

**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: November 26, 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

November 26, 2019 at 1:00 p.m.

-
1. [18-22000](#)-B-13 LOUIE/SHARDALAI GILLIGAN MOTION TO DISMISS CASE
[DPC-1](#) Ronald W. Holland 11-12-19 [[70](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$12,145.00, which represents approximately 3.6 plan payments. An additional payment of \$3,367.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors do not provide for the curing of post-petition contract installments owed to Ditech Financial LLC in Class 1 for the months of April, July, September, and October 2019 in the total amount of \$7,896.25. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

November 26, 2019 at 1:00 p.m.

2. [17-27305](#)-B-13 MICHAEL GRAY
[DPC-1](#) Muoi Chea

MOTION TO DISMISS CASE
11-12-19 [[46](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$1,520.00, which represents approximately 1 plan payment. An additional payment of \$1,520.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to Wells Fargo Bank NA in Class 1 for the month of October 2019 in the total amount of \$723.67. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

The Debtor has filed a response stating that he will file a modified plan prior to the hearing date on this matter. A modified plan has not been filed according to the court's docket.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

3. [19-21705](#)-B-13 TOBY TOLEN
[DPC-1](#) John G. Downing

MOTION TO DISMISS CASE
11-7-19 [[102](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

Debtor is delinquent to the Chapter 13 Trustee in the amount of \$9,100.00, which represents approximately 3.5 plan payments. An additional payment of \$2,600.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

The objection raised by the Trustee that the Debtor has failed to take further action to confirm a plan in this case has been resolved. The Debtor filed an amended plan on November 12, 2019. The confirmation hearing of the motion is scheduled for December 17, 2019.

Due to the delinquency in plan payments, cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

4. [15-26907](#)-B-13 WILLIAM DOTY
[DPC-1](#) R. Kenneth Bauer

MOTION TO DISMISS CASE
11-12-19 [[56](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$4,429.00, which represents approximately 1 plan payment. An additional payment of \$4,629.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1). The Debtor filed a response stating that he is current on plan payments.

Second, the Debtor does not provide for the curing of post-petition contract installments owed to Cenlar FSB NA in Class 1 for the month of September 2019. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Due to the unresolved second issue, cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

5. [18-23208](#)-B-13 MICHAEL POWERS MOTION TO DISMISS CASE
[DPC-1](#) Mohammad M. Mokarram 11-12-19 [[30](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$5,310.00, which represents approximately 2 plan payments. An additional payment of \$2,670.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to JPMorgan Chase Bank in Class 1 for the month of September 2019 in the total amount of \$373.76. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Third, the Debtor does not provide for the curing of post-petition contract installments owed to Planet Home Lending LLC in Class 1 for the months of August and September 2019 in the total amount of \$2,675.74. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

6. [18-24310](#)-B-13 MICHAEL BRUNSWICK MOTION TO DISMISS CASE
[DPC-1](#) Mikalah R. Liviakis 11-12-19 [[28](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$7,690.00, which represents approximately 2.7 plan payments. An additional payment of \$2,770.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to Bank of America NA in Class 1 for the months of October 2018, August 2019, and September 2019 in the total amount of \$4,093.53. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

7. [19-21010](#)-B-13 CLARENCE COOK
[DPC-1](#) John G. Downing

MOTION TO DISMISS CASE
11-7-19 [[99](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to not dismiss the case.

The objection raised by the Trustee that the Debtor has failed to take further action to confirm a plan in this case, thereby causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1), has been resolved. The Debtor filed an amended plan on November 12, 2019. The confirmation hearing of the motion is scheduled for December 17, 2019.

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

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

The court will enter a minute order.

