



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher D. Jaime
Chief Bankruptcy Judge
Department B, Courtroom 32
501 I Street, 6th Floor
Sacramento, California

December 9, 2025 at 1:00 p.m.

Unless otherwise ordered, all matters before the Honorable Chief **Christopher Jaime** shall be simultaneously: (1) **In Person** at, **Sacramento Courtroom No. 32, 6th Floor** (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/RemoteAppearances>. 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.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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 9, 2025 at 1:00 p.m.

1. [25-22504](#)-B-13 RUBEN/ROSEMARIE ALVAREZ MOTION TO CONFIRM PLAN
[MMM](#)-1 Mohammad M. Mokarram 10-27-25 [[53](#)]

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 proposed plan provides for a secured claim held by the Internal Revenue Service as a Class 2(A) claim, with a balance of \$52,952.07 to be paid 7% interest. The plan proposes to pay \$500.00 per month toward the claim beginning in month 8. At \$500.00 per month, it would take 165.35 months to pay the claim in full, which is well beyond the plan's 60-month term.

Based on calculations, the monthly dividend needed to pay the Class 2(A) claim in full starting in month 8 would need to be \$1,184.00. This would require a monthly plan payment of \$2,468.70 starting in month 8. The plan payments are only \$1,900.00 per month for months 1 through 18.

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.

December 9, 2025 at 1:00 p.m.

2. [25-26508](#)-B-13 RASHPAL BANSAL
Joshua Sternberg

MOTION TO EXTEND AUTOMATIC STAY
11-25-25 [[10](#)]

Final Ruling

The motion to extend automatic stay was filed pursuant to Local Bankruptcy Rule 9014-1(f)(2). However, there is no certificate of service indicating that the motion and supporting documents were served. See Local Bankr. R. 9014-1(e). Accordingly, the motion to incur debt is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

3. [25-20228](#)-B-7 DANIEL BAKER MOTION TO MODIFY PLAN
 [DBJ](#)-3 Douglas B. Jacobs 10-10-25 [[64](#)]
CASE CONVERTED: 11/05/25

Final Ruling

The case having been converted to one under chapter 7, the motion to modify plan is denied as moot.

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

The court will issue an order.

4. [25-25028](#)-B-13 RONNIE/TOWANA JOHNSON
[SKI](#)-1 David C. Johnston

MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-3-25 [[30](#)]

SANTANDER CONSUMER USA INC.
VS.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 grant the motion for relief from automatic stay.

Santander Consumer USA Inc. dba Chrysler Capital ("Movant") seeks relief from the automatic stay with respect to an asset identified as a 2022 RAM 1500 (the "Vehicle"). The moving party has provided the Declaration of Christopher Little to introduce into evidence the documents upon which it bases the claim and the obligation owed by the Debtor.

The Little Declaration states that Debtors are delinquent a total of \$12,106.56 from unpaid monthly payments and late fees. The last payment was received on September 11, 2024 and applied to the July 2024 payment. The vehicle was impounded October 1, 2025, and Movant secured the Vehicle on October 10, 2025. The Vehicle is being held pending relief from stay.

From the evidence provided to the court, and only for purposes of this motion, the debt secured by this asset is determined to be \$34,387.67 and the value of the Vehicle is determined to be \$36,675.00 as stated in Claim No. 1-1 filed by Santander Consumer USA, Inc. The Vehicle is not listed in Debtors' schedules.

Discussion

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (B.A.P. 9th Cir. 1986); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985). The court determines that cause exists for terminating the automatic stay since the Debtors and the estate have not made post-petition payments. 11 U.S.C. § 362(d)(1); *In re Ellis*, 60 B.R. 432 (B.A.P. 9th Cir. 1985).

Additionally, once a movant under 11 U.S.C. § 362(d)(2) establishes that a debtor or estate has no equity, it is the burden of the debtor or trustee to establish that the collateral at issue is necessary to an effective reorganization. *United Savings Ass'n of Texas v. Timbers of Inwood Forest Associates. Ltd.*, 484 U.S. 365, 375-76 (1988); 11 U.S.C. § 362(g)(2). Based upon the evidence submitted, the court determines that there is no equity in the Vehicle for either the Debtors or the Estate. 11 U.S.C. § 362(d)(2). And no opposition or showing having been made by the Debtors or the Trustee, the court determines that the Vehicle is not necessary for any effective reorganization in this Chapter 13 case.

