

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

**Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California**

**June 19, 2019 at 9:00 a.m.**

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<b>1.</b>	<a href="#"><u>15-26222-C-13</u></a> <b>JOHN/ROBYN BURWELL</b>	<b>MOTION TO DISMISS CASE</b>
	<a href="#"><u>DPC-5</u></a> <b>Michael Benavides</b>	<b>5-20-19 [88]</b>

**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.

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Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtors, Debtors’ Attorney, and Office of the United States Trustee on May 20, 2019. By the court’s calculation, 30 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtors, John Burwell and Robyn Burwell (“Debtors”), are delinquent \$2,580.80 in plan payments. Debtors will have plan payment of \$1,647.81 come due prior to the hearing. Debtors have paid \$51,548.66 into the plan.

**DEBTOR’S OPPOSITION**

Debtor’s counsel filed an Opposition on May 30, 2019. Dckt. 92. Debtors subsequently filed a declaration on June 7, 2019, stating the delinquency was caused by unanticipated expenses as a result of an injury sustained by Debtor John Burwell. Dckt. 94. Debtors state that a family member will provide assistance to cure the delinquency. The court notes that no accompanying declaration was filed by any family member.

**DISCUSSION**

Debtor is \$2,580.80 delinquent in plan payments, which represents approximately two months of the \$1,647.81 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Unfortunately for Debtor, a promise to pay is not evidence that resolves the Motion.

Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13 case filed by The Chapter 13 Trustee, David Cusick (“Trustee”), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is granted, and the case is dismissed.

**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.

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Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on May 7, 2019. By the court’s calculation, 43 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. Rudolf Isch (“Debtor”), is \$1,999.10 delinquent in Plan payments, with the next scheduled payment of \$1,400.00 due on May 25, 2019. To date, Debtor has paid \$0.00 into the Plan; the case was filed on March 19, 2019.
2. Debtor has not provided the Trustee with a tax transcript or a copy of his Federal Income Tax Return, or a written statement that no such documentation exists prior to the First Meeting of Creditors. A Continued First Meeting of Creditors is scheduled for May 30, 2019 at 11:00 a.m. The court notes that Debtor appeared at the continued Meeting of Creditors.
3. Debtor has not filed all tax returns, specifically Debtor’s 2017 tax return, as required during the 4-year period preceding filing of the Petition.
4. Trustee is not able to determine whether Debtor is ineligible for Chapter 13 under 11 U.S.C. §109(e) because Debtor has not scheduled amounts for all listed Claims. Debtor has scheduled \$1,073,319.38 of secured claims and \$106,160.00 of unsecured claims on Schedules E and F. Debtor schedules unknown amounts for the following claims:
  - a. “Chase” with the total claim amount scheduled as “Unknown”;

- b. Debtor's scheduled \$0.00 to "Isch Family Trust", described as both "Unliquidated" and based upon "Judgment Liens." The Trustee flags for the court that a proof of claim has been filed by the Trust, as secured for \$438,255.52. Claim No. 3-1.

## **DEBTOR'S OPPOSITION**

Debtor filed an Opposition on June 5, 2019. Dckt. 32. Debtor's Opposition addressed the objections raised by the Trustee in turn:

1. Debtor states he will file an amended Plan prior to the hearing.
2. Debtor's counsel provided a copy of Debtor's 2017 state and federal tax returns, which were filed electronically on May 9, 2019, prior to the Continued First Meeting of Creditors.
3. Debtor has filed all tax returns required during the 4-year period preceding the filing of his Petition.
4. Debtor asserts he is eligibility under 11 U.S.C. § 109(e).
  - a. Debtor does not know the balance of Chase's claim because his card with the bank was closed and he is unsure if any payments remain outstanding. Debtor notes Chase has not filed a proof of claim.
  - b. For reasons to be proven in an Objection to Claim and/or adversary proceeding, Debtor asserts that the Isch Family Trust will have an allowed unsecured claim of \$0.00. Debtor further states that the Creditor will be adequately protected.

## **CREDITOR'S REPLY TO DEBTOR'S OPPOSITION TO MOTION TO DISMISS CASE**

Creditor Harry Bergland, Jr. ("Creditor") filed a response to Debtor's Objection to its Claim on June 6, 2019. Dckt. 33. Creditor disputes Debtor's contention that its claim will be determined to be \$0.00. Creditor filed Claim No. 3-1 reflecting a secured claim of \$436,500.00 and unsecured claim of \$1,755.22. The claim is based upon a judgment entered against the Debtor on October 5, 2009 by the Sacramento County Superior Court (Case No.: 06-PR-01758). Exhibit A, Dckt. 34. Creditor concurs with the Trustee that Debtor exceeds the 11 U.S.C. §109(e) debt limit.

