

**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: January 28, 2020

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.

2. [17-25500](#)-B-13 CANDIE SIMMONS MOTION TO DISMISS CASE
[DPC-1](#) Mary Ellen Terranella 12-12-19 [[62](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$3,156.08, which represents approximately 1 plan payment. Two additional payments of \$3,230.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the post-petition contract installments owed to Ocwen Loan Servicing LLC, for both the 1st and 2nd deeds of trust in Class 1, for months September 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Although the Debtor filed a response stating she is current on plan payments, the Debtor does not address post-petition contract installments owed to Ocwen Loan Servicing LLC.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

3. [19-24300](#)-B-13 MARK/CANDY GRAY MOTION TO DISMISS CASE
[DPC-1](#) Mary Ellen Terranella 1-14-20 [[27](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

Chapter 13 Trustee moves to dismiss the case on grounds that the Debtors are delinquent \$3,072.00, which represents approximately 2 plan payments. An additional payment of \$1,544.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

4. [17-27301](#)-B-13 GERARDO GARCIA AND
[DPC-1](#) CLEMENTINA ARIAS
Thomas O. Gillis

MOTION TO DISMISS CASE
1-14-20 [[63](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent \$4,880.00, which represents approximately 2 plan payments. An additional payment of \$2,440.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors fail to provide a cure of the post-petition arrearage of \$1,604.12 owed to Ocwen Loan Servicing LLC in Class 1 for months November 2019 and December 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

5. [19-24201](#)-B-13 SHARILYNN BONNARD
[DPC-1](#) Eric John Schwab

MOTION TO DISMISS CASE
12-12-19 [[22](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$6,397.96, which represents approximately 2 plan payments. Two additional payments of \$3,100.48 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the post-petition arrearage of \$1,604.12 owed to Mr. Cooper in Class 1 for months October 2019 and November 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Although the Debtor filed a response stating she will file a modified plan on or before the hearing of this motion, no modified plan has been filed as of January 24, 2020.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

6. [15-28102](#)-B-13 DOLORES/RUSSELL HASTE
[DPC-1](#) Seth L. Hanson

MOTION TO DISMISS CASE
1-14-20 [[33](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent \$6,185.00, which represents approximately 1.97 plan payments. An additional payment of \$3,145.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Although the Debtors filed a response, it is not accompanied by any proof of service. The Debtors do not appear to have provided sufficient service to the trustee's office.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$2,366.00, which represents approximately 1.19 plan payments. An additional payment of \$1,982.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the post-petition arrearage of \$1,353.17 owed to Specialized Loan Servicing in Class 1 for December 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Although the Debtor filed a response, it is not accompanied by any proof of service. The Debtor does not appear to have provided sufficient service to the trustee's office.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

8. [18-25902](#)-B-13 TONI GRECIAN
[DPC-1](#) Jeffrey S. Ogilvie

MOTION TO DISMISS CASE
1-14-20 [[25](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$970.00, which represents approximately 1.96 plan payments. An additional payment of \$495.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the post-petition arrearage of \$640.00 owed to Neves Enterprises Inc. in Class 1 for months August 2019 and December 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

9. [17-28003](#)-B-13 SHEILA BLAKE
[DPC-1](#) Michael O'Dowd Hays

MOTION TO DISMISS CASE
1-14-20 [[31](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$424.00, which represents approximately 2.74 plan payments. An additional payment of \$156.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

10. [19-21705](#)-B-13 TOBY TOLEN
[JGD](#)-7 John G. Downing

CONTINUED MOTION TO CONFIRM
PLAN
11-12-19 [[106](#)]

No Ruling

11. [16-22206](#)-B-13 JACQUELINE/ROBERT COONEY MOTION TO DISMISS CASE
[DPC-1](#) Harry D. Roth 1-14-20 [[81](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent \$2,400.00, which represents approximately 2 plan payments. An additional payment of \$1,200.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

12. [18-22708](#)-B-13 DEDAN KIMANI
[DPC-1](#) Steven A. Alpert

MOTION TO DISMISS CASE
12-12-19 [[36](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$2,103.00, which represents approximately 2 plan payments. Two additional payments of \$1,044.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that he will be current by the date of the hearing on this motion. The Debtor also filed a supplemental declaration stating that funds were sent to prior Chapter 13 Trustee Jan P. Johnson.