The court shall issue an order terminating and vacating the automatic stay to allow creditor, its agents, representatives and successors, and all other creditors having lien rights against the Vehicle, to repossess, dispose of, or sell the asset pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, to obtain possession of the asset.

There also being no objections from any party, the 14-day stay of enforcement under Rule 4001(a)(3) is waived.

No other or additional relief is granted by the court.

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

The court will issue an order.

Tentative Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 court's decision is to grant the motion to extend automatic stay.

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on May 15, 2025, for failure to make plan payments (case no. 23-22720). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was set for hearing within 30 days of the filing of the instant case. 11 U.S.C. § 362(c)(3)(B).

Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The subsequently filed case is presumed to be filed in bad faith if there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13. *Id.* at § 362(c)(3)(C)(i)(III). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-210 (2008). This court does not utilize the *Sarafoglou* factors as urged by the Debtor. See *In Re Sarafoglou*, 345 B.R. 19 (Bankr. D. Mass. 2006).

Debtor asserts that the present case was filed in order to stop a pending foreclosure. Debtor states that the prior case was dismissed because Debtor is the owner of a duplex property and her prior tenant, who resided on one side, vacated without notice and left Debtor with three months of unpaid rent totaling \$6,000, over \$12,000 in property damage, and \$4,000 in unpaid utility bills. Debtor was responsible for covering these unforeseen expenses, which significantly impacted her ability to stay current on the prior chapter 13 plan payments. Debtor states that her circumstances have since changed because she has secured a new tenant for the vacant unit and the tenant is able and committed to make timely rent payments.

The Debtor has sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The motion is granted and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

The court will issue an order.

6. [25-22850](#)-B-13 SORAYA GARCIA MOTION TO CONFIRM PLAN
 [JCK](#)-3 Kathleen H. Crist 10-28-25 [[53](#)]

CONTINUED TO 12/16/25 AT 1:00 P.M. DEBTOR SHALL FILE THE MISSING DECLARATION BY 5:00 P.M. WEDNESDAY 12/10/25. TRUSTEE'S RESPONSE DUE BY 5:00 P.M. FRIDAY 12/12/25.

Final Ruling

No appearance at the December 9, 2025, hearing is required. The court will issue an order.

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 grant the motion to incur debt.

The motion seeks permission to incur new debt in the amount of \$4,224.00 to cover essential maintenance and repair for a 2019 Subaru Forrester ("Vehicle"). Debtors state that the repairs are necessary to ensure the vehicle remains safe, reliable, and suitable for daily use. These repairs include replacement of all four tire pressure monitoring sensors, replacement of the front passenger CV axel, replacement of the cabin filter, replacement of the battery, replacement of rear brake components, and installation of four new sets of tires.

Debtors intend to obtain a loan from their 401(k)-retirement account to finance the expense. The total loan amount of \$4,224.00 will be paid at an interest rate of 8.2500% over 24 months at \$176.00 per month. The total loan cost will be \$4,814.00.

Debtors contend that they have the necessary income sufficient to cover the loan installment payments and maintain their plan payments as shown by the Amended Schedules I and J filed on October 29, 2025.

Discussion

A motion to incur debt is governed by Federal Rule of Bankruptcy Procedure 4001(c). *In re Gonzales*, No. 08-00719, 2009 WL 1939850, at *1 (Bankr. N.D. Iowa July 6, 2009). Rule 4001(c) requires that the motion list or summarize all material provisions of the proposed credit agreement, "including interest rate, maturity, events of default, liens, borrowing limits, and borrowing conditions." Fed. R. Bankr. P. 4001(c)(1)(B). Moreover, a copy of the agreement must be provided to the court. *Id.* at 4001(c)(1)(A). The court must know the details of the collateral as well as the financing agreement to adequately review post-confirmation financing agreements. *In re Clemons*, 358 B.R. 714, 716 (Bankr. W.D. Ky. 2007).

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

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

The court will issue an order.

8. [25-23756](#)-B-13 CHRISTINA MORONES CONTINUED MOTION TO DISMISS
[LGT](#)-2 Pro Se CASE
10-3-25 [[50](#)]

CONTINUED TO 1/13/26 AT 1:00 P.M. TO BE HEARD IN CONJUNCTION WITH THE MOTION TO MODIFY.

Final Ruling

No appearance at the December 9, 2025, hearing is required. The court will issue an order.