## **DISCUSSION**

Debtor is \$1,199.10 delinquent in plan payments, which represents less than one month of the \$1,400.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). Debtor's promise to file an amended plan is not evidence that resolves this delinquency.

With respect to the debt limit issue arising under 11 U.S.C. § 109(e), all noncontingent,

liquidated, unsecured debts count toward the debt limit. Because the Debtor disputes the asserted debt does not take it out of the calculation.

~~Debtor is over the secured debt limit, disqualifying Debtor from Chapter 13 relief. Pursuant to 11 U.S.C. § 109(e), an individual with regular income who owes, on the date of filing of the petition, “noncontingent, liquidated, secured debts” of less than \$1,184,200.00 may be a debtor under Chapter 13. Here, Debtor owes \$1,509,820.28 in secured debt.~~

Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13 case filed by The Chapter 13 Trustee, David Cusick (“Trustee”), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is granted, and the case is dismissed.

**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.

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Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on May 21, 2019. By the court's calculation, 29 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

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

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that the debtor, Jaspal S. Deol ("Debtor"), has not filed a Motion to Confirm Amended Plan since court denied the Debtor's Motion to Confirm Amended Plan on January 29, 2019. Dckt. 111.

#### **DEBTOR'S OPPOSITION**

Debtor's counsel filed an Opposition on June 5, 2019. Dckt. 117. Debtor's counsel states that he and Debtor are working on a new proposed Chapter 13 Plan.

#### **CREDITORS' STATEMENT IN SUPPORT OF MOTION:**

Secured Creditors, Prabhakar Goel, Goel Family Ventures I LP, and Econergy, Inc., filed a Statement in Support of the Trustee's Motion to Dismiss and in the alternative support conversion of the case to one under Chapter 7 or 11. Dckt. 118. Secured Creditors argue that the Debtor is over the Chapter 13 debt limit and questions whether the bankruptcy proceeding was filed in good faith.

Secured Creditors remind the court that they have been in protracted litigation with the Debtor in connection with a business venture dispute. The court granted the Secured Creditors relief from the Automatic Stay to permit them to finalize their arbitration award. Dckt. 87. Secured Creditors state they have reduced the arbitration order to judgment, but do not affirmatively state whether Debtor has appealed or still can appeal the entry of the judgment.

#### **DISCUSSION**

**At the hearing the parties addressed the status of the arbitration award and the related**

adversary proceeding ---

Debtor has not filed a Plan or Motion to Confirm since the court's denial of Debtor's previous Motion to Confirmation on January 29, 2019. Dckt. 111. A review of the docket shows that Debtor has not yet filed a new plan or a motion to confirm a plan. Debtor offers no explanation for the delay in setting a plan for confirmation, but states that he and his attorney are to meet to discuss drafting the Plan on June 7, 2016. That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Unfortunately for Debtor, a promise to pay and file an amended plan is not evidence that resolves the Motion.

Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13 case filed by The Chapter 13 Trustee, David Cusick ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is granted, and the case is dismissed.

## FINAL RULINGS

4.    [17-26891-C-13](#)      **RAUL/SHERI ROMERO**                      **MOTION TO DISMISS CASE**  
      [DPC-2](#)                      **Thomas L. Amberg**                                      **5-17-19 [34]**

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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**The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.**

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on June 12, 2019, Dckt. 47; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Raul Delacruz Romero and Sheri Lyn Romero (“Debtors”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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

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

The Motion to Dismiss the Chapter 13 Case filed by The Chapter 13 Trustee, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Dckt. 47, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

5. [19-21094-C-13](#) RICKY HICKMAN AND  
CARMEN MARIN  
Pro Se

ORDER TO SHOW CAUSE  
FAILURE TO PAY FEES  
5-31-19 [[52](#)]

**DEBTOR DISMISSED: 06/06/2019**

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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The case having previously been dismissed, the Motion is dismissed as moot.

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

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

The Order to Show Cause - Failure to Pay Fees having been presented to the court, the case having been previously dismissed, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is dismissed as moot, the case having been dismissed.

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on May 22, 2019. By the court’s calculation, 28 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen 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) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). 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 respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Maria Antonieta Sanchez, (“Debtor”), is \$2,660.00 delinquent in plan payments. The Trustee notes that another plan payment of \$1,330.00 will come due prior to the hearing. Debtor has paid a total of \$11,970.00 into the plan.

