

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

Honorable Christopher D. Jaime  
1200 I Street, Suite 200  
Modesto, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: October 5, 2021**

**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.



2. [20-90371](#)-B-13 GABRIEL/CHRISTINE AGUE MOTION TO MODIFY PLAN  
[JCK](#)-5 Kathleen H. Crist 8-16-21 [[24](#)]

**Final Ruling**

The Chapter 13 Trustee filed a notice of dismissal of its objection after receiving the Debtors' response that resolves issues raised by the Trustee. The Trustee's objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041.

There being no other objection to confirmation, the plan filed August 16, 2021, with the Debtors' proposed order that addresses the Trustee's issues, will be confirmed.

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

IT IS FURTHER ORDERED that the plan is CONFIRMED and counsel for the Debtors 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 issue an order.

3. [16-90657](#)-B-13 TODD BRANDT  
[RDG-2](#) Brian Haddix

CONTINUED MOTION TO DISMISS  
CASE  
9-14-21 [[96](#)]

**Final Ruling**

This matter was continued from September 28, 2021, to allow any party in interest to file a response by 5:00 p.m. on October 1, 2021. No response was filed. Therefore, the court's ruling conditionally granting the motion to dismiss case at dkt. 100 shall become the court's final decision. The continued hearing on October 5, 2021, is vacated.

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

The court will issue an order.