If the Debtor is not current by the date of the hearing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

The court will enter a minute order.

13. [19-22509](#)-B-13 ULISES MEZA
[DPC-1](#) Peter G. Macaluso

MOTION TO DISMISS CASE
1-14-20 [[42](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$3,200.00, which represents approximately 2 plan payments. An additional payment of \$1,600.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that he will be current by the date of the hearing on this motion.

If the Debtor is not current by the date of the hearing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c) (1).

The court will enter a minute order.

14. [18-20210](#)-B-13 AMIRA ENDERIZ
[DPC-1](#) Mary Ellen Terranella

MOTION TO DISMISS CASE
12-12-19 [[60](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$1,086.00, which represents approximately 2 plan payments. Two additional payments of \$543.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that she has cured the prior months' delinquencies and will be current on the January 2020 payment by the date of the hearing on this motion.

If the Debtor is not current by the date of the hearing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c) (1).

The court will enter a minute order.

15. [19-21010](#)-B-13 CLARENCE COOK
[DPC-1](#) John G. Downing

MOTION TO DISMISS CASE
1-14-20 [[127](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss on grounds that the Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c) (1). The Debtor's motion to confirm amended plan was heard and denied on December 17, 2019.

A review of the court's docket shows that the Debtor filed an amended plan on January 21, 2020. The confirmation hearing is set for March 3, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

16. [17-26011](#)-B-13 MICHEL FALZON
[DPC-1](#) Muoi Chea

MOTION TO DISMISS CASE
12-12-19 [[58](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to not dismiss the case.

Chapter 13 Trustee moves to dismiss the case on grounds that the Debtor is delinquent \$1,870.00, which represents approximately 2 plan payments. Two additional payments of \$792.00 will be due by the date of the hearing on this matter. See 11 U.S.C. § 1307(c)(1).

Debtor responds stating that the case should not be dismissed because she filed a third modified plan that will bring the plan payment current. A modified plan was filed on January 7, 2020, and the confirmation hearing is set for February 18, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

17. [18-25613](#)-B-13 JOSE PENA
[DPC-1](#) Thomas O. Gillis

MOTION TO DISMISS CASE
1-14-20 [[61](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent \$800.00, which represents approximately 2 plan payments. An additional payment of \$400.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

18. [19-26313](#)-B-13 CHRISTOPHER BAILEY
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-12-19 [[34](#)]

DEBTOR DISMISSED: 12/19/2019

Final Ruling

The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

19. [16-27714](#)-B-13 SALVATORE/RENEE BEAZIE MOTION TO DISMISS CASE
[DPC-1](#) Richard L. Jare 1-14-20 [[43](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

The Debtors are delinquent \$1,500.00, which represents approximately 2.08 plan payments. An additional payment of \$722.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Although the Debtors did not file a response, a modified plan was filed on January 26, 2020, to resolve the delinquency and the confirmation hearing is set for March 10, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

Final Ruling

The motion has been set for hearing on the 28-days notice required by 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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. The matter will be resolved without oral argument.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss on grounds that the Debtors have failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtors' motion to confirm amended plan was heard and denied on December 22, 2019.

A review of the court's docket shows that the Debtors filed a first amended plan on December 13, 2019. The confirmation hearing was set for January 21, 2020, and the motion to confirm the first amended plan was denied. Although the plan was not confirmed, the Debtors did not fail to prosecute their case and the court stated on the record in open court that the Debtors have a reasonable amount of time to confirm an amended plan. Dkt. 49.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

21. [18-27317](#)-B-13 CHRISTIE ZAKUTNEY
[DPC-1](#) Gabriel E. Liberman

MOTION TO DISMISS CASE
1-14-20 [[36](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$4,250.00, which represents approximately 2 plan payments. An additional payment of \$2,125.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the post-petition arrearage of \$2,569.66 owed to Freedom Mortgage in Class 1 for months November 2019 and December 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