9. [25-24665](#)-B-13 JACQUELINE/OSCAR NAVARRO CONTINUED OBJECTION TO
[LGT](#)-1 Flor De Maria A. Tataje CONFIRMATION OF PLAN BY LILIAN
WITHDRAWN BY M.P. G. TSANG
10-14-25 [[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.

There being no other objection to confirmation, the plan filed August 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. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

10. [25-23376](#)-B-13 CHRISTINE/JERRY BRYANT OBJECTION TO DEBTOR'S CLAIM OF
[LGT](#)-2 Peter G. Macaluso EXEMPTIONS
10-31-25 [[29](#)]

Final Ruling

The objection has been set for hearing on at least 28-days the notice required by Local Bankruptcy Rule 9014-1(f)(1) and Federal Rule of Bankruptcy Procedure 4003(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). A response was filed.

The court has determined that oral argument will not assist in the decision-making process or resolution of the objection. 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 overrule as moot the objection to homestead exemption.

The Chapter 13 Trustee objects to Debtors' claim of exemptions on grounds that their listed homestead exemption of \$600,000.00 exceeds the \$440,750.00 median single-family home sale price in 2024 for Amador County. Therefore, Debtors' homestead exemption should be capped and allowed in an amount no greater than \$440,750.00.

Debtors filed a response stating that they have adjusted the exemption amount listed on Schedule C. A review of the court's docket shows that Debtors filed amended Schedule C to show an exemption amount of \$400,000. Dkt. 34.

The Trustee's objection is overruled.

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

The court will issue an order.

11. [25-24976](#)-B-13 SERGIO CASTELLANOS AND MOTION TO CONFIRM PLAN
[AF-1](#) MARICELA OSEGUERA 10-29-25 [[18](#)]
Nancy W. Weng

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, Debtors are delinquent \$358.81. A total of \$358.81 has come due through and including October 2025, and the Debtors have paid a total of \$0.00 to date. An additional plan payment of \$358.21 will come due on November 25, 2025.

Second, Section 3.05 of the originally filed Chapter 13 plan failed to make a selection as to compensation. Therefore, the attorney of record will need to seek approval of her fees through a fee application filed with the court. Local Bankr. R. 2016-1(c).

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.

12. [25-26180](#)-B-13 WALTER/NORA MENDEZ
[JCK](#)-1 Kathleen H. Crist

MOTION TO VALUE COLLATERAL OF
ALLY FINANCIAL, INC.
11-5-25 [[10](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 deny without prejudice the motion to value collateral.

Debtor moves to value the secured claim of Alley Financial, Inc. ("Creditor"). Debtors are the owners of a 2022 Jeep Grand Cherokee ("Vehicle"). Debtors seek to value the Vehicle at a replacement value of \$28,570.00 as of the petition filing date. As the owner, Debtors' 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. 1-1 filed by Ally Bank is the claim which may be the subject of the present motion.

Discussion

The court finds issue with Debtors' valuation. First, the declaration states that the valuation of the Vehicle is based on a Kelley Blue Book printout but this is a third-party industry source and, therefore, Debtors' opinion of value is based on hearsay. Fed R. Evid. 801-803; see also *In re Guerra*, 2008 WL 3200931, *2 n.4 (Bankr. E.D. Cal. 2008) ("Filed with Guerra's declaration was an unauthenticated document titled: 'Edmonds.com True Market Value Pricing Report.' The court has not considered this attachment in that it is inadmissible hearsay[.]"). Second, the motion states that the valuation is a "private party" value. This is the value in which a private party, who is not a retailer, could buy or sell a car. The standard here must be a retail valuation, taking into account the condition of the car. See 11 U.S.C. § 506(a).

In the Chapter 13 context, the replacement value of personal property used by debtors for personal, household or family purposes is "the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined." See 11 U.S.C. § 506(a)(2). The time value is determined is the date of filing of the petition without deduction for costs of sale or marketing. *Id.*

The Debtors have not persuaded the court regarding their position for the value of the Vehicle. The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

13. [19-25889](#)-E-13 KEVIN/KRISTY MACY
[DPC](#)-10 Peter G. Macaluso

CONTINUED MOTION TO DISMISS
CASE
10-10-25 [[178](#)]

Final Ruling

This matter was continued from November 25, 2025, to provide debtors Kevin Macy and Kristy Macy ("Debtors") additional time to become current on plan payments. Debtors are in month 75 of their 84-month CARES Act plan. As of December 8, 2025, Debtors are still delinquent \$7,112.55 in plan payments.

