruling

The case having been converted to one under chapter 7, the objection to confirmation of plan is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

32. [25-24990](#)-B-13 REMARCABLE HILL CONTINUED OBJECTION TO
[RDW](#)-3 Peter G. Macaluso CONFIRMATION OF PLAN BY ADAM L.
FURMAN AND DANA H. FURMAN,
TRUSTEE OF THE FURMAN FAMILY
TRUST
10-23-25 [[32](#)]

Final Ruling

The case having been converted to one under chapter 7, the objection to confirmation of plan is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

33. [25-24990](#)-B-13 REMARCABLE HILL CONTINUED OBJECTION TO
[RDW](#)-4 Peter G. Macaluso CONFIRMATION OF PLAN BY ROGER
E. LARSEN AND ELIZABETH E.
LARSEN, TRUSTEES OF THE LARSEN
FAMILY TRUST
10-23-25 [[35](#)]

Final Ruling

The case having been converted to one under chapter 7, the objection to confirmation of plan is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

34. [25-25118](#)-B-13 GRISEL SANTOS ACEVEDO
Arete Kostopoulos

CONTINUED ORDER TO SHOW CAUSE
FOR FAILURE TO UPDATE CONTACT
INFORMATION IN PACER
10-8-25 [[11](#)]

Final Ruling

A declaration was timely filed by 12:00 p.m. on December 1, 2025, in which Debtor's counsel, A. Rita Kostopoulos, states that an amended voluntary petition was filed on December 1, 2025, to reflect the addition of the word "Street" in the mailing address.

However, there is still an unresolved discrepancy between the email address listed on PACER (klg@kostopouloslawyers.com) and the amended petition (kalawecf@thekostopouloslawyers.com).

Counsel shall contact the clerk of court to inquire about resolving this problem. If the problem is fixed by Friday, December 5, 2025, counsel may file a declaration by 5:00 p.m. on Friday December 5, 2025, so stating. The hearing is continued to December 9, 2025, at 1:00 p.m. If no declaration is timely filed, counsel shall appear at the continued hearing.

No appearance is required on December 2, 2025, at 1:00 p.m.