22. [16-25520](#)-B-13 DONIA WILLIAMS
[DPC-1](#) Mary Ellen Terranella

MOTION TO DISMISS CASE
12-11-19 [[51](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$5,314.00, which represents approximately 2 plan payments. Two additional payments of \$2,657.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the post-petition contract installments owed to Specialized Loan Servicing LLC in Class 1 for months October 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

The Debtor filed a response stating that she has cured the prior months' delinquencies and will be current on the January 2020 payment by the date of the hearing on this motion. However, the Debtor does not address post-petition contract installments owed to Ocwen Loan Servicing LLC.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Final Ruling

The motion has been set for hearing on the 28-days notice required by 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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. The matter will be resolved without oral argument.

The court's decision is to dismiss the case.

The Debtors are delinquent \$889.03, which represents approximately 2 plan payments. Two additional payments of \$450.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

24. [19-21322](#)-B-13 ALAN PURCELL AND KERRY MOTION TO DISMISS CASE
[DPC-1](#) PILLEY-PURCELL 12-12-19 [[29](#)]
David P. Ritzinger

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to not dismiss the case.

Chapter 13 Trustee moves to dismiss the case on grounds that the Debtors are delinquent \$6,355.04, which represents approximately 2 plan payments. Two additional payments of \$3,177.26 will be due by the date of the hearing on this matter. See 11 U.S.C. § 1307(c)(1).

Additionally, the Debtors fail to provide a cure of the post-petition arrearage of \$1,758.51 owed to Mr. Cooper in Class 1 for November 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Debtors respond stating that the case should not be dismissed because they will file a modified plan that will bring all plan payments current. A modified plan was filed on January 23, 2020, and the confirmation hearing is set for March 3, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

25. [18-26223](#)-B-13 UNIQUE JONES MOTION TO DISMISS CASE
[DPC-1](#) Mohammad M. Mokarram 1-14-20 [[25](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$2,160.00, which represents approximately 2 plan payments. An additional payment of \$1,080.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the \$1,557.56 post-petition contract installments owed to Freedom Mortgage Corporation in Class 1 for months September 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

26. [15-29424](#)-B-13 ALISHA WING
[DPC-1](#) Peter G. Macaluso

MOTION TO DISMISS CASE
12-11-19 [[28](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to not dismiss the case.

Chapter 13 Trustee moves to dismiss the case on grounds that the Debtor is delinquent \$1,290.00, which represents approximately 2 plan payments. Two additional payments of \$645.00 will be due by the date of the hearing on this matter.

Debtor responds stating that the case should not be dismissed because she will file a modified plan that will bring the plan payment current. A modified plan was filed on January 20, 2020, and the confirmation hearing is set for March 3, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

27. [18-21824](#)-B-13 MICHAEL ZENDER
[DPC-1](#) Timothy J. Walsh

MOTION TO DISMISS CASE
12-12-19 [[33](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$710.00, which represents approximately 1 plan payment. Two additional payments of \$710.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that he will be current by the date of the hearing on this motion.

If the Debtor is not current by the date of the hearing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

The court will enter a minute order.

28. [19-27530](#)-B-13 DONALD/ARAINA
SCHRECKENGOST
Kristy A. Hernandez

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-10-20 [[17](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$79.00 installment when due on January 6, 2020. While the delinquent installment was paid on January 21, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

The Debtor is delinquent \$900.00, which represents approximately 2.25 plan payments. An additional payment of \$400.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c) (1).

