

**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 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
Sacramento, California

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

- | | | | |
|----|--------------------------------|---------------------|---------------------------------|
| 1. | 24-20702 -B-13 | CRAIG GILMORE | MOTION TO DISMISS CASE |
| | LGT -2 | G. Michael Williams | 12-20-24 [85] |

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

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

2. [24-25504](#)-B-13 LARRY MENTON
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-10-25 [[27](#)]

Final Ruling

The court's decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due January 6, 2025. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the minutes and the case is DISMISSED.

The court will issue an order.

3. [24-23014](#)-B-13 SENGPHET/SYPHONG MOTION TO DISMISS CASE
 [LGT](#)-2 PHIMMASENE 12-4-24 [[49](#)]
 Matthew J. DeCaminada

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

4. [24-23214](#)-B-13 TONY/TERESA SOUZA
[LGT](#)-2 Michael Benavides

MOTION TO DISMISS CASE
12-5-24 [[53](#)]

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 convert case to one under chapter 7.

Debtors have failed to file, set, and serve an amended plan. This is an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. §1307(c)(1).

Based on Debtors' schedules showing that there is non-exempt equity that may be available for the benefit of unsecured creditors, cause exists to convert this case. The motion is granted and the case will be converted to one under chapter 7.

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

The court will issue an order.

5. [24-25020](#)-B-13 CANDY WALKER
[LGT](#)-1 Peter G. Macaluso

MOTION TO DISMISS CASE
12-19-24 [[16](#)]

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). Opposition was filed.

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss case on grounds that Debtor failed to file her most recent federal tax return, failed to file the correct form for Chapter 13 Plan, failed to file Official Form 106 Declaration About an Individual Debtor's Schedules, and failed to complete Schedule C.

Debtor filed an opposition stating that she is not represented by counsel Peter Macaluso as of January 13, 2025, and that the new counsel is prepared to move forward with the meeting of creditors and to file, set, and serve required amendments and a first amended plan.

Given the aforementioned, cause does not exist at this time to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

6. [24-21632](#)-B-13 MARTIN VEGA
[LGT](#)-2 Arasto Farsad

MOTION TO DISMISS CASE
12-23-24 [[72](#)]

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.

First, Debtor has failed to file, set, and serve an amended plan. This is an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. §1307(c)(1).

Second, Debtor is delinquent in the amount of \$5,625.58. Additional plan payments of \$3,975 per month were due December 25, 2024, and January 25, 2025. 11 U.S.C. § 1307(c)(4).

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

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

The court will issue an order.

7. [24-24537](#)-B-13 HARPREET SINGH CONTINUED OBJECTION TO
[LGT](#)-1 Kristy A. Hernandez CONFIRMATION OF PLAN BY LILIAN
G. TSANG
11-22-24 [[28](#)]

CONTINUED TO 2/25/25 AT 1:00 P.M. AT SACRAMENTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 2/20/25.

Final Ruling

No appearance at the January 28, 2025, hearing is required. The court will issue an
order.

8. [24-23238](#)-B-13 KIMBERLY TRUJILLO
[LGT](#)-2 Arete Kostopoulos

MOTION TO DISMISS CASE
12-4-24 [[49](#)]

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.

Debtor has failed to file, set, and serve an amended plan. This is an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. §1307(c)(1).

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

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

The court will issue an order.

9. [24-24946](#)-B-13 BILLY SPURGIN ORDER TO SHOW CAUSE - FAILURE
Thru #10 Peter G. Macaluso TO PAY FEES
12-5-24 [[34](#)]

Final Ruling

The court's decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due December 2, 2024. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the minutes and the case is DISMISSED.

The court will issue an order.

10. [24-24946](#)-B-13 BILLY SPURGIN ORDER TO SHOW CAUSE - FAILURE
Peter G. Macaluso TO PAY FEES
1-6-25 [[38](#)]

Final Ruling

The case having been dismissed at Item #9 for failure to pay fees, the order to show cause is discharged as moot.

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

The court will issue an order.

11. [24-23050](#)-B-13 NERY LIMON
[LGT](#)-2 G. Michael Williams

MOTION TO DISMISS CASE
12-23-24 [[75](#)]

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 motion to convert case to one under chapter 7.

First, Debtor has failed to file, set, and serve an amended plan. This is an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. §1307(c)(1).

Second, Debtor is delinquent in the amount of \$11,300. Additional plan payments of \$5,650 per month were due December 25, 2024, and January 25, 2025. 11 U.S.C. § 1307(c)(4).

Based on Debtor's schedules showing that there is non-exempt equity that may be available for the benefit of unsecured creditors, cause exists to convert this case. The motion is granted and the case will be converted to one under chapter 7.

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

The court will issue an order.

12. [24-20853](#)-B-13 MELANIE/SHANE BRITT MOTION TO DISMISS CASE
[LGT](#)-3 Peter G. Macaluso 12-4-24 [[115](#)]

Final Ruling

Debtors Melanie Britt and Shane Britt, having filed a reply stating their non-opposition to the Chapter 13 Trustee's motion to dismiss case, the motion is granted and the case is dismissed.

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

The court will issue an order.

13. [24-23473](#)-B-13 EVELYN BENNETT
[LGT](#)-2 Gregory J. Smith

MOTION TO DISMISS CASE
12-23-24 [[49](#)]

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 motion to convert case to one under chapter 7.

