

**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

DAY: TUESDAY

DATE: July 30, 2019

CALENDAR: 1:00 P.M. CHAPTER 13

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

July 30, 2019 at 1:00 p.m.

1.	15-24602 -B-13	RAFAEL/MARGARITA	MOTION TO DISMISS CASE
	JPJ -2	GUTIERREZ	6-7-19 [62]
		Steele Lanphier	

No Ruling

2. [19-21305](#)-B-13 EDWIN/MEGAN PAWLEY
[JPJ](#)-1 Joseph M. Canning

No Ruling

MOTION TO DISMISS CASE
7-10-19 [[46](#)]

TELEPHONE APPEARANCE

3. [17-20513](#)-B-13 BEVERLY HUNTER
[JPJ](#)-5 Dale A. Orthner

MOTION TO DISMISS CASE
6-26-19 [[60](#)]

No Ruling

4. [19-22529](#)-B-13 TINA ANDRADE
Richard Kwun

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-28-19 [[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 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 \$77.00 installment when due on June 24, 2019. While the delinquent installment was paid on July 8, 2019, and another installment was paid on July 22, 2019, 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.

5. [18-23936](#)-B-13 LYUDMILA POKATILOV
[JPJ](#)-3 Harry D. Roth

MOTION TO DISMISS CASE
6-4-19 [[61](#)]

No Ruling

6. [19-23338](#)-B-13 KEVIN/BRANDEE MCCANN
David Foyil

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-3-19 [[22](#)]

TELEPHONE APPEARANCE

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 June 27, 2019. While the delinquent installment was paid on July 11, 2019, and another installment was paid on July 18, 2019, 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.

7. [19-21644](#)-B-13 FRANCES ENOCHS-JORGENSEN
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-21-19 [[28](#)]

CASE DISMISSED 7/23/19

Final Ruling

The case was dismissed on July 23, 2019. The Order to Show Cause is discharged as moot.

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.

8. [19-23345](#)-B-13 MARZETT STAKLEY MOTION TO DISMISS CASE
 [JPJ](#)-1 Mikalah R. Liviakis 7-10-19 [[15](#)]

Final Ruling

The Chapter 13 Trustee having filed a Notice of Withdrawal of Trustee's Motion to Dismiss Case, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar and the case will proceed in this court.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

9. [19-21346](#)-B-13 CHARLES KOCH
Michael O'Dowd Hays

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-9-19 [[46](#)]

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 \$79.00 due July 3, 2019. The court's docket reflects that the default was cured on July 22, 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.

10. [19-21347](#)-B-13 FELICIA HUDSON
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-10-19 [[43](#)]

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 June 4, 2019. The court's docket reflects that the default was cured on June 20, 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.

11. [15-28948](#)-B-13 RICHARD/GERINE CAYLOR MOTION TO DISMISS CASE
[JPJ](#)-3 Jeffrey S. Ogilvie 6-17-19 [[142](#)]

No Ruling

12. [19-23051](#)-B-13 MARY CHADWICK
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-17-19 [[27](#)]

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 June 12, 2019. While the delinquent installment was paid on June 20, 2019, and another installment was paid on July 10, 2019 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.

13. [19-20957](#)-B-13 BRIAN HAMILTON
[JPJ](#)-3 Pro Se

MOTION TO DISMISS CASE
6-19-19 [[27](#)]

No Ruling

TELEPHONE APPEARANCE

14. [19-22359](#)-B-13 JUAN/ESMERALDA PONCE
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-21-19 [[34](#)]

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 Debtors' failure to pay \$77.00 due June 17, 2019. The court's docket reflects that the default was cured on June 21, 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.

15. [19-21764](#)-B-13 SHEMA JOHNSON
[JPJ](#)-2 Michele M. Poteracke

MOTION TO DISMISS CASE
6-26-19 [[26](#)]

No Ruling

TELEPHONE APPEARANCE

16. [19-23565](#)-B-13 GIANNE/RUBY -ROSE APURADO ORDER TO SHOW CAUSE - FAILURE
Steele Lanphier TO PAY FEES
7-8-19 [[15](#)]

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 Debtors' failure to pay \$79.00 due July 3, 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.

17. [16-23970](#)-B-13 RUSSELL/VICTORIA THOMPSON MOTION TO DISMISS CASE
[JPJ](#)-2 Cindy Lee Hill 6-26-19 [[37](#)]

No Ruling

18. [17-20672](#)-B-13 NICOLE HALL MOTION TO DISMISS CASE
[JPJ](#)-6 Mary Ellen Terranella 6-26-19 [[39](#)]

Final Ruling

The matter having been converted to a chapter 7 on July 24, 2019, 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 and the case is DISMISSED.