Debtor responds stating that the case should not be dismissed because she filed a third modified plan that will bring the plan payment current. A modified plan was filed on January 24, 2020, and the confirmation hearing is set for March 3, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

30. [16-21532](#)-B-13 MARY MURPHY
[DPC-1](#) David P. Ritzinger

MOTION TO DISMISS CASE
1-14-20 [[74](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$910.00, which represents approximately 2 plan payments. An additional payment of \$455.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

31. [15-28133](#)-B-13 PETER LADD
[WW-1](#) Mark A. Wolff

CONTINUED MOTION TO MODIFY PLAN
12-3-19 [[59](#)]

No Ruling

32. [17-25233](#)-B-13 NICOLE SADLER
[DPC-1](#) Michael O'Dowd Hays

MOTION TO DISMISS CASE
1-14-20 [[56](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$1,209.00, which represents approximately 2.54 plan payments. An additional payment of \$476.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

33. [16-23134](#)-B-13 DANA DREBERT
[DPC-1](#) Michael O'Dowd Hays

MOTION TO DISMISS CASE
12-11-19 [[59](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$890.00, which represents approximately 2 plan payments. Two additional payments of \$445.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that she will be current by the date of the hearing on this motion and, if she is not, requests to be given until February 7, 2020, to become current.

If the Debtor is not current by the date of the hearing on this motion, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

The court will enter a minute order.

34. [17-25134](#)-B-13 DAVID/SAMANTHA HEATON MOTION TO DISMISS CASE
[DPC-1](#) Mikalah R. Liviakis 12-11-19 [[73](#)]

CONVERTED: 1/17/2020

Final Ruling

The case having been converted, the motion to dismiss case is denied as moot.

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

The court will enter a minute order.

35. [19-27735](#)-B-13 AMY MCCLELLAN
John G. Downing

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-30-19 [[14](#)]

Tentative Ruling

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$310.00 for the filing of a Chapter 13 voluntary petition. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes and the case is DISMISSED.

The court will enter a minute order.

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

First, the Debtor is delinquent \$5,200.00, which represents approximately 2 plan payments. Two additional payments of \$2,600.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the post-petition contract installments owed to Wells Fargo Bank NA in Class 1 for months September 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

The Debtor filed a response proposing a payment schedule to bring her plan current through January 2020. The last of the payments will not occur until February 5, 2020, which is after the hearing on this motion. The Debtor states that she fell behind on plan payments due to an unexpected automobile repair and temporary assistance to her daughter. Debtor states that her attorney will not be able to attend this hearing in person or telephonically due to being out of the country on a cruise ship.

If the Debtor is not current by the date of the hearing on this motion, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

The court will enter a minute order.

37. [18-27339](#)-B-13 KENT DOUGHERTY
[DPC](#)-1 David Foyil

MOTION TO DISMISS CASE
1-14-20 [[66](#)]

CONVERTED: 1/24/2020

Final Ruling

The case having been converted, the motion to dismiss case is denied as moot.

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

The court will enter a minute order.

38. [19-22839](#)-B-13 RAYMOND/CAROLE CLOUTIER MOTION TO DISMISS CASE
[DPC-1](#) Mary Ellen Terranella 1-14-20 [[42](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent \$206.00, which represents approximately 2 plan payments. An additional payment of \$103.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

39. [18-26240](#)-B-13 ROSA FERREIRA
[DPC-1](#) Thomas L. Amberg

MOTION TO DISMISS CASE
1-14-20 [[53](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$250.00, which represents approximately 2 plan payments. An additional payment of \$125.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

40. [19-26941](#)-B-13 MICHAEL WYCLIFFE AND
[DPC](#)-2 REBECCA WEAVER
Pro Se

MOTION TO DISMISS CASE
12-17-19 [[21](#)]

No Ruling

41. [16-26843](#)-B-13 CHERYL BACH
[DPC-1](#) Eric John Schwab

MOTION TO DISMISS CASE
1-14-20 [[57](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$3,135.00, which represents approximately 2.81 plan payments. An additional payment of \$1,115.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent \$5,940.00, which represents approximately 2 plan payments. An additional payment of \$2,970.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors fail to provide a cure of the post-petition arrearage of \$2,576.86 owed to MUFG Union Bank NA FKA Union Bank NA in Class 1 for months November 2019 and December 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$8,946.00, which represents approximately 2 plan payments. Two additional payments of \$4,250.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the \$3,019.92 post-petition contract installments owed to LoanCare LLC in Class 1 for November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Although the Debtor filed a response stating she is current on plan payments due to receiving a raise at work,¹ the Debtor does not address post-petition contract installments owed to LoanCare LLC.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

¹Debtor states that she will file an updated Schedule I and J with the court.

