

**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

Honorable Christopher D. Jaime  
1200 I Street, Suite 200  
Modesto, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: JANUARY 28, 2025**

**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  
Modesto, California

**January 28, 2025 at 1:00 p.m.**

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1.     [24-90710](#)-B-13   CHIQUITA STARK                             ORDER TO SHOW CAUSE - FAILURE  
      Thru #2           Pro Se                                     TO PAY FEES  
   12-27-24 [[35](#)]

**Final Ruling**

The Order to Show Cause will be discharged.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$79.00 installment when due on December 23, 2024. The delinquent installment was paid on January 7, 2025.

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

The court will issue an order.

2.     [24-90710](#)-B-13   CHIQUITA STARK                             MOTION TO DISMISS CASE  
      [LGT](#)-1           Pro Se                                     11-26-24 [[20](#)]

**Final Ruling**

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

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

This is debtor Chiquita Stark's ("Debtor") third bankruptcy pending in the year 2024. The prior two cases, nos. 24-90419 and 24-90472, were dismissed due to incomplete filing of documents. Debtor is also again filing this case pro se. Debtor's history of multiple filings appears to be an effort to forestall her creditors without any real attempt to reorganize. Debtor has repeatedly failed to file required documents and/or a plan in past and present cases. Also all the previous cases were dismissed prior to confirmation of a Chapter 13 plan. Filings to hold off creditors are often considered bad faith filings. Based on the pattern and numerous filings, Debtor is attempting to frustrate creditors and has not demonstrated a true intent to reorganize. This is grounds for the bankruptcy court to dismiss the case and the debtor from obtaining a discharge for at least some period of time. *In re Leavitt*, 171 F.3d 1219, 1223-24 (9th Cir. 1999)

Cause exists to dismiss this case. The motion is granted, the case dismissed, and the Debtor is barred from future filings for two years.

**January 28, 2025 at 1:00 p.m.**

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

IT IS FURTHER ORDERED that the Debtor is barred from future filing for a minimum period of two years.

The court will issue an order.

3.     [24-90640](#)-B-13   JEANNE/DOYLE PHILLIPS                   MOTION TO DISMISS CASE  
          [LGT](#)-2               Pro Se                               12-20-24 [[20](#)]  
DEBTORS DISMISSED: 01/03/25

**Final Ruling**

The case having been dismissed on January 3, 2025, the motion to dismiss case is denied as moot.

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

The court will issue an order.

4. [19-90660](#)-B-13 VERONICA ORTEGA OBJECTION TO DISCHARGE BY  
[LGT](#)-1 Richard Kwun LILIAN G. TSANG  
11-14-24 [[79](#)]

**Final Ruling**

The Chapter 13 Trustee and debtor Veronica Ortega ("Debtor"), having entered into a stipulation on November 28, 2024, regarding the objection to discharge, and Debtor having filed a non-opposition to the objection, the objection is ordered sustained.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

5. [24-90461](#)-B-13 JOSEPH SISEMORE CONTINUED OBJECTION TO  
[LGT-1](#) David C. Johnston CONFIRMATION OF PLAN BY LILIAN  
**Thru #6** G. TSANG  
9-19-24 [[19](#)]

**Final Ruling**

The case having been converted to one under chapter 7 at Item #6, LGT-2, the objection to confirmation of plan is overruled as moot.

The objection is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

6. [24-90461](#)-B-13 JOSEPH SISEMORE MOTION TO DISMISS CASE  
[LGT-2](#) David C. Johnston 12-6-24 [[28](#)]

**Final Ruling**

The Chapter 13 Trustee's motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). The Declaration of Alvaro Juarez was filed on January 14, 2025, that addresses the financial issue raised in the motion.

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 grant the motion to convert case to one under chapter 7.

First, all pages of the most recent federal tax return filed by Debtor has not been provided to the Trustee pursuant to 11 U.S.C. § 521(e)(2)(A)(B).

Second, a review of Debtor's Schedules A/B and D shows that Debtor's real and personal property is encumbered. Should Debtor choose to amend Schedules C exemptions, there would remain non-exempt equity that may be available for the benefit of unsecured creditors. Therefore, conversion rather than dismissal is in the best interest of creditors of the estate.

The Trustee also raises in its motion that the declaration of a third party who contributes to the Debtor's monthly income must be provided. The Declaration of Alvaro Juarez was filed and states that Mr. Juarez and Debtor have been in a relationship for 23 years and consider each other spouses, that Mr. Juarez and Debtor are both obligated on the home loan held by Freedom Mortgage Corporation, that Mr. Juarez has sufficient income to pay all their household expenses including their home loan, and that Mr. Juarez is willing to contribute \$4,830 per month to cover household expenses and the Chapter 13 plan payment. The declaration resolves the financial issue raised by the Trustee.

Nonetheless, due to Debtor's failure to file the most recent federal tax return and because Debtor's real and personal property is encumbered, cause exists to convert this case. The motion granted and the case will be converted to one under chapter 7.

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

The court will issue an order.

### **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 matter to February 4, 2024, at 1:00 p.m.**

First, Debtor failed to appear at the meeting of creditors held December 18, 2024, and the continued meeting of creditors held January 2, 2025. Although the meeting was continued again to February 19, 2025, the court finds it unlikely that Debtor will appear given his history of nonappearance at the prior two meetings. 11 U.S.C. § 341.

Second, Debtor failed to provide required documents to the Chapter 13 Trustee including: payment advices, the most recent federal tax return, original valid picture ID, proof of complete social security number, Class 1 Checklist, evidence of payment to Class 1 claims, domestic support obligation checklist, any applicable documents required by Form 122C-2, and any declaration from a third party who contributes to monthly income if applicable.

Third, Debtor failed to file the correct form for Chapter 13 Plan as provided by Local Rule 3015-1(a) Official Local Form EDC 3-080 (rev. 11/9/18) and General Order GO.18-03 Order Adopting Attached Chapter 13 Plan as Official Local Form EDC 3-080.

Debtor's failure to fulfill his duties is an unreasonable delay that is prejudicial to creditors. 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 31, 2025, 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 4, 2025, 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 4, 2025, at 1:00 p.m.

8. [24-90603](#)-B-13 GEORGE JACOB CONTINUED OBJECTION TO  
[AP-1](#) David C. Johnston CONFIRMATION OF PLAN BY  
**Thru #9** CREDITOR WILMINGTON SAVINGS  
FUND SOCIETY, FSB  
12-11-24 [[29](#)]

**Final Ruling**

This matter was continued from January 21, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, January 24, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 37, sustaining the objection, shall become the court's final decision. The continued hearing on January 28, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

9. [24-90603](#)-B-13 GEORGE JACOB CONTINUED OBJECTION TO  
[LGT-1](#) David C. Johnston CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
12-5-24 [[26](#)]

**Final Ruling**

This matter was continued from January 21, 2025, to allow any party in interest to file a response by 5:00 p.m. Friday, January 24, 2025. Nothing was filed. Therefore, the court's conditional ruling at dkt. 38, sustaining the objection, shall become the court's final decision. The continued hearing on January 28, 2025, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.