



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**December 17, 2025 at 1:30 p.m.**

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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.

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UNITED STATES BANKRUPTCY COURT  
Eastern District of California

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

December 17, 2025 at 1:30 p.m.

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1. [25-22837](#)-C-13 GERMAINE CARTER CONTINUED MOTION TO VALUE  
[PGM](#)-1 Peter Macaluso COLLATERAL OF VW CREDIT, INC.  
9-12-25 [[53](#)]

**No Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 32 days' notice was provided. Dkt. 57.

<b>The Motion to Value is <span style="color: red;">xxxxx</span>.</b>
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The Motion was continued from the prior hearing November 12, 2025 to allow for Creditor to inspect and appraise the vehicle.

The debtor filed this Motion seeking to value the portion of VW Credit Inc.'s ("Creditor") claim secured by the debtor's property commonly known as 2022 Audi Q5 (the "Property").

The debtor has presented evidence that the replacement value of the Property at the time of filing was \$17,000.00. Declaration, Dckt. 55.

**OPPOSITION**

VW Credit, Inc. filed opposition on September 25, 2024. Dkt. 58. Creditor asserts the value of the vehicle is \$27,375.00.

**DISCUSSION**

The lien on the Vehicle's title secures a purchase-money loan incurred on January 22, 2022, which is more than 910 days prior to filing of the petition. 11 U.S.C. § 1325(a)(9) (hanging paragraph).

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

Upon review of the record, the court finds the value of the Property is xxx. Therefore, Creditor's secured claim is determined to be \$xxx. 11 U.S.C. § 506(a).

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

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

The Motion to Value Collateral and Secured Claim filed by the debtor having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion pursuant to 11 U.S.C. § 506(a) is ~~xxxxxxx~~, and the claim of VW Credit, Inc. ("Creditor") secured by property commonly known as 2022 Audi Q5 (the "Property") is determined to be a secured claim in the amount of \$~~xxxx.xx~~, and the balance of the claim is a general unsecured claim to be paid through the confirmed bankruptcy plan.

**Final Ruling:** No appearance at the December 17, 2025 hearing is required.  
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The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 28.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Modify is granted.**

The debtor filed this Motion seeking to modify the terms of the confirmed plan pursuant to 11 U.S.C. § 1329.

No opposition to the Motion has been filed.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322, 1325(a), and 1329. The Motion is granted, and the plan is confirmed.

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

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

The Motion to Confirm filed by the debtor, Randy Pelfrey, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is granted, the Modified Chapter 13 Plan (Dkt. 23) meets the requirements of 11 U.S.C. §§ 1322, 1325(a), and 1329, and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 35 days' notice. The Proof of Service shows that 55 days' notice was provided. Dkt. 39.

**The Motion to Confirm is denied.**

The debtor filed this Motion seeking to confirm the Chapter 13 Plan (Dkt. 35) filed on October 23, 2025.

The Chapter 13 Trustee filed an Opposition (Dkt. 44) on November 18, 2025, opposing confirmation on the following grounds:

1. Debtor is delinquent in plan payments;
2. The plan misclassifies the claim of PNC Bank as a Class 1 claim instead of a Class 2 claim because the debt matured prior to the filing of the case;
3. Debtor has not filed a Rights and Responsibilities form pursuant to Local Rules;
4. Debtor has not amended her schedules and forms after testifying at the Meeting of Creditors.

**DISCUSSION**

The debtor is \$16,605.00 delinquent in plan payments. Delinquency indicates that the plan is not feasible and is reason to deny confirmation. See 11 U.S.C. § 1325(a)(6).

The plan at Section 3.02 provides that Creditor's Proof of Claim, *and not the plan*, determines the amount and classification of a claim.

Creditor's proof of claim represents the claim matured prior to the filing of the case and, therefore; the claim is a Class 2 claim. That is reason to deny confirmation. 11 U.S.C. § 1325(a)(6).

Local Rule 2016-1(c) allows for debtor's counsel to be compensated without prior court approval by accepting a flat fee. However, when electing the flat fee counsel shall file an executed copy of Form EDC 3-096, Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys, which has not occurred.

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, Kimberly Mims, 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.

4. [25-21460](#)-C-13 KIMBERLY MIMS  
[LGT](#)-2 Colby D. LaVelle

CONTINUED MOTION TO DISMISS  
CASE  
8-1-25 [[29](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 67 days' notice was provided. Dkt. 32.

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

This Motion was continued from the prior hearing on October 28, 2025 to go along with the Motion to Confirm.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on June 12, 2025.

At the prior hearing, counsel for the debtor asserted that a new plan would be filed.

A review of the docket confirms an amended Chapter 13 plan was filed on October 17, 2025, but it has not been set for a confirmation hearing. Dkt. 35.

Failure to confirm a plan constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13  
case filed by the Chapter 13 Trustee, Lilian  
G. 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 Motion to  
Dismiss is granted, and the case is dismissed,  
the court having found that dismissal, and not  
conversion, is in the best interest of  
creditors and the Estate.



5. [25-20781](#)-C-13 RONDELL DANIEL  
[PGM](#)-2 Peter Macaluso

CONTINUED MOTION TO CONFIRM  
PLAN  
10-13-25 [[75](#)]

**Final Ruling:** No appearance at the December 17, 2025 hearing is required.  
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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 granted.**

This Motion was continued from the prior hearing on November 25, 2025 to allow the debtor additional time to become current in plan payments.

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

The Chapter 13 Trustee filed a withdrawal of her opposition (dkt. 94) on December 12, 2025.

#### **DISCUSSION**

The Trustee having withdrawn her opposition, there is no further opposition to confirmation.

Upon review of the record, the court finds the plan complies with 11 U.S.C. §§ 1322 and 1325(a). The Motion is granted, and the plan is confirmed.

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

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

The Motion to Confirm filed by the debtor, 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 granted, the Amended Chapter 13 Plan (Dkt. 77) meets the requirements of 11 U.S.C. §§ 1322 and 1325(a), and the plan is confirmed. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

6. [25-22891](#)-C-7 KENNETH DONOHUE  
[LGT](#)-3 Peter Macaluso

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
10-31-25 [[77](#)]

\*Case converted on 11/4/25

**Final Ruling:** No appearance at the December 17, 2025 hearing is required.  
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The Objection has been set on Local Rule 9014-1(f)(1) procedure  
which requires 28 days' notice.

**The Objection to Claimed Exemptions is overruled as moot.**

The Chapter 13 trustee filed this Objection to the debtor's claimed  
exemptions on October 31, 2025. Thereafter, case was converted to a  
proceeding under Chapter 7. Dkt. 85.

The case no longer being under Chapter 13, the Objection shall be  
overruled 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 Objection 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 overruled without  
prejudice as moot.