44. [19-24144](#)-B-13 DANIELLE MILLER
[DPC](#)-1 Steele Lanphier

MOTION TO DISMISS CASE AND/OR
MOTION TO RECONVERT CASE FROM
CHAPTER 13 TO CHAPTER 7
12-23-19 [[57](#)]

No Ruling

45. [18-24645](#)-B-13 MICHAEL/CANDACE TODD
[DPC-1](#) Chad M. Johnson

MOTION TO DISMISS CASE
1-14-20 [[59](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent \$7,802.01, which represents approximately 2.32 plan payments. An additional payment of \$3,361.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors fail to provide a cure of the post-petition arrearage of \$5,165.97 owed to Shellpoint Mortgage Servicing in Class 1 for months August 2019, November 2019 and December 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

46. [19-27147](#)-B-13 NAVPREET GREWAL
Richard L. Jare

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-23-19 [[27](#)]

Tentative Ruling

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due December 18, 2019. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes and the case is DISMISSED.

The court will enter a minute order.

47. [17-22648](#)-B-13 DONALD TRECO
[DPC-1](#) Richard A. Hall

MOTION TO DISMISS CASE
1-14-20 [[159](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent \$2,691.69, which represents approximately 2 plan payments. An additional payment of \$1,348.42 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors fail to provide a cure of the post-petition arrearage of \$642.00 owed to Alaska USA Federal CU in Class 1 for months October 2019 and November 2019. The Trustee was unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

48. [19-23949](#)-B-13 ERIC/REGINA FLEMING
[DPC-1](#) Ulric N. Duverney

MOTION TO DISMISS CASE
1-14-20 [[70](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

Debtors have failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtors' motion to confirm amended plan was heard and denied on December 10, 2019. The Debtors have not taken further action to confirm a plan in this case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

49. [19-26149](#)-B-13 SALLY DAVIDSON
Jeffrey M. Meisner

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-5-19 [[31](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due December 2, 2019. The court's docket reflects that the default was cured on December 12, 2019. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

50. [19-26250](#)-B-13 MICHELLE/GABRIEL DELGADO
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-9-19 [[26](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$77.00 installment when due on December 3, 2019. While the delinquent installment was paid on December 16, 2019, and the third installment payment was made on January 2, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

51. [18-20051](#)-B-13 RORY MCNEIL
[DPC-1](#) Mark W. Briden

MOTION TO DISMISS CASE
1-14-20 [[54](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$8,155.00, which represents approximately 2.25 plan payments. An additional payment of \$3,630.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the \$4,300.00 post-petition contract installments owed to Barbara Robinson in Class 1 for months October 2019 and December 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$1,115.00, which represents approximately 2 plan payments. Two additional payments of \$560.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that he will be current by the date of the hearing on this motion.

If the Debtor is not current by the date of the hearing on this motion, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

The court will enter a minute order.

53. [15-24356](#)-B-13 ANTHONY/KIMBERLY WALKER MOTION TO DISMISS CASE
[DPC-1](#) Ashley R. Amerio 12-11-19 [[46](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtors are delinquent \$1,000.00, which represents approximately 2 plan payments. Two additional payments of \$500.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Debtors filed a response stating that they are now current on plan payments and that their inability to manage household finances was due to Debtor's employer switching from a biweekly to monthly payment cycle. Debtors state that they are now familiar with the new payment cycle and that they are able to make ongoing plan payments.

Provided that the Debtors are current on plan payments, cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

54. [19-26259](#)-B-13 MEGAN CHERINKA
[DPC-1](#) Mikalah R. Liviakis

MOTION TO DISMISS CASE
12-4-19 [[18](#)]

Final Ruling

The motion has been set for hearing on the 28-days notice required by 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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. The matter will be resolved without oral argument.

