

**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 26, 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.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

January 26, 2021 at 1:00 p.m.

1. [20-22120](#)-B-13 STEPHON TYLER MOTION TO DISMISS CASE
[RDG-2](#) Richard L. Sturdevant 1-6-21 [[36](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Due to court closures in response to the COVID-19 pandemic, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to conditionally grant the motion to dismiss case and continue the matter to **February 2, 2021, at 1:00 p.m.**

Debtor has failed to confirm a plan. A hearing on confirmation of Debtor's first amended plan was heard on September 15, 2020, and confirmation was denied. This is 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 29, 2021, 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 2, 2021, 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 2, 2021, at 1:00 p.m.

The court will issue an order.

January 26, 2021 at 1:00 p.m.

2. [20-24072](#)-B-13 LORENA FLORES
[RDG-2](#) Peter G. Macaluso

MOTION TO DISMISS CASE
1-6-21 [[35](#)]

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, and usually may appear at the hearing to offer oral argument. However, due to court closures in response to the COVID-19 pandemic, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that the Debtor is not current on plan payments and has not confirmed a plan after the court sustained an objection to confirmation on November 3, 2020. This is unreasonable delay that is prejudicial to creditors, who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Debtor filed a response stating she will file, set, serve, and be current under a new amended plan. A review of the court's docket shows that an amended plan was filed on January 22, 2021, with a confirmation hearing set for March 2, 2021.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will issue an order.

3. [20-24076](#)-B-13 DON HARDING AND VIRIGNIA ORDER TO SHOW CAUSE - FAILURE
 SIMMS TO PAY FEES
 Peter G. Macaluso 11-30-20 [[25](#)]

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 \$75.00 due November 23, 2020. The court's docket reflects that the default was cured on December 10, 2020. The payment constituted the final installment.

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

The court will issue an order.

4. [20-23782](#)-B-13 LAWRENCE/JENNY BOLDON MOTION TO DISMISS CASE
[RDG-2](#) Brian S. Haddix 1-6-21 [[62](#)]

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, and usually may appear at the hearing to offer oral argument. However, due to court closures in response to the COVID-19 pandemic, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that the Debtors have not confirmed a plan after the court sustained objections to confirmation on October 20, 2020. This is unreasonable delay that is prejudicial to creditors, who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Debtors filed a response stating that a new amended plan was filed. A review of the court's docket shows that an amended plan was filed on January 20, 2021, with a confirmation hearing set for March 2, 2021.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will issue an order.

5. [20-24683](#)-B-13 CARLOS PITTS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-16-20 [[55](#)]

DEBTOR DISMISSED: 01/08/21

Final Ruling

The case having previously been dismissed on January 8, 2021, the motion is dismissed as moot.

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

The court will issue an order.