8. [19-24016](#)-B-13 SHARON PETERSEN
[WLG](#)-2 Nicholas Wajda

CONTINUED MOTION TO CONFIRM
PLAN
8-20-19 [[22](#)]

No Ruling

9. [17-26617](#)-B-13 ROMEO/CRISTINA BRUSOLA MOTION TO DISMISS CASE
[DPC-1](#) David P. Ritzinger 11-12-19 [[39](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$17,865.00, which represents approximately 3 plan payments. An additional payment of \$5,955.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtors do not provide for the curing of post-petition contract installments owed to Quicken Loans Inc. in Class 1 for the month of September and October 2019 in the total amount of \$5,669.74. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

10. [17-24418](#)-B-13 CARLOS/KELLY SMITH MOTION TO DISMISS CASE
[DPC-1](#) William F. McLaughlin 11-12-19 [[120](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$33,457.00, which represents approximately 5 plan payments. An additional payment of \$7,049.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtors do not provide for the curing of post-petition contract installments owed to Fay Servicing LLC in Class 1 for the months of August, September, and October 2019 in the total amount of \$8,085.60. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

11. [19-23222](#)-B-13 DAVID CARTER
[MS-2](#) Mark Shmorgon

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF CHERN LAW LLP FOR MARK
SHMORGON, DEBTORS ATTORNEY(S)
10-1-19 [[39](#)]

CONTINUED TO 1/07/20 AT 1:00 P.M.

Final Ruling

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

12. [14-26025](#)-B-13 THOMAS/TONYA ROGERS
[DPC-1](#) Peter L. Cianchetta

MOTION TO DISMISS CASE
11-12-19 [[118](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$7,711.37, which represents approximately 3 plan payments. An additional payment of \$2,749.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtors do not provide for the curing of post-petition contract installments owed to Mr. Cooper in Class 1 for the months of May, September, and October 2019 in the total amount of \$6,339.71. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

13. [16-24327](#)-B-13 RACHEL WILLIAMS
[DPC-1](#) Chad M. Johnson

MOTION TO DISMISS CASE
11-12-19 [[69](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

Debtor is delinquent to the Chapter 13 Trustee in the amount of \$894.00, which represents approximately 2 plan payments. An additional payment of \$447.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

14. [19-20427](#)-B-13 ALAIN/DANIELLE GUSELLA MOTION TO DISMISS CASE
[DPC-1](#) Mikalah R. Liviakis 11-8-19 [[48](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors have failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtors' motion to confirm amended plan was heard and denied on July 23, 2019, and they have not taken further action to confirm a plan in this case.

Second, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$7,180.00, which represents approximately 2 plan payments. An additional payment of \$3,590.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Third, the Debtors do not provide for the curing of post-petition contract installments owed to Mr. Cooper in Class 1 for four months totaling \$11,127.54. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

15. [19-23827](#)-B-13 LUCIA SALAS
[MS-2](#) Mark Shmorgon

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF CHERN LAW LLP FOR MARK
SHMORGON, DEBTORS ATTORNEY(S)
10-1-19 [[37](#)]

CONTINUED TO 1/07/20 AT 1:00 P.M.

Final Ruling

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

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$5,840.00, which represents approximately 2 plan payments. An additional payment of \$2,920.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Second, the Debtors do not provide for the curing of post-petition contract installments owed to Carrington Mortgage Services in Class 1 for the months of September and October 2019 in the total amount of \$2,836.48. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Third, due to claims being filed for amounts higher than the Debtors scheduled, the plan will take approximately 76 months to complete, which exceeds the maximum length of 60 months pursuant to 11 U.S.C. § 1322(d) and which results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. § 1325(b)(4).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

17. [19-22529](#)-B-13 TINA ANDRADE
[DPC-1](#) Pro Se

MOTION TO DISMISS CASE
11-7-19 [[71](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtor's motion to confirm amended plan was heard and denied on September 10, 2019, and she has failed to take further action to confirm a plan in this case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

18. [17-23932](#)-B-13 DON MARTINEZ
[DPC-1](#) Rick Morin

MOTION TO DISMISS CASE
11-12-19 [[27](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

Debtor is delinquent to the Chapter 13 Trustee in the amount of \$1,875.00, which represents approximately 3 plan payments. An additional payment of \$625.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