First, Debtor has failed to file, set, and serve an amended plan. This is an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. §1307(c)(1).

Second, Debtor is delinquent in the amount of \$12,310. Additional plan payments of \$4,520 per month were due December 25, 2024, and January 25, 2025. 11 U.S.C. § 1307(c)(4).

Based on Debtor's schedules showing that there is non-exempt equity that may be available for the benefit of unsecured creditors, cause exists to convert this case. The motion is granted and the case will be converted to one under chapter 7.

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

The court will issue an order.

14. [24-22675](#)-B-13 RATTANA POK
[LGT](#)-1 G. Michael Williams

MOTION TO DISMISS CASE
12-6-24 [[40](#)]

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.

The Chapter 13 Trustee moves to dismiss case on grounds that Schedule A/B was not accurately filed because it did not disclose a pending lawsuit and Debtor has not filed, set, and served an amended plan.

Debtor filed a response stating that amended Schedule A/B has been filed an amended plan was filed with an amended confirmation hearing date set for March 4, 2025. However, a review of the court's docket shows that no amended plan has been filed, only a notice/amended notice, declaration, and certificates of service.

The failure to file an amended plan is an unreasonable delay by the Debtor that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). Cause exists to dismiss this case. The motion granted and the case is dismissed.

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

The court will issue an order.

15. [24-24980](#)-B-13 ADAM/KRISTIN STERIO MOTION TO DISMISS CASE
[LGT](#)-2 Mikalah Liviakis 12-23-24 [[22](#)]
Add on #21

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 motion to dismiss case.

Debtors are ineligible to be a debtor in a Chapter 13. Debtors failed to complete the Credit Counseling Certificate prior to the bankruptcy filing date. 11 U.S.C. §109(h).

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

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

The court will issue an order.

16. [24-21893](#)-B-13 LUCINDA/HENRY COLEMAN
[LGT](#)-2 Le'Roy Roberson
WITHDRAWN BY M.P.

MOTION TO DISMISS CASE
12-23-24 [[45](#)]

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

17. [24-23494](#)-B-13 KRISTINA LINCOLN MOTION TO DISMISS CASE
[LGT](#)-2 Eric L. Seyvertsen 12-5-24 [[34](#)]

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

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18. [24-25197](#)-B-13 DENISE REES
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-20-24 [[24](#)]

Final Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

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 16, 2024. While the delinquent installment was paid on January 23, 2025, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

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

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

19. [24-25006](#)-B-13 JOHANNA/LAWRENCE QUINLEY CONTINUED OBJECTION TO
[RMP](#)-1 Ryan Keenan CONFIRMATION OF PLAN BY
Thru #20 CREDITOR PNC BANK, NATIONAL
ASSOCIATION
12-24-24 [[13](#)]

Final Ruling

Creditor PNC Bank, National Association having filed a notice of withdrawal of its objection, the objection is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

20. [24-25006](#)-B-13 JOHANNA/LAWRENCE QUINLEY CONTINUED OBJECTION TO
[LGT](#)-1 Ryan Keenan CONFIRMATION OF PLAN BY TRUSTEE
LILIAN G. TSANG
12-20-24 [[17](#)]

Final Ruling

The *initial* Chapter 13 Plan filed November 4, 2024, is not confirmable and the objection is not one that may be resolved in the confirmation order. Nevertheless, because this is the *initial* Chapter 13 Plan, the procedure in Local Bankr. R. 3015-1(c)(4) applies.

The court's decision is to **continue the hearing to February 4, 2025, at 1:00 p.m., conditionally sustain the objection, and deny confirmation of the plan.**

The plan was not filed separately as its own docket. The plan was filed November 4, 2024, as dkt. 1 along with the voluntary petition, schedules, and statements.

The plan filed November 4, 2024, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

Conditional Nature of this Ruling

Because the objection has been filed, set, and served under Local Bankruptcy Rules 3015-1(c)(4) and 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on January 31, 2025, to file and serve a response to the objection(s). See Local Bankr. R. 3015-1(c)(4), 9014-1(f)(2)(C). Any response shall be served on the Chapter 13 Trustee, the Debtors, the Debtors' attorney, and/or the attorney for the objecting party by facsimile or email.

If no response is timely filed and served, the objection will be deemed sustained 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 a response is timely filed and served, the court will hear the objection on February 4, 2025, at 1:00 p.m.

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

The court will issue an order.

21. [24-24980](#)-B-13 ADAM/KRISTIN STERIO CONTINUED OBJECTION TO
[LGT](#)-1 Mikalah Liviakis CONFIRMATION OF PLAN BY LILIAN
See Also #15 G. TSANG
12-23-24 [[18](#)]

Final Ruling

The case having been dismissed at Item #15, LGT-2, the objection to confirmation is overruled as moot.

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

The court will issue an order.

22. [24-24993](#)-B-13 FRANCISCO GOMEZ
[LGT](#)-1 David A. Boone

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
12-20-24 [[13](#)]

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. 16, 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.

23. [24-25093](#)-B-13 BRIAN/LEIGH MORPHIS
[LGT](#)-1 Julius J. Cherry

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
12-20-24 [[15](#)]

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. 23, 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.