

**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: January 25, 2022

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

January 25, 2022 at 1:00 p.m.

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| 1. | <u>21-21810</u> -B-13 ANTHONY/KAMIE GAMBINI
Yasha Rahimzadeh | ORDER TO SHOW CAUSE - FAILURE
TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
12-14-21 [<u>34</u>] |
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Final Ruling

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Valley Strong Credit Union's failure to pay the \$26.00 transfer of claim fee. The court's docket reflects that the default was cured on December 20, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

January 25, 2022 at 1:00 p.m.

2. [19-21321](#)-B-13 STEPHEN/STEPHANIE YOUNG ORDER TO SHOW CAUSE - FAILURE
Thru #3 Richard L. Jare TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
12-14-21 [[78](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Valley Strong Credit Union's failure to pay the \$26.00 transfer of claim fee. The court's docket reflects that the default was cured on December 20, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

3. [19-21321](#)-B-13 STEPHEN/STEPHANIE YOUNG ORDER TO SHOW CAUSE - FAILURE
Richard L. Jare TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
12-14-21 [[79](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Valley Strong Credit Union's failure to pay the \$26.00 transfer of claim fee. The court's docket reflects that the default was cured on December 20, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

4. [17-21532](#)-B-13 TIMOTHY BROOKS ORDER TO SHOW CAUSE - FAILURE
[Thru #5](#) Charles L. Hastings TO TENDER FEE FOR FILING
TRANSFER OF CLAIM DOCUMENT #75
12-14-21 [[84](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Valley Strong Credit Union's failure to pay the \$26.00 transfer of claim fee. The court's docket reflects that the default was cured on December 20, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

5. [17-21532](#)-B-13 TIMOTHY BROOKS ORDER TO SHOW CAUSE - FAILURE
Charles L. Hastings TO TENDER FEE FOR FILING
TRANSFER OF CLAIM DOCUMENT #73
12-14-21 [[83](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Valley Strong Credit Union's failure to pay the \$26.00 transfer of claim fee. The court's docket reflects that the default was cured on December 20, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

6. [17-23238](#)-B-13 LAURIE CROSBY-WILSON
Gregory J. Smith

ORDER TO SHOW CAUSE - FAILURE
TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
12-14-21 [[143](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Valley Strong Credit Union's failure to pay the \$26.00 transfer of claim fee. The court's docket reflects that the default was cured on December 20, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

7. [21-23144](#)-B-13 RUPERTO IDEMNE AND MOTION TO DISMISS CASE
[RDG-2](#) JOSEPHINE MOMBAY 1-10-22 [[32](#)]
W. Steven Shumway

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has 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). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion to dismiss case and continue the hearing to February 1, 2022 at 1:00 p.m.**

The court sustained objections to confirmation on November 23, 2021. The Debtors have not filed, set, and served an amended plan. Debtors' failure to perform their duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

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

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, January 28, 2022, 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 February 1, 2022, 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 February 1, 2022, at 1:00 p.m.

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has 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). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion to dismiss case and continue the hearing to February 1, 2022 at 1:00 p.m.**

First, the Debtor has failed to commence making plan payments in this case. The Debtor is delinquent in plan payments in the sum of \$15,214.71. 11 U.S.C. § 1307(c)(4).

Second, the court sustained objections to confirmation on December 7, 2021. The Debtor has not filed, set, and served an amended plan. Debtor's failure to perform his duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

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

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, January 28, 2022, 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 February 1, 2022, 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 February 1, 2022, at 1:00 p.m.

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has 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). This matter will therefore be decided on the papers.

The court's decision is to **conditionally grant the motion to dismiss case and continue the hearing to February 1, 2022 at 1:00 p.m.**

First, the Debtor is delinquent in plan payments in the sum of \$2,076.00. The last payment was received on December 1, 2021. 11 U.S.C. § 1307(c)(4).

Second, confirmation of Debtor's second amended plan was denied on December 14, 2021. The Debtor has failed to file, set, and serve a third amended plan.

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

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, January 28, 2022, 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 February 1, 2022, 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 February 1, 2022, at 1:00 p.m.

10. [19-20898](#)-B-13 JOSE/NOEMI ARREOLA
Kathleen H. Crist

ORDER TO SHOW CAUSE - FAILURE
TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
12-14-21 [[34](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Valley Strong Credit Union's failure to pay the \$26.00 transfer of claim fee. The court's docket reflects that the default was cured on December 20, 2021.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes.

The court will issue an order.

11. [20-21602](#)-B-13 JOSE/LETICIA GONZALEZ CONTINUED MOTION TO INCUR DEBT
[GSJ](#)-1 Grace S. Johnson 1-3-22 [[63](#)]

Final Ruling

This matter was continued from January 18, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, January 21, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 70, granting the motion, shall become the court's final decision. The continued hearing on January 25, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.