Given the aforementioned, cause exists to dismiss this case. The motion is granted and the case will be dismissed.

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

The court will issue an order.

14. [25-24291](#)-B-13 ALMA NUNEZ AND ENRIQUE MOTION TO CONFIRM PLAN
[FAT-2](#) GARCIA 10-23-25 [[35](#)]
Thru #17 Flor De Maria A. Tataje

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 confirm the first amended plan.

The Chapter 13 Trustee objects to confirmation of the plan on grounds that feasibility depends on the granting of motions to value for Harley-Davidson Credit Corp., Valley Strong Credit Union, and Mechanics Bank Auto Finance. Those motions to value are granted at Items #15 through 17, FAT-3, FAT-4, FAT-5. This resolves the objection to confirmation.

The amended plan complies with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is confirmed.

The motion is ORDERED GRANTED for reasons stated in the minutes. An appropriate order confirming the Chapter 13 plan shall be prepared consistent with the current practice of the Chapter 13 Trustee assigned to the case and the proposed order shall be submitted to the court.

The court will issue an order.

15. [25-24291](#)-B-13 ALMA NUNEZ AND ENRIQUE MOTION TO VALUE COLLATERAL OF
[FAT-3](#) GARCIA HARLEY DAVIDSON CREDIT CORP.
Flor De Maria A. Tataje 11-7-25 [[41](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 value the secured claim of Harley Davidson Credit Corp. at \$26,000.00.

Debtors move to value the secured claim of Harley Davidson Credit Corp. ("Creditor"). Debtors are the owner of a 2022 Harley Davidson FLTRXS Road Glide Special Motorcycle ("Vehicle"). Debtor seeks to value the Vehicle at a replacement value of \$26,000.00 as of the petition filing date. As the owner, Debtors' 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. 20-1 filed by Harley-Davidson Credit Corp. is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on August 6, 2022, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$34,451.86. Therefore, 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 \$26,000.00. 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.

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

The court will issue an order.

16. [25-24291](#)-B-13 ALMA NUNEZ AND ENRIQUE MOTION TO VALUE COLLATERAL OF
[FAT](#)-4 GARCIA MECHANICS BANK AUTO FINANCE
Flor De Maria A. Tataje 11-7-25 [[44](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 value the secured claim of Mechanics Bank Auto Finance c/o Westlake Portfolio Management at \$13,825.00.

Debtors move to value the secured claim of Mechanics Bank Auto Finance c/o Westlake Portfolio Management ("Creditor"). Debtors are the owner of a 2018 Honda Accord ("Vehicle"). Debtor seeks to value the Vehicle at a replacement value of \$13,825.00 as of the petition filing date. As the owner, Debtors' 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. 27-1 filed by Harley-Davidson Credit Corp. is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on January 31, 2023, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$23,801.01. Therefore, 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 \$13,825.00. 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.

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

The court will issue an order.

17. [25-24291](#)-B-13 ALMA NUNEZ AND ENRIQUE MOTION TO VALUE COLLATERAL OF
[FAT](#)-5 GARCIA VALLEY STRONG CREDIT UNION
Flor De Maria A. Tataje 11-7-25 [[47](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). 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 value the secured claim of Valley Strong Credit Union at \$15,000.00.

Debtors move to value the secured claim of Valley Strong Credit Union ("Creditor"). Debtor is the owner of a 2015 Chevy Suburban ("Vehicle"). Debtors seek to value the Vehicle at a replacement value of \$15,000.00 as of the petition filing date. As the owner, Debtors' 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. 9-1 filed by Valley Strong Credit Union is the claim which may be the subject of the present motion.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on February 2, 2023, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$23,808.53. Therefore, 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 \$15,000.00. 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.

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

The court will issue an order.

18. [22-90093](#)-B-13 JAMES RIDDLE
[JNV](#)-11 Jason N. Vogelpohl

MOTION TO MODIFY PLAN
11-6-25 [[184](#)]

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 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 deny the motion to confirm as moot and overrule the objection as moot.

Subsequent to the filing of the Trustee's objection, the Debtor filed a new modified plan on November 19, 2025. The confirmation hearing for the modified plan is scheduled for January 6, 2026. The earlier plan filed November 6, 2025, is not confirmed.

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

The court will issue an order.