The court's decision is to dismiss the case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtor is delinquent \$2,200.00. An additional payment of \$2,000.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

55. [19-27160](#)-B-13 DEANDRA JACKSON
Thru #56 Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-23-19 [[23](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$79.00 installment when due on December 18, 2019. While the delinquent installment was paid on December 23, 2019, and the second installment payment was made on January 10, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

56. [19-27160](#)-B-13 DEANDRA JACKSON
DPC-2 Pro Se

MOTION TO DISMISS CASE
1-8-20 [[29](#)]

No Ruling

57. [19-26161](#)-B-13 CIRILO/RIZEL LARON
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-6-20 [[58](#)]

12-9-19 [[26](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$77.00 installment when due on December 30, 2019. While the delinquent installment was paid on January 13, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

58. [16-20763](#)-B-13 LAWRENCE/CHYANNE MICALLEF MOTION TO DISMISS CASE
[DPC-1](#) Mark A. Wolff 1-14-20 [[128](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent \$11,799.94, which represents approximately 1.99 plan payments. An additional payment of \$5,900.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors fail to provide a cure of the \$7,594.94 post-petition contract installments owed to Wells Fargo Bank NA in Class 1 for months June 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

59. [19-21063](#)-B-13 ANGELA BOOTH
[DPC-1](#) Eric John Schwab

MOTION TO DISMISS CASE
12-12-19 [[34](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$1,825.00, which represents approximately 2 plan payments. Two additional payments of \$885.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that she will be current by the date of the hearing on this motion.

If the Debtor is not current by the date of the hearing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss on grounds that the Debtor is delinquent \$3,372.00, which represents approximately 1.23 plan payments. An additional payment of \$2,743.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c) (1).

Additionally, the Debtor fails to provide a cure of the \$5,120.82 post-petition contract installments owed to Universal American Mortgage Company in Class 1 for months April 2019, October 2019, and December 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Debtor responds stating that the case should not be dismissed because she has filed a fifth modified plan that resolves the Trustee's concerns. A modified plan was filed on January 24, 2020, and the confirmation hearing is set for March 3, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

Final Ruling

The motion has been set for hearing on the 28-days notice required by 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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. The matter will be resolved without oral argument.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$4,120.00, which represents approximately 2 plan payments. Two additional payments of \$2,060.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the \$2,485.62 post-petition contract installments owed to Caliber Home Loan Inc in Class 1 for months October 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtors are delinquent \$10,962.00, which represents approximately 2 plan payments. Two additional payments of \$5,499.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Debtors filed a response stating that they are now current on plan payments after Debtor worked extra hours. Debtors state that they fell behind on plan payments because they had to cover Debtor's father's living expenses for a few months but that this issue has been resolved.

Provided that the Debtors are current on plan payments, cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

63. [19-26669](#)-B-13 TAUJAI CAREY ORDER TO SHOW CAUSE - FAILURE
Thru #64 Richard L. Jare TO PAY FEES
12-2-19 [[34](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the first \$79.00 installment when due on November 27, 2019. While the delinquent installment was paid on December 3, 2019, the second installment was paid on January 3, 2020, and the third installment was paid on December 17, 2020, the fact remains that the court was required to issue an order to show cause to compel the first payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

64. [19-26669](#)-B-13 TAUJAI CAREY ORDER TO SHOW CAUSE - FAILURE
Richard L. Jare TO PAY FEES
1-2-20 [[42](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the second \$77.00 installment when due on December 27, 2019. While the delinquent installment was paid on January 3, 2020, and the third installment was paid on December 17, 2020, the fact remains that the court was required to issue an order to show cause to compel the second payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if the final installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to not dismiss the case.

Chapter 13 Trustee moves to dismiss the case on grounds that the Debtors are delinquent \$780.00, which represents approximately 2 plan payments. Two additional payments of \$390.00 will be due by the date of the hearing on this matter. See 11 U.S.C. § 1307(c)(1).