**DISCUSSION**

Debtor is \$2,660.00 delinquent in plan payments, which represents two months of the \$1,330.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13 case filed by The Chapter 13

Trustee, David Cusick (“Trustee”), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is granted and the case is dismissed.

7. [17-27425-C-13](#)      **NAOMI ROSS**      **MOTION TO DISMISS CASE**  
[DPC-2](#)                      **Michael O’Dowd Hays**                      **5-17-19 [58]**

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on May 17, 2019. By the court’s calculation, 33 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen 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) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). 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 respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

**The Motion to Dismiss is denied without prejudice as moot.**

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Naomi Jean Ross (“Debtor”), is in material default because the plan requires 82 months to complete, exceeding the maximum time allowed of 60 months. The Trustee notes this is due to the IRS’ filed Proof of Claim (Claim No. 3-1) listing a Priority tax claim that was \$8,030.32 higher than scheduled.

**DEBTOR’S RESPONSE**

Debtor filed a Response on June 5, 2019. Dckt. 62. Debtor states the delinquency was because debtor was below the median income and prior to the hearing plans on filling a Notice of Conversion to Chapter 7 to be relieved of her debts.

## **DISCUSSION**

Notice of Conversion of Debtor's case to a proceeding under Chapter 7 was docketed on June 12, 2019. Dckt. 67. Accordingly, the Trustee's Motion to Dismiss is moot.

Accordingly, the Trustee's Motion to Dismiss is moot. The Motion is denied as moot, as the case was converted to a proceeding under Chapter 7.

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

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

The Motion to Dismiss the Chapter 13 case filed by The Chapter 13 Trustee, David Cusick ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is denied without prejudice as moot.



**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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The Order to Show Cause was served by the Clerk of the Court on Debtor, Debtor's attorney, and Chapter 13 Trustee as stated on the Certificate of Service on May 22, 2019. The court computes that 28 days' notice has been provided.

The court issued an Order to Show Cause based on Debtor's failure to pay the required fees in this case: \$77.00 due on May 13, 2019.

**The Order to Show Cause is discharged, and the bankruptcy case shall proceed in this court.**

The court's docket reflects that the default in payment that is the subject of the Order to Show Cause has been cured.

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

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

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on May 22, 2019. By the court’s calculation, 28 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen 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) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). 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 respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that debtors Aaron and Jessica Meaux (“Debtor”), are delinquent \$3,005.00 in plan payments. Trustee notes another payment of \$1,025.00 will come due prior to the hearing on the instant Motion. Debtors have paid a total of \$4,380.00 into the plan.

#### **DISCUSSION**

Debtor is \$3,005.00 delinquent in plan payments, which represents multiple months of the \$1,025.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.

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

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

The Motion to Dismiss the Chapter 13 case filed by The Chapter 13



**Final Ruling:** No appearance at the June 19, 2019 hearing is required.

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**The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.**

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on June 11, 2019, Dckt. 76; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Alaina Bosold (“Debtor”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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

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

The Motion to Dismiss the Chapter 13 Case filed by The Chapter 13 Trustee, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Dckt. 76, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

13. [19-21468](#)-C-13      **JOSE ACEVEDO**  
   **Dale A. Orthner**

**ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES**  
**5-15-19 [34]**

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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The case having previously been dismissed on June 7, 2019 (Dckt. 39), the Motion is dismissed as moot.

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

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

The Motion to Dismiss having been presented to the court, the case having been previously dismissed, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion is dismissed as moot, the case having been dismissed.

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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**The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.**

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on June 11, 2019, Dckt. 93; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Peter Rooney and Juanita Rooney (“Debtors”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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

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

The Motion to Dismiss the Chapter 13 Case filed by The Chapter 13 Trustee, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Dckt. 93, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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**The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.**

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on June 11, 2019, Dckt. 117; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Shontell Beasley (“Debtor”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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

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

The Motion to Dismiss the Chapter 13 Case filed by The Chapter 13 Trustee, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Dckt. 117, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

**Final Ruling:** No appearance at the June 19, 2019 hearing is required.  
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**The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.**

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on June 11, 2019, Dckt. 61; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Kathleen Pignataro (“Debtor”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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

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

The Motion to Dismiss the Chapter 13 Case filed by The Chapter 13 Trustee, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Dckt. 61, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.