

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

February 18, 2020 at 11:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute Order.'

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.
3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.
4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	19-27600 -C-13	ROSALIND SMITH	MOTION TO DISMISS CASE
	RDG -1		2-4-20 [23]

No ruling

February 18, 2020 at 11:00 a.m.

2. [19-27105](#)-C-13 STEPHANIE MUZZI
[RDG](#)-1

MOTION TO DISMISS CASE
1-14-20 [[50](#)]

Final Ruling:

Motion withdrawn by moving party. Matter removed from calendar.

3. [19-27510](#)-C-13 DAVID SHELTON
[RDG](#)-3

MOTION TO DISMISS CASE
2-4-20 [[27](#)]

Tentative Ruling

This motion was 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 \$2,727.77, which represents approximately 1 plan payment.

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

This motion was 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.

Chapter 13 Trustee moves to dismiss the case on the following grounds:

First, the Debtor is delinquent \$1,860.00, which represents approximately .6 plan payments. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, 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 an amended plan was heard and denied on December 17, 2019 and the Debtor has not filed an amended plan.

If these defects have not been cured by the date of the hearing, cause exists to dismiss this case.

The court will enter a minute order.

5. [19-27717](#)-C-13 JESSICA OWENS
[RDG](#)-1

MOTION TO DISMISS CASE
2-4-20 [[25](#)]

No ruling

6. [19-27623](#)-B-7 JACKIE EVANS
[RDG](#)-2

MOTION TO DISMISS CASE
2-4-20 [[35](#)]

Final Ruling:

This case was converted to a case under Chapter 7 on February 4, 2020. As a result the motion will be denied by minute order as moot. No appearance is necessary.

7. [19-25524](#)-B-13 CHRISTINA MORONES

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-6-20 [[62](#)]

Final Ruling:

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.

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 January 21, 2020. **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.

9. [14-31025](#)-B-13 MARIO/MEDELYN BUENO
[RDG](#)-1

MOTION TO DISMISS CASE
2-4-20 [[65](#)]

No ruling

10. [19-26733](#)-B-13 MARIO MENDEZ AND DEANNA MOTION TO DISMISS CASE
[RDG](#)-2 DELOSSANTOS-MENDEZ 2-4-20 [[20](#)]

Tentative Ruling

This motion was 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.

Chapter 13 Trustee moves to dismiss the case on the following grounds:

First, the Debtors are delinquent \$1,100.00, which represents approximately 1 plan payment. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, 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 Trustee's objection to confirmation of the Debtors' plan was sustained on January 21, 2020 and the Debtors have not filed an amended plan.

If these defects have not been cured by the date of the hearing, cause exists to dismiss this case.

The court will enter a minute order.

Tentative Ruling

This motion was 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.

Chapter 13 Trustee moves to dismiss the case on the following grounds:

First, the Debtor is delinquent \$5,850.00, which represents approximately 1 plan payment.

Second, the Debtor failed to provide the Trustee with copies of payment advices as required by 11 U.S.C. § 521(a)(1)(B)(iv) and LBR 1007-1, and, accordingly, breached the duties imposed by 11 U.S.C. §§521(a)(3) and (4) to cooperate with Trustee and provide him with financial records.

Third, the Debtor failed to provide Trustee with a copy of Debtor's most recent Federal income tax return no later than seven days before the date first set for the first meeting of creditors, as required by 11 U.S.C. §521(e)(2).

If the Debtor has not cured these defects 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

This motion was 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 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 October 24, 2019.

A review of the court's docket shows that the Debtor filed an amended plan on February 12, 2020. The confirmation hearing is set for March 24, 2020.

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

The court will enter a minute order.

13. [19-27437](#)-C-13 JACARE PALMER
[RDG](#)-1

MOTION TO DISMISS CASE
2-4-20 [[20](#)]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

14. [19-27639](#)-B-13 LOYCE GORDON AND CAMILLA MOTION TO DISMISS CASE
[RDG](#)-2 NELSON 2-4-20 [[19](#)]

Tentative Ruling

This motion was 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 Debtors are delinquent \$2,873.00, which represents approximately 1 plan payment.

