

**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: August 25, 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.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

August 25, 2020 at 1:00 p.m.

- | | | | |
|----|--|--------------------------------|---|
| 1. | <u>19-25404</u> -B-13
<u>RDG</u> -3 | ART BRACAMONTE
Richard Kwun | CONTINUED OBJECTION TO CLAIM OF
TRANSPORTATION ALLIANCE BANK,
CLAIM NUMBER 13
7-2-20 [<u>56</u>] |
|----|--|--------------------------------|---|

Final Ruling

This matter was continued from August 11, 2020, to allow opposition or response to be filed by any party in interest. No opposition or response was filed. Therefore, the court's conditional ruling at docket 59 shall be the court's final decision.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issues an order.

August 25, 2020 at 1:00 p.m.

2. [19-25214](#)-B-13 MICHAEL YBARRA
[RDG](#)-3 David Foyil

CONTINUED OBJECTION TO CLAIM OF
TWENTY-ONE-EIGHTY FIVE,
LLC/STATE FARM BANK, FSB, CLAIM
NUMBER 7
7-2-20 [[62](#)]

Final Ruling

This matter was continued from August 11, 2020, to allow opposition or response to be filed by any party in interest. No opposition or response was filed. Therefore, the court's conditional ruling at docket 65 shall be the court's final decision.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issues an order.

3. [19-26719](#)-B-13 RAMIRO HERRERA
[RDG](#)-1 Steven A. Alpert

CONTINUED OBJECTION TO CLAIM OF
NETCREDIT, CLAIM NUMBER 6
7-2-20 [[17](#)]

Final Ruling

This matter was continued from August 11, 2020, to allow opposition or response to be filed by any party in interest. No opposition or response was filed. Therefore, the court's conditional ruling at docket 20 shall be the court's final decision.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issues an order.

4. [20-22120](#)-B-13 STEPHON TYLER MOTION TO DISMISS CASE
[RDG](#)-1 Richard L. Sturdevant 8-6-20 [[18](#)]

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.

5. [20-21970](#)-B-13 JEFFREY/MIGHELA COCHRAN MOTION TO DISMISS CASE
[RDG](#)-2 Peter G. Macaluso 8-6-20 [[55](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). The court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f)

The court's decision is to deny the motion to dismiss case.

The Trustee's objection to confirmation was heard on June 16, 2020, and sustained. The Debtors have taken further action to file an amended plan in this case on August 20, 2020. The confirmation hearing is set for October 6, 2020, at 1:00 p.m. The Debtors have not cause an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

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

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

The court will issue an order.

6. [19-24872](#)-B-13 LARRY RODRIGUES
[RDG](#)-1 David S. Van Dyke

CONTINUED OBJECTION TO CLAIM OF
MDG USA INC., CLAIM NUMBER 14-1
7-2-20 [[21](#)]

Final Ruling

This matter was continued from August 11, 2020, to allow opposition or response to be filed by any party in interest. No opposition or response was filed. Therefore, the court's conditional ruling at docket 24 shall be the court's final decision.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issues an order.