Debtors respond stating that the case should not be dismissed because they filed a first modified plan that will bring the plan payment current. A modified plan was filed on December 26, 2019, and the confirmation hearing is set for February 4, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

66. [19-21270](#)-B-13 JAMES WORDEN
[DPC-1](#) Michael O'Dowd Hays

MOTION TO DISMISS CASE
12-12-19 [[35](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to dismiss the case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtor is delinquent \$606.00, which represents approximately 2 plan payments. Two additional payments of \$303.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Debtor filed a response acknowledging his delinquency and states that he may file an amended plan or convert this case to a chapter 7. The Debtor has taken neither action.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtors are delinquent \$11,999.99, which represents approximately 2 plan payments. Two additional payments of \$5,000.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Additionally, the Debtors fail to provide a cure of the \$2,815.28 post-petition contract installments owed to Penny Mac Loan Services LLC in Class 1 for November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Debtors respond stating that the case should not be dismissed because they will file a modified plan that resolves the Trustee's concerns. A modified plan was filed on January 22, 2020, and the confirmation hearing is set for March 3, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

68. [19-27574](#)-B-13 RYAN SAHADEO
W. Steven Shumway

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-6-20 [[23](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$31.00 for the filing of the amended verification and master address list. The court's docket reflects that the fee was paid on January 6, 2020.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING

The court will enter a minute order.

69. [18-23675](#)-B-13 PAUL/ARIADNA SEVERIN
[DPC](#)-1 Nicholas Wajda

MOTION TO DISMISS CASE
1-14-20 [[41](#)]

CONVERTED: 1/24/2020

Final Ruling

The case having been converted, the motion to dismiss case is denied as moot.

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

The court will enter a minute order.

Final Ruling

The motion has been set for hearing on the 28-days notice required by 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). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the non-responding parties and other parties in interest are entered. The matter will be resolved without oral argument.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$2,050.00, which represents approximately 1.5 plan payments. Two additional payments of \$1,600.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtor's motion to confirm amended plan was heard and denied on November 12, 2019. The Debtor has not taken further action to confirm a plan in this case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss on grounds that the Debtor is delinquent \$1,653.00, which represents approximately 1 plan payment. An additional payment of \$1,653.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c) (1).

Additionally, the Debtor fails to provide a cure of the \$2,229.30 post-petition contract installments owed to Select Portfolio Servicing in Class 1 for months April 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

The Debtor did not file a response to the Trustee's motion. However, the Debtor did file a modified plan which may resolve the Trustee's concerns. The modified plan was filed on January 23, 2020, and the confirmation hearing is set for March 10, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

72. [18-25080](#)-B-13 MEGAN WILLIAMS
[DPC-1](#) Michael O'Dowd Hays

MOTION TO DISMISS CASE
12-12-19 [[47](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to dismiss the case.

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtor is delinquent \$524.00, which represents approximately 2 plan payments. Two additional payments of \$262.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Debtor filed a response acknowledging her delinquency and states that she plans to convert this case to a chapter 7. A review of the docket shows that the Debtor has not taken any action to convert this case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$3,750.00, which represents approximately 2 plan payments. An additional payment of \$1,875.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the \$2,490.86 post-petition contract installments owed to Fay Servicing LLC in Class 1 for months November 2019 and December 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

74. [17-27885](#)-B-13 PATRICIA HOWARD
[DPC-1](#) Scott J. Sagaria

MOTION TO DISMISS CASE
1-14-20 [[45](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$1,450.00, which represents approximately 1.93 plan payments. An additional payment of \$750.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

75. [17-26888](#)-B-13 EDITH GONZALEZ
[DPC-1](#) Thomas O. Gillis

MOTION TO DISMISS CASE
1-14-20 [[33](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$564.00, which represents approximately 2 plan payments. An additional payment of \$282.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

76. [17-23289](#)-B-13 CONCETTA MANZANO CONTINUED OBJECTION TO CLAIM OF
Thru #78 Pro Se WELLS FARGO BANK, N.A., CLAIM
NUMBER 1
11-25-19 [[45](#)]

No Ruling

77. [17-23289](#)-B-13 CONCETTA MANZANO MOTION TO MODIFY PLAN
Pro Se 1-7-20 [[57](#)]

No Ruling

78. [17-23289](#)-B-13 CONCETTA MANZANO MOTION TO DISMISS CASE
[DPC-1](#) Pro Se 12-11-19 [[47](#)]

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The court's decision is to dismiss the case.

