

**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 30, 2024

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 30, 2024 at 1:00 p.m.

1. [23-22700](#)-B-13 MANUEL GALVAN MOTION TO DISMISS CASE
[LGT](#)-1 James L. Keenan 1-9-24 [[32](#)]

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 6, 2024, at 1:00 p.m.**

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

Second, a review of Debtor's Schedules A/B, C and D shows that the Debtor has non-exempt equity in real and personal property. Even if the Debtor amended his exemptions, there would remain non-exempt equity that may be available for the benefit of unsecured creditors.

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, February 2, 2024, 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 6, 2024, 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 6, 2024, at 1:00 p.m.

January 30, 2024 at 1:00 p.m.

2. [23-23808](#)-B-13 KATHY KENOLY
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-3-24 [[23](#)]

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 \$78.00 installment when due on December 26, 2023. While the delinquent installment was paid on January 23, 2024, 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.

3. [23-24239](#)-B-13 PAUL CRAMER
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-3-24 [[15](#)]

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 Debtor's failure to pay \$1.00 due December 28, 2023. The court's docket reflects that the default was cured on January 25, 2024. 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. [23-23845](#)-B-13 TERRY FASY ORDER TO SHOW CAUSE - FAILURE
Thru #5 Peter G. Macaluso TO PAY FEES
1-3-24 [[42](#)]

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 Debtor's failure to pay \$78.00 due December 29, 2023. The court's docket reflects that the default was cured on January 5, 2024. 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.

5. [23-23845](#)-B-13 TERRY FASY ORDER TO SHOW CAUSE - FAILURE
Peter G. Macaluso TO PAY FEES
12-4-23 [[31](#)]

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 Debtor's failure to pay \$79.00 due November 29, 2023. The court's docket reflects that the default was cured on January 5, 2024. 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.

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 6, 2024, at 1:00 p.m.**

First, payments to the Chapter 13 Trustee are not current under the proposed plan. As of December 28, 2023, plan payments are delinquent in the sum of \$10,500.00. The last payment was received on October 16, 2023. This is an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Second, the Debtors have failed to file, set, and serve a third amended plan and motion to confirm it. This is an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Third, the Debtors have failed to provide the Trustee with a copy of their 2022 income tax returns as required by Local Bankr. R. 3015-1(b)(5). See also 11 U.S.C. §§ 521(a)(3), (4).

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, February 2, 2024, 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 6, 2024, 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 6, 2024, at 1:00 p.m.

7. [23-23053](#)-B-13 SANDRA/ANDY MUNOZ
Colby D. LaVelle

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-5-23 [[39](#)]

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 \$78.00 due November 30, 2023. The court's docket reflects that the default was cured on December 7, 2023, and that a final installment was paid on December 26, 2023.

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.

8. [23-23485](#)-B-13 ESTELLE YANCEY ORDER TO SHOW CAUSE - FAILURE
Thru #9 Pro Se TO PAY FEES
1-8-24 [[38](#)]

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 \$5.00 due January 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.

9. [23-23485](#)-B-13 ESTELLE YANCEY MOTION TO DISMISS CASE
LGT-1 Pro Se 1-9-24 [[39](#)]

Final Ruling

The case having been dismissed at Item #8, dkt. 38, 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.