

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

January 24, 2023 at 2:00 p.m.

1. [22-21112](#)-C-13 REECE/RODINA VENTURA MOTION TO DISMISS CASE
[RDG](#)-2 Peter Macaluso 1-10-23 [[90](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 93.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on November 8, 2022.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 84 & 87.

The Motion also argues debtor is \$10,800.00 delinquent in plan payments, which is supported by declaration. Dkt. 92.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are
stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13
case filed by the Chapter 13 Trustee, Russell
Greer, having been presented to the court, and

January 24, 2023 at 2:00 p.m.

upon review of the pleadings, evidence,
arguments of counsel, and good cause
appearing,

IT IS ORDERED that the Motion to
Dismiss is granted, and the case is dismissed,
the court having found that dismissal, and not
conversion, is in the best interest of
creditors and the Estate.

2. [22-23226](#)-C-13 TERESA JONES
Michael Mahon

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-27-22 [[11](#)]

Final Ruling: No appearance at the January 24, 2023 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on December 27, 2022. Dkt. 11.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

3. [22-22843](#)-C-13 RANDALL MARK KATZ

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
11-15-22 [[14](#)]

CASE DISMISSED: 11/21/2022

Final Ruling: No appearance at the January 24, 2023 hearing is required.

The above captioned case was dismissed on November 21, 2022. Dkt. 18.
Therefore, the Order to Show Cause is discharged as moot.

The court shall issue a minute order substantially in the following form
holding that:

Findings of Fact and Conclusions of Law are stated in
the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the
court, and upon review of the pleadings, evidence, arguments
of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is
discharged as moot.

4. [22-22943](#)-C-13 ANNE MARIE CARO
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-19-22 [[18](#)]

Tentative Ruling:

The court issued this Order to Show Cause because debtor had not paid the filing fee installment payment on the due date of December 14, 2022. Dkt. 18.

A review of the docket shows the payment has still not been made. Additionally, the fee installment payment has come due and was not made. Dkt. 33.

Therefore, the Order to Show Cause is sustained, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained, and the case is dismissed.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 32.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed a plan on the correct version of the Chapter 13 plan, list an amount owed or a percentage to unsecured creditors. The Trustee further argues dismissal is warranted because the debtor has failed to provide income tax returns, payment advices, and a credit counseling certificate.

The Motion also argues debtor is \$2,300.00 delinquent in plan payments, which is supported by declaration. Dkt. 31.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

6. [22-22967](#)-C-13 TYHRA BARRON
Matthew DeCaminada

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-20-22 [[15](#)]

Tentative Ruling:

The court issued this Order to Show Cause because debtor had not paid the filing fee installment payment on the due date of December 15, 2022. Dkt. 15.

A review of the docket shows the payment has still not been made. Additionally, the fee installment payment has come due and was not made. Dkt. 19.

Therefore, the Order to Show Cause is sustained, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is sustained, and the case is dismissed.

7. [22-21870](#)-C-13 JIMMY SUJANTO
[RDG](#)-2 Arete Kostopoulos

MOTION TO DISMISS CASE
1-10-23 [[40](#)]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 43.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on November 29, 2022.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 38 & 39.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

8. [22-22980](#)-C-13 VALERIE RAMIREZ
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-21-22 [[25](#)]

Final Ruling: No appearance at the January 23, 2023 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on December 16, 2022. Dkt. 25.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 45.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has not set a hearing on confirmation of the first amended plan since the court denied confirmation of the Chapter 13 plan on October 25, 2022.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 38, 40 & 41.

The Motion also argues debtor is \$1,946.00 delinquent in plan payments, which is supported by declaration. Dkt. 44.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

10. [22-22793](#)-C-13 DONNETTE DESANTIS
Richard Jare

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-3-23 [[38](#)]

Final Ruling: No appearance at the January 23, 2023 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on December 27, 2022. Dkt. 38.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.