19. [18-20332](#)-B-13 WANDA BARBER
[DPC-1](#) Scott D. Hughes

MOTION TO DISMISS CASE
11-12-19 [[81](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$9,500.00, which represents approximately 4 plan payments. An additional payment of \$2,375.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to Mr. Cooper in Class 1 for the months of June, August, September and October 2019 in the total amount of \$3,557.44. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

20. [15-28133](#)-B-13 PETER LADD
[DPC-1](#) Mark A. Wolff

MOTION TO DISMISS CASE
11-12-19 [[50](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

Debtor is delinquent to the Chapter 13 Trustee in the amount of \$2,575.04, which represents approximately 3 plan payments. An additional payment of \$863.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

21. [19-23734](#)-B-13 PATRICK/JEAN MICHELLE MOTION TO DISMISS CASE
[DPC-1](#) SCOTT 11-7-19 [[35](#)]
Seth L. Hanson

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, Debtors have failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The objection to confirmation filed by Quicken Loans Inc. was heard and sustained on August 6, 2019. Debtors have failed to take further action to confirm a plan in this case.

Second, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$2,674.51, which represents approximately 3 plan payments. An additional payment of \$765.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

22. [15-27138](#)-B-13 DWIGHT/GWENDOLYN HAMILTON MOTION TO DISMISS CASE
[DPC-1](#) Richard L. Jare 11-12-19 [[101](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

Debtors are delinquent to the Chapter 13 Trustee in the amount of \$8,000.00, which represents approximately 2 plan payments. An additional payment of \$4,000.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

23. [18-21640](#)-B-13 DZMITRY/NATALLIA UHLIK MOTION TO DISMISS CASE
[DPC-1](#) Eric John Schwab 11-12-19 [[88](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$6,496.00, which represents approximately 2 plan payments. An additional payment of \$3,248.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtors do not provide for the curing of post-petition contract installments owed to Select Portfolio Servicing in Class 1 for the months of September and October 2019 in the total amount of \$3,273.34. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

24. [17-23945](#)-B-13 DEMAR RICHARDSON
[DPC-1](#) Pauldeep Bains

MOTION TO DISMISS CASE
11-12-19 [[57](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$3,826.00, which represents approximately 1.5 plan payments. An additional payment of \$2,675.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to Ocwen Loan Servicing LLC in Class 1 for the months of May and September 2019 in the total amount of \$2,433.98. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

25. [18-25046](#)-B-13 LORENZO/CORRINA AGUILAR MOTION TO DISMISS CASE
[DPC-1](#) Candace Y. Brooks 11-12-19 [[51](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$1,840.00, which represents approximately 2 plan payments. An additional payment of \$920.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, due to claims being filed for amounts higher than the Debtors scheduled, the plan will take approximately 85 months to complete, which exceeds the maximum length of 60 months pursuant to 11 U.S.C. § 1322(d) and which results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. § 1325(b) (4).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

26. [18-27747](#)-B-13 VIRGINIA HUNT
[DPC-1](#) Steele Lanphier

MOTION TO DISMISS CASE
11-7-19 [[80](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtor's motion to confirm amended plan was heard and denied on August 13, 2019, and she has failed to take further action to confirm a plan in this case.

Second, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$3,020.00, which represents approximately 4 plan payments. An additional payment of \$755.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

27. [15-22548](#)-B-13 MARGARET CLARK
[DPC-1](#) Chad M. Johnson

MOTION TO DISMISS CASE
11-12-19 [[166](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$3,220.00, which represents approximately 3 plan payments. An additional payment of \$1,140.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

28. [15-26248](#)-B-13 ANDREW/EMILY TWISS MOTION TO DISMISS CASE
[DPC-1](#) Mary Ellen Terranella 11-12-19 [[99](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtors are delinquent to the Chapter 13 Trustee in the amount of \$358.00, which represents approximately 2 plan payments. An additional payment of \$180.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