19. [24-20297](#)-E-13 LORELL LEAL
[LJL](#)-131 Pro Se

MOTION TO MODIFY PLAN
11-10-25 [[130](#)]

Final Ruling

The motion was not 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). Only 29 days' notice was provided. Therefore, the motion to modify plan is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

20. [24-24297](#)-E-13 LATASHA RICHARDSON
[LDR](#)-4 Pro Se

MOTION FOR TERMINATING
SANCTIONS
10-29-25 [[191](#)]

COURT ENTERED AN ORDER ON 12/01/25 DENYING THE MOTION FOR TERMINATING SANCTIONS. *SEE*
DKT. 215. MATTER IS REMOVED FROM CALENDAR. NO APPEARANCE NECESSARY AT THE 12/09/25
HEARING.

21. [24-90698](#)-B-13 GRISEL OLIVEROS
[SSH](#)-2 Simran Singh Hundal

MOTION TO CONFIRM PLAN
10-27-25 [[52](#)]

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 Debtor has 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.

Tentative 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's decision is to grant the motion to extend automatic stay.

Debtor seeks to have the automatic stay extended beyond 30 days pursuant to 11 U.S.C. § 362(c)(3). This is the Debtor's second bankruptcy petition pending in the past 12 months. The Debtor's prior bankruptcy case was dismissed on June 23, 2025, for failure to timely file documents (case no. 25-90462). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the provisions of the automatic stay end in their entirety 30 days after filing of the petition. See e.g., *Reswick v. Reswick (In re Reswick)*, 446 B.R. 362 (9th Cir. BAP 2011) (stay terminates in its entirety); accord *Smith v. State of Maine Bureau of Revenue Services (In re Smith)*, 910 F.3d 576 (1st Cir. 2018). This motion was set for hearing within 30 days of the filing of the instant case. 11 U.S.C. § 362(c)(3)(B).

Discussion

Upon motion of a party in interest and after notice and hearing, the court may order the provisions extended beyond 30 days if the filing of the subsequent petition was in good faith. 11 U.S.C. § 362(c)(3)(B). The subsequently filed case is presumed to be filed in bad faith if there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13. *Id.* at § 362(c)(3)(C)(i)(III). The presumption of bad faith may be rebutted by clear and convincing evidence. *Id.* at § 362(c)(3)(C).

In determining if good faith exists, the court considers the totality of the circumstances. *In re Elliot-Cook*, 357 B.R. 811, 814 (Bankr. N.D. Cal. 2006); see also Laura B. Bartell, *Staying the Serial Filer - Interpreting the New Exploding Stay Provisions of § 362(c)(3) of the Bankruptcy Code*, 82 Am. Bankr. L.J. 201, 209-210 (2008).

Debtor asserts that the present case was filed in good faith. Debtor did not proceed with his prior chapter 13 case because he had been assured from the lender that a loan modification was forthcoming. Since that time, Debtor's circumstances have changed because he now realizes that the lender will not arrange a loan modification of Debtor's primary residence and that a chapter 13 is the only way to retain his home.

The Debtor has sufficiently rebutted, by clear and convincing evidence, the presumption of bad faith under the facts of this case and the prior case for the court to extend the automatic stay.

The motion is granted and the automatic stay is extended for all purposes and parties, unless terminated by operation of law or further order of this court.

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

The court will issue an order.

23. [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

This matter was continued from December 2, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, December 5, 2025. Debtor filed a timely response stating that he is working with the IRS to have the IRS amend its proof of claim. Debtor states that he has filed a first amended plan as an exhibit, but a new plan must be properly set, noticed, and served 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).

Therefore, the court's conditional ruling at dkts. 27, 31, sustaining the objection, shall become the court's final decision. The continued hearing on December 9, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

24. [25-25175](#)-B-13 LAURA BURSEE
[CYB](#)-1 Candace Y. Brooks

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

Final Ruling

This matter was continued from December 2, 2025, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, December 5, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 24, granting the motion, shall become the court's final decision. The continued hearing on December 9, 2025, at 1:00 p.m. is vacated.

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

The court will issue an order.

25. [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](#)]

Tentative Ruling

This matter was continued from December 2, 2025, to allow debtor's counsel to file a declaration by 5:00 p.m. Friday, December 5, 2025. See dkt. 35. Nothing was filed. Therefore, counsel shall appear at the continued hearing on December 9, 2025, at 1:00 p.m.

The court will issue an order.