

**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: September 29, 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

September 29, 2020 at 1:00 p.m.

1. [20-22416](#)-B-13 NEREIDA LOPEZ MOTION TO DISMISS CASE
 [RDG-2](#) Charles L. Hastings 9-15-20 [[21](#)]

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 conditionally grant motion to dismiss case and continue the hearing to October 6, 2020, at 1:00 p.m.

First, the Debtor has failed to take further action to confirm a plan. An objection to confirmation of Debtor's plan was heard on July 21, 2020, and the court sustained the objection and denied confirmation of the plan. The Debtor has not filed any new plan. The Debtor's failure to take further action to confirm a plan is unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Second, Debtor has failed to commence making timely payments under that plan pursuant to 11 U.S.C. § 1307(c)(4). As of September 14, 2020, plan payments under the plan are delinquent in the sum of \$14,100.00.

Cause exists to dismiss this case. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 2, 2020, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 6, 2020, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 6, 2020, at 1:00 p.m.

The court will issue an order.

September 29, 2020 at 1:00 p.m.
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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 conditionally grant motion to convert case and continue the hearing to **October 6, 2020, at 1:00 p.m.**

The Debtor failed to appear at the meeting of creditors set for September 9, 2020. Although the meeting of creditors was continued to October 7, 2020, the Debtor has nonetheless failed to commence plan payments pursuant to 11 U.S.C. § 1307(c)(4). As of September 15, 2020, plan payments under the plan are delinquent in the sum of \$26,191.25.

Cause exists to convert this case. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 2, 2020, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 6, 2020, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 6, 2020, at 1:00 p.m.

The court will issue an order.

3. [20-22359](#)-B-7 JENELL BAUCOM MOTION TO DISMISS CASE
[RDG-1](#) Len ReidReynoso 9-15-20 [[52](#)]

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 as moot the motion to dismiss case.

The Chapter 13 Trustee moves for dismissal on grounds that the Debtor has failed to take further action to confirm a plan. An objection to confirmation of Debtor's plan was heard on August 4, 2020, and the court sustained the objection and denied confirmation of the plan. The Debtor has not filed any new plan. The Debtor's failure to take further action to confirm a plan is unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

The Debtor filed a response stating that she filed a notice of voluntary conversion to Chapter 7 on September 16, 2020, and that she is experiencing financial changes reflected in her amended schedules.

Cause does not exist to dismiss this case since it has been converted. The motion is denied as moot.

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

The court will issue an order.

4. [20-22859](#)-B-13 MARY WARD
Brian S. Haddix

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-8-20 [[37](#)]

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 September 1, 2020. The court's docket reflects that the default was cured on September 14, 2020, and a final payment was made on September 18, 2020.

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

The court will issue an order.

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 conditionally grant motion to dismiss case and continue the hearing to **October 6, 2020, at 1:00 p.m.**

First, the Debtor has failed to take further action to confirm a plan. An objection to confirmation of Debtor's plan was heard on August 18, 2020, and the court sustained the objection and denied confirmation of the plan. Although the Debtor filed an amended plan on August 17, 2020, she did not set and serve a notice of confirmation hearing date. The Debtor's failure to take further action to confirm a plan is unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor is delinquent \$20.00 as of September 15, 2020. The last payment was received on August 18, 2020. Failure to make timely plan payments is grounds of dismissal pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 2, 2020, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 6, 2020, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 6, 2020, at 1:00 p.m.

The court will issue an order.

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 conditionally grant motion to dismiss case and continue the hearing to **October 6, 2020, at 1:00 p.m.**

The Debtors have failed to take further action to confirm a plan. An objection to confirmation of Debtors' plan was heard on July 27, 2020, and the court sustained the objection and denied confirmation of the plan. The Debtors have not filed any new plan. The Debtors' failure to take further action to confirm a plan is unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 2, 2020, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 6, 2020, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 6, 2020, at 1:00 p.m.

The court will issue an order.

7. [20-23181](#)-B-13 DAMION GOEDE
[RDG](#)-3 Nima S. Vokshori

MOTION TO DISMISS CASE
9-15-20 [[31](#)]

WITHDRAWN BY M.P.

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its motion, 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.

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

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 conditionally grant motion to dismiss case and continue the hearing to **October 6, 2020, at 1:00 p.m.**

First, the Debtor has failed to take further action to confirm a plan. A confirmation hearing was held on July 7, 2020, and confirmation was denied. The Debtor has not filed any new plan. The Debtor's failure to take further action to confirm a plan is unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtor is delinquent \$177.00 as of September 14, 2020. The last payment was received on July 17, 2020. Failure to make timely plan payments is grounds of dismissal pursuant to 11 U.S.C. § 1307.

Cause exists to dismiss this case. The motion is conditionally granted.

Conditional Nature of this Ruling

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, October 2, 2020, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on October 6, 2020, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on October 6, 2020, at 1:00 p.m.

The court will issue an order.