29. [15-25350](#)-B-13 DIANA WILSON
[DPC-1](#) Richard L. Jare

MOTION TO DISMISS CASE
11-12-19 [[47](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$1,350.00, which represents approximately 2 plan payments. An additional payment of \$550.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

30. [19-23051](#)-B-13 MARY CHADWICK
[DPC-1](#) Steele Lanphier

MOTION TO DISMISS CASE
11-7-19 [[53](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtor's motion to confirm amended plan was heard and denied on August 20, 2019, and she has not taken further action to confirm a plan in this case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

31. [17-26052](#)-B-13 TANISHA MAVY
[DPC-1](#) Pro Se

MOTION TO DISMISS CASE
11-12-19 [[140](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$195.00, which represents approximately 3 plan payments. An additional payment of \$195.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

32. [18-26852](#)-B-13 JIMMY SANTOS AND JULIE MOTION TO DISMISS CASE
[DPC-1](#) MAGHONEY SANTOS 11-7-19 [[96](#)]
Peter L. Cianchetta

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors have failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtors motion to confirm amended plan was heard and denied on July 23, 2019, and she has failed to take further action to confirm a plan in this case.

Second, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$3,500.00, which represents approximately 5 plan payments. An additional payment of \$700.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

33. [19-26252](#)-B-13 PETER/ALISON BIPPART
Eric John Schwab

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-18-19 [[16](#)]

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 the Chapter 13 Voluntary Petition fee of \$310.00. The full payment was made on October 29, 2019.

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.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors have failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtors motion to confirm amended plan was heard and denied on July 2, 2019, and she has failed to take further action to confirm a plan in this case.

Second, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$825.00, which represents approximately 1 plan payment. An additional payment of \$825.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

35. [16-27762](#)-B-13 YVONNE MANCILLA
[DPC-1](#) Edward A. Smith

MOTION TO DISMISS CASE
11-12-19 [[69](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$5,500.00, which represents approximately 2 plan payments. An additional payment of \$2,750.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to Wells Fargo Bank NA in Class 1 for the month of August 2019 in the total amount of \$1,824.73. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

36. [19-24463](#)-B-13 ANTHONY ANDERSON
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-21-19 [[44](#)]

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 \$75.00 due October 15, 2019. The court's docket reflects that the default was cured on November 18, 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.

37. [19-26263](#)-B-13 OBADIAH CHAMBERLIN
Jin Kim

AMENDED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
11-5-19 [[22](#)]

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 the Amended Verification and Master List fee of \$31.00. The full payment was made on November 6, 2019.

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.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c) (1). The Debtor's motion to confirm amended plan was heard and denied on August 6, 2019, and she has not taken further action to confirm a plan in this case.

Second, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$18,020.00, which represents approximately 4 plan payments. An additional payment of \$4,505.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Third, the Debtor does not provide for the curing of post-petition contract installments owed to Mr. Cooper in Class 1 for the months of April through October 2019. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

39. [18-24368](#)-B-13 LASONJA PORTER
[DPC-1](#) Julius J. Cherry

MOTION TO DISMISS CASE
11-7-19 [[44](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The objection to confirmation filed by Exeter Finance, LLC was heard and resolved by stipulation on December 4, 2018, but the Debtor was suppose to file an amended plan. The Debtor has failed to take further action to confirm a plan in this case.

Second, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$2,251.50, which represents approximately 6 plan payments. An additional payment of \$375.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

40. [16-24269](#)-B-13 VERONICA WILLIAMS
[DPC-1](#) Joseph M. Canning

MOTION TO DISMISS CASE
11-12-19 [[59](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$2,444.00, which represents approximately 4 plan payments. An additional payment of \$611.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

41. [17-27670](#)-B-13 DONNETTE DESANTIS
[DPC-1](#) Richard L. Jare

MOTION TO DISMISS CASE
11-12-19 [[86](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$4,421.20, which represents approximately 4.4 plan payments. An additional payment of \$1,005.30 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

