

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: December 10, 2024

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
Bankruptcy Judge
Modesto, California

December 10, 2024 at 1:00 p.m.

1. [24-90205](#)-B-13 THERESA/GUADALUPE SOLIS MOTION TO CONFIRM PLAN
 David S. Henshaw 10-23-24 [[60](#)]

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 second amended plan.

First, the plan provides for payments to creditors for a period longer than 5 years. 11 U.S.C. § 1322(d). Trustee's calculations indicate that in order to pay 83% to nonpriority unsecured claims, Debtors' average plan payment would need to be at least \$6,022.27. Based on the proposed plan, it would take 209.85 months to pay off. Furthermore, Debtors' declaration, dkt. 62, indicates that the plan shall now pay 100% to unsecured claims, with interest. If Debtors intend for a 100% repayment plan with federal post-judgment interest of 5.17%, the plan will take even longer than the 209.85 months to pay out.

Second, the Motion to Confirm has not been assigned a docket control number pursuant to Local Rule 9014-1(c)(1).

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 10, 2024 at 1:00 p.m.

2. [24-90187](#)-B-13 ERIC JOHNSON
[DCJ](#)-1 Seth Hanson

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
11-19-24 [[24](#)]

ATH KITTIPHANE VS.

Final Ruling

This matter was continued from December 3, 2024, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, December 6, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 32, granting the motion for relief from automatic stay, shall become the court's final decision. The continued hearing on December 10, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.