If the Debtors are 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. [19-27151](#)-C-13 MAUREEN CLINE
[RDG](#)-3

CONTINUED MOTION TO DISMISS
CASE
1-7-20 [[30](#)]

No ruling

16. [19-26952](#)-C-13 ASHLEY BOLTON

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-13-20 [[32](#)]

Final Ruling:

This case was dismissed on January 29, 2020. As a result the order to show cause will be removed from calendar as moot. No appearance is necessary.

17. [19-27353](#)-B-13 MAZEN HAWASH
[RDG](#)-1

MOTION TO DISMISS CASE
2-4-20 [[28](#)]

Final Ruling:

Motion withdrawn by moving party. Matter removed from calendar.

Tentative Ruling

This motion was 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.

Chapter 13 Trustee moves to dismiss the case on the following grounds:

First, the Debtor failed to provide the Trustee with a Domestic Support Obligation Checklist. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor is delinquent \$2,811.08, which represents approximately 1 plan payment.

If these defects have not been cured 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

This motion was 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.

Chapter 13 Trustee moves to dismiss the case on the following grounds:

First, the Debtor is delinquent \$495.14, which represents a portion of 1 plan payment. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, 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 Court entered an order sustaining the Trustee's Objection to Confirmation of Plan on November 19, 2019. The Debtor filed an amended plan, which is set for hearing on March 24, 2020.

If debtor is not current under the plan by the date of the hearing, cause exists to dismiss this case.

The court will enter a minute order.

Tentative Ruling

This motion was 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 \$2,950.00, which represents approximately 1 plan payment.

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.

21. [19-24858](#)-B-13 SHANNON/DEBRA DEESE
[RDG](#)-1

MOTION TO DISMISS CASE
2-4-20 [[19](#)]

No ruling

22. [19-27260](#)-C-13 ZOLTAN VILLA
Thru #23

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-27-20 [[21](#)]

Final ruling:

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause.

Tentative Ruling

This motion was 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.

Chapter 13 Trustee moves to dismiss the case on the following grounds:

First, the Debtor is delinquent \$320.00, which represents approximately 1 plan payment. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor has failed to provide the Trustee with a Domestic Support Obligation Checklist. Debtor's schedule I includes the payment of a Domestic Support Obligation in the amount of \$968.50.

Third, 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 Court entered an order sustaining the Trustee's Objection to Confirmation of Plan on February 5, 2020. The Debtor has not taken further action to confirm a plan in this case.

If these defects have not been cured by the date of the hearing, cause exists to dismiss this case.

The court will enter a minute order.

Tentative Ruling

This motion was 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 \$530.00, which represents approximately 2 plan payments.

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.

25. [19-27468](#)-C-13 EDDIE/CARYN GARDNER MOTION TO DISMISS CASE
[RDG](#)-2 2-4-20 [[46](#)]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

26. [19-27071](#)-B-13 JOSHUA HUNTER

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-21-20 [[30](#)]

Final ruling:

This case was dismissed on January 29, 2020. As a result the order to show cause will be removed from calendar as moot. No appearance is necessary.

Tentative Ruling

This motion was 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 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 Trustee's objection to confirmation of the Debtor's plan was sustained on January 15, 2020 and the Debtor has not filed an amended plan.

If this defect has not been cured by the date of the hearing, cause exists to dismiss this case.

The court will enter a minute order.

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 January 21, 2020. **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.

29. [19-26689](#)-B-13 FLORENTINO GUERZO
Thru #30

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-31-20 [[40](#)]

Final ruling:

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause.

Tentative Ruling

This motion was 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 \$3,350.00, which represents approximately 1 plan payment.

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.

31. [19-27297](#)-B-13 RICKY/JENNY MARTIN

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-29-20 [[30](#)]

Final ruling:

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.

Tentative Ruling

This motion was 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.

Chapter 13 Trustee moves to dismiss the case on the following grounds:

First, the Debtor is delinquent \$1,710.00, which represents approximately 1 plan payment. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

Second, 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 Court entered an order sustaining the Trustee's Objection to Confirmation of Plan on January 29, 2020. The Debtor has not taken further action to confirm a plan in this case.

If these defects have not been cured by the date of the hearing, cause exists to dismiss this case.

The court will enter a minute order.