42. [15-25774](#)-B-13 ANTHONY HANDLEY
[DPC-1](#) Matthew J. Gilbert

MOTION TO DISMISS CASE
11-12-19 [[41](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$1,281.00, which represents approximately 1 plan payment. An additional payment of \$1,281.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to Selene Finance in Class 1 for the months of April 2018 and October 2019 in the total amount of \$1,879.02. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

43. [16-24074](#)-B-13 ROSA GUZMAN
[DPC-1](#) Chad M. Johnson

MOTION TO DISMISS CASE
11-12-19 [[151](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$2,193.00, which represents approximately 3 plan payments. An additional payment of \$731.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtor is delinquent to the Chapter 13 Trustee in the amount of \$5,078.00, which represents approximately 2.8 plan payments. An additional payment of \$1,786.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Second, the Debtor does not provide for the curing of post-petition contract installments owed to PNC Bank National Association in Class 1 for the months of August through October 2019 in the total amount of \$4,125.42. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

45. [18-20279](#)-B-13 ROBERT DYER
[DPC-1](#) Nikki Farris

MOTION TO DISMISS CASE
11-12-19 [[23](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$500.00, which represents approximately 2 plan payments. An additional payment of \$250.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

46. [15-28580](#)-B-13 TANYA YANCEY
[DPC-1](#) Peter G. Macaluso

MOTION TO DISMISS CASE
11-12-19 [[50](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor is delinquent to the Chapter 13 Trustee in the amount of \$520.00, which represents approximately 3 plan payments. An additional payment of \$150.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c) (1).

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f) (2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor does not provide for the curing of post-petition contract installments owed to Wells Fargo Bank NA in Class 1 for the months of March and October 2019 in the total amount of \$5,902.63. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

While the Chapter 13 Trustee also moves to dismiss the case on grounds that the Debtor is delinquent in the amount of at least \$5,135.00, which represents approximately 1 plan payment, the Debtor has filed a response stating that a payment of \$5,135.00 was received by the Trustee's office on November 14, 2019. An additional payment of \$5,135.00 is nonetheless also due by the date of the hearing on this matter.

Even if the Debtor is current on plan payments, cause exists to dismiss this case due to Debtor's failure to cure the post-petition contract installments owed to Wells Fargo. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

48. [19-23982](#)-B-13 PEGGY SOMKOPULOS
[DPC](#)-1 Mark A. Wolff

MOTION TO DISMISS CASE
11-7-19 [[63](#)]

No Ruling

49. [18-25088](#)-B-13 DANIEL MASSEY
[DPC-1](#) Peter L. Cianchetta

MOTION TO DISMISS CASE
11-7-19 [[89](#)]

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

The Debtor has failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The Debtor's motion to confirm amended plan was heard and denied on June 4, 2019, and he has not taken further action to confirm a plan in this case.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

50. [18-27397](#)-B-13 GENE/JANICE GEIGER MOTION TO DISMISS CASE
[DPC-1](#) Bruce Charles Dwigins 11-8-19 [[47](#)]

DEBTOR DISMISSED: 06/24/2019

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to dismiss the case.

First, the Debtors have failed to prosecute this case causing an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1). The objection to confirmation filed by the Chapter 13 Trustee was heard and sustained on February 5, 2019. The Debtors have failed to take further action to confirm a plan in this case.

Second, the Debtors are delinquent to the Chapter 13 Trustee in the amount of \$18,000.00, which represents approximately 5 plan payments. An additional payment of \$3,600.00 will be due by the date of the hearing on this matter. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c)(1).

Third, the Debtors do not provide for the curing of post-petition contract installments owed to Rabobank NA in Class 1 for the months of July through October 2019. The Trustee is therefore unable to fully comply with § 3.07(b) of the plan.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

51. [19-23098](#)-B-13 GARY VITALIE
[MS-2](#) Mark Shmorgon

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF CHERN LAW LLP FOR MARK
SHMORGON, DEBTORS ATTORNEY(S)
10-1-19 [[49](#)]

CONTINUED TO 1/07/20 AT 1:00 P.M.

Final Ruling

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