First, the Debtor is delinquent \$15,944.00, which represents approximately 2 plan payments. Two additional payments of \$7,972.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor fails to provide a cure of the \$8,456.66 post-petition contract installments owed to Fay Servicing LLC in Class 1 for months September 2019 and November 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Although the Debtor filed an objection to the Chapter 13 Trustee's motion to dismiss case, the Debtor does not explain on what grounds she objects or whether the aforementioned issues have been resolved.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

The motion has been set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

The Debtor is delinquent \$4,000.00. Two additional payments of \$4,000.00 will be due by the date of the hearing on this matter.

The Debtor filed a response stating that he will be current by the date of the hearing on this motion.

If the Debtor is not current by the date of the hearing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

The court will enter a minute order.

80. [16-27793](#)-B-13 CYNTHIA/SANDRA KERR
[DPC-1](#) Dale A. Orthner

MOTION TO DISMISS CASE
1-14-20 [[59](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent \$3,073.75, which represents approximately 2.65 plan payments. An additional payment of \$1,158.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

81. [17-23994](#)-B-13 EMILY STATON
[DPC-1](#) August Bullock

MOTION TO DISMISS CASE
1-14-20 [[32](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent \$250.00, which represents approximately 2 plan payments. An additional payment of \$125.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

82. [18-25494](#)-B-13 NICHOLAS/REBECCA
[DPC](#)-1 HENDRICKS
Pauldeep Bains

MOTION TO DISMISS CASE
1-14-20 [[37](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent \$2,800.00, which represents approximately 2 plan payments. An additional payment of \$1,400.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

83. [19-20995](#)-B-13 RUDY GONZALEZ, AND
[DPC-1](#) ROBERTA GONZALEZ
Susan B. Terrado

MOTION TO DISMISS CASE
1-14-20 [[96](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent \$13,558.68, which represents approximately 2.25 plan payments. An additional payment of \$6,039.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors fail to provide a cure of the \$6,163.78 post-petition contract installments owed to Fay Servicing LLC in Class 1 for months November 2019 and December 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

84. [19-23295](#)-B-13 MICHAEL GAINZA
[DPC-1](#) Michael O'Dowd Hays

MOTION TO DISMISS CASE
1-14-20 [[61](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

The Chapter 13 Trustee moves to dismiss on grounds that the Debtor failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtor's motion to confirm amended plan was heard and denied on December 10, 2019.

The Debtor did not file a response to the Trustee's motion. However, the Debtor did file a third amended plan which may resolve the Trustee's concerns. The third amended plan was filed on January 23, 2020, and the confirmation hearing is set for March 10, 2020.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.

85. [19-23995](#)-B-13 MANUEL/ALMA PEREZ
[DPC-1](#) Mark A. Wolff

MOTION TO DISMISS CASE
1-14-20 [[34](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent \$30,000.00, which represents a partial plan payment for December 2019 in which an additional lump sum was to be paid into the plan. An additional payment of \$4,695.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent \$9,682.00, which represents approximately 2 plan payments. An additional payment of \$4,830.00 will be due by the date of the hearing on this matter. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors fail to provide a cure of the \$6,505.28 post-petition contract installments owed to Mortgage Solutions of Colorado in Class 1 for months November 2019 and December 2019. The Trustee was therefore unable to comply with § 3.07(b) of the plan. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

87. [19-21999](#)-B-13 CRAIG MACEY
[DPC-1](#) Matthew J. DeCaminada

MOTION TO DISMISS CASE
12-12-19 [[103](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

Chapter 13 Trustee moves to dismiss the case on grounds that the Debtor is delinquent \$2,400.00, which represents approximately 4 plan payments. Two additional payments of \$600.00 will be due by the date of the hearing on this matter. See 11 U.S.C. § 1307(c) (1).

Debtor responds stating that the case should not be dismissed because he will file a modified plan that will bring the plan payment current. A modified plan was filed on December 17, 2019, the confirmation hearing was set for January 21, 2020, and the court granted the motion to modify.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

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

The court will enter a minute order.