

**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 31, 2023

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 31, 2023 at 1:00 p.m.

1. [21-23801](#)-B-13 ROBERT MOLINA MOTION TO DISMISS CASE
[RDG](#)-3 Nicholas Wajda 1-13-23 [[134](#)]

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 hearing to February 7, 2023 at 1:00 p.m.**

First, the Debtor is delinquent in plan payments in the sum of \$10,203.52. 11 U.S.C. § 1307(c)(4).

Second, the Debtor has failed to file, set, and serve an amended plan after three prior plans were denied confirmation. Debtor's failure to perform 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, February 3, 2023, 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 7, 2023, 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 7, 2023, at 1:00 p.m.

January 31, 2023 at 1:00 p.m.

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 hearing to February 7, 2023 at 1:00 p.m.**

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtors are delinquent in plan payments and have not filed, set, and served an amended plan. The Trustee states that Debtors' failure to perform their duties is an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtors filed a response stating that they have paid a total of \$24,000.00 to the Trustee and are current on plan payments. Debtors also contend that they will file, set, and serve an amended plan prior to the hearing on this matter. A review of the court's docket shows that a plan was not filed.

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 3, 2023, 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 7, 2023, 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 7, 2023, at 1:00 p.m.

3. [22-23010](#)-B-13 SALVADOR CHAPARRO
Gary Ray Fraley

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-27-22 [[47](#)]

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 \$86.00 installment when due on December 21, 2022. While the delinquent installment was paid on January 10, 2023, 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.

The court will issue an order.

4. [21-22917](#)-B-13 STEVEN/EMELDA CLYMER MOTION TO DISMISS CASE
[RDG-3](#) G. Michael Williams 1-17-23 [[121](#)]

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 hearing to February 7, 2023 at 1:00 p.m.**

First, the Debtors are delinquent in plan payments in the sum of \$6,135.00. 11 U.S.C. § 1307(c)(4).

Second, the Debtors have failed to confirm a plan after three prior plans were denied confirmation. Debtors' failure to perform their 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, February 3, 2023, 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 7, 2023, 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 7, 2023, at 1:00 p.m.

5. [22-23217](#)-B-13 NORMA ASHLEY
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-27-22 [[13](#)]

CASE DISMISSED: 01/03/2023

Final Ruling

The case was dismissed on January 3, 2023, for failure to timely file documents. Therefore, the order to show cause is discharged as moot with no sanctions ordered.

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

The court will issue an order.

6. [22-23153](#)-B-13 PATRICIA MORENO
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-9-23 [[18](#)]

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 January 4, 2023. While the delinquent installment was paid on January 18, 2023, 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.

7. [18-25195](#)-B-13 DANNY/CHERYL PHIPPS
Michael K. Moore

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-9-22 [[39](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause with no sanctions ordered.

The Order to Show Cause was issued due to The Money Source Inc.'s failure to pay the \$188.00 fee that was required to file a motion for relief from automatic stay. The court's docket reflects that the default was cured on December 15, 2022.

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

The court will issue an order.

8. [22-22899](#)-B-13 MARLENE DOUGLAS ORDER TO SHOW CAUSE - FAILURE
 Thru #9 Peter G. Macaluso TO PAY FEES
 12-13-22 [[22](#)]

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 8, 2022. 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. [22-22899](#)-B-13 MARLENE DOUGLAS ORDER TO SHOW CAUSE - FAILURE
 Peter G. Macaluso TO PAY FEES
 1-12-23 [[28](#)]

Final Ruling

The case having been dismissed due to Debtor's prior failure to pay filing fees, see dkt. 22, this order to show cause is discharged as moot with no sanctions ordered.

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

The court will issue an order.