

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

January 26, 2021 at 2:00 p.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

1.	20-24108 -C-13	LONNIE/MARIA FINK	MOTION TO DISMISS CASE
	RDG -2	Steele Lanphier	1-11-21 [28]

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 15 days' notice was provided. Dckt. 31.

<p>The Motion to Dismiss is denied without prejudice.</p>
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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 initial proposed plan.

On January 20, 2021, the debtor filed an Amended Plan and corresponding Motion To Confirm. Dckts. 33, 37.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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 ("Trustee"), 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 denied without prejudice.

January 26, 2021 at 2:00 p.m.

2. [20-23824](#)-C-13 RANDY/SAMANTHA SHUKER
Justin Kuney

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-8-20 [[64](#)]

Final Ruling: No appearance at the January 26, 2021 hearing is required.

The court issued this Order To Show Cause because debtor had not paid a filing fee installment payment due on December 3, 2020. Dckt. 64.

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. [20-24625](#)-C-13 RICHARD PATTON
Muoi Chea

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-5-21 [[18](#)]

Final Ruling: No appearance at the January 26, 2021 hearing is required.

The court issued this Order To Show Cause because debtor had not paid a filing fee installment payment due on January 4, 2021. Dckt. 18.

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 15 days' notice was provided. Dckt. 70.

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 December 4, 2020.

A review of the docket confirms the first amended plan was denied confirmation, and no plan is set for confirmation hearing. Dckt. 66.

The Motion also argues debtor is \$20,251.71 delinquent in plan payments, which is supported by declaration. Dckt. 69.

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). 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 ("Trustee"), 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.

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 20 days' notice was provided. Dckt. 61.

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 debtors have not confirmed a plan, and there is no pending motion seeking to confirm a plan.

A review of the docket confirms the debtors withdrew their Motion To Confirm (Dkt. 56), and no motion is pending.

Failure to confirm a plan constitutes 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). 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 ("Trustee"), 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.

6. [20-24953](#)-C-13 DONALD MACON
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-4-21 [[32](#)]

Final Ruling: No appearance at the January 26, 2021 hearing is required.

The court issued this Order To Show Cause because debtor had not paid a filing fee installment payment due on December 28, 2020. Dckt. 32.

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.

7. [20-24953](#)-C-13 DONALD MACON
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-2-20 [[25](#)]

Final Ruling: No appearance at the January 26, 2021 hearing is required.

The court issued this Order To Show Cause because debtor had not paid a filing fee installment payment due on December 28, 2020. Dckt. 32.

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.

8. [20-25358](#)-C-13 OSVALDO/PATRICIA CASTRO
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-4-21 [[15](#)]

Tentative Ruling:

The court issued this Order To Show Cause because debtor had not paid the first filing fee installment payment on the due date of December 30, 2020. Dckt. 15.

A review of the docket shows the payment has still not been made.

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.