19. [19-23272](#)-B-13 ALLEN FOWLER
Scott D. Shumaker

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-26-19 [[26](#)]

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 \$79.00 due June 21, 2019. The court's docket reflects that the default was cured on July 9, 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.

20. [19-22973](#)-B-13 JOSEPHINE WILLIAMS
Kristy A. Hernandez

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-13-19 [[19](#)]

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 June 10, 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.

21. [19-20483](#)-B-13 FRANCIS ESQUIVEL
[JPJ](#)-2 Eric W. Vandermey

MOTION TO DISMISS CASE
6-19-19 [[37](#)]

No Ruling

22. [19-23585](#)-B-13 EMILY HANSEN
Michael O'Dowd Hays

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-10-19 [[20](#)]

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 July 5, 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.

23. [19-21692](#)-B-13 ATESH DAYAL
 Muoi Chea

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-24-19 [[36](#)]

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 June 18, 2019. The court's docket reflects that the default was cured on June 25, 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.

24. [19-22195](#)-B-13 JASON MARCO
Dale Orthner

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-13-19 [[34](#)]

DEBTOR DISMISSED: 06/28/2019

Final Ruling

The case was dismissed on June 28, 2019. The order to show cause is discharged as moot.

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.

25. [19-22099](#)-B-13 ELDRIDGE JACKSON
Thru #26 Lucas B. Garcia

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-10-19 [[25](#)]

Tentative Ruling

TELEPHONE APPEARANCE

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 \$76.00 installment when due on June 3, 2019. While the delinquent installment was paid on July 29, 2019, 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.

26. [19-22099](#)-B-13 ELDRIDGE JACKSON
Lucas B. Garcia

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-8-19 [[40](#)]

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 \$76.00 installment when due on July 3, 2019. While the delinquent installment was paid on July 29, 2019, 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.

27. [19-23343](#)-B-13 CHERYL SPRAGUE
[JPJ](#)-1 Mikalah Liviakis
Thru #28

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY JAN P.
JOHNSON AND/OR MOTION TO
DISMISS CASE
6-27-19 [[15](#)]

Tentative Ruling

The objection and motion were properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C).

The court's decision is to overrule the objection as moot and deny the motion to dismiss as moot.

Subsequent to the filing of the Trustee's objection, the Debtor filed an amended plan on July 26, 2019. The confirmation hearing for the amended plan is scheduled for September 10, 2019. The earlier plan filed May 24, 2019, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT and the motion is ORDERED DISMISSED AS MOOT for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

28. [19-23343](#)-B-13 CHERYL SPRAGUE
[EMM](#)-1 Mikalah Liviakis

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LOAN
CARE, LLC
6-27-19 [[19](#)]

Tentative Ruling

The objection was properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C).

The court's decision is to overrule the objection as moot.

Subsequent to the filing of the Loan Care, LLC's objection, the Debtor filed an amended plan on July 26, 2019. The confirmation hearing for the amended plan is scheduled for September 10, 2019. The earlier plan filed May 24, 2019, is not confirmed.

The objection is ORDERED OVERRULED AS MOOT and the motion is ORDERED DISMISSED AS MOOT for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

29. [19-23049](#)-B-13 CHRISTOPHER KELSO CONTINUED OBJECTION TO
[JPJ](#)-1 Harry D. Roth CONFIRMATION OF PLAN BY JAN P.
JOHNSON
6-27-19 [[17](#)]

CONTINUED TO 8/20/19 AT 1:00 P.M. TO BE HEARD AFTER CONTINUED MEETING OF
CREDITORS SET FOR 8/15/19.

Final Ruling

No appearance at the hearing is required. The court will enter a minute order.

30. [19-23485](#)-B-13 LEONA KREUN
[JPJ](#)-1 Julius J. Cherry

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY JAN P.
JOHNSON AND/OR MOTION TO
DISMISS CASE
6-27-19 [[13](#)]

Tentative Ruling

The objection and motion were properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The court's decision is to overrule the objection and deny the motion to dismiss.

This matter was continued from July 23, 2019, to allow the Debtor to appear at the continued meeting of creditors set for July 25, 2019, as required pursuant to 11 U.S.C. § 343. According to the Trustee's Reports, the Debtor and counsel of record appeared and the meeting was concluded as to the Debtor.

There being no other objection to confirmation, the plan filed May 31, 2019, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED and counsel for the Debtor shall prepare an appropriate order confirming the Chapter 13 Plan, transmit the proposed order to the Chapter 13 Trustee for approval as to form, and, if so approved, the Chapter 13 Trustee will submit the proposed order to the court.

The court will enter a minute order.