

**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: February 22, 2022**

**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

**February 22, 2022 at 1:00 p.m.**

---

1. [21-23220](#)-B-13 HARDEEP SINGH MOTION TO DISMISS CASE  
[RDG](#)-2 David C. Johnston 2-8-22 [[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 March 1, 2022, at 1:00 p.m.

The court sustained objections to confirmation on December 7, 2021. The Debtor has not filed, set, and served an amended plan. Debtor's failure to perform his duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 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 25, 2022, 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 March 1, 2022, 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 March 1, 2022, at 1:00 p.m.

The court will issue an order.

**February 22, 2022 at 1:00 p.m.**

2. [21-23226](#)-B-13 ALICIA YASSIN  
[RDG-2](#) David C. Johnston

MOTION TO DISMISS CASE  
2-1-22 [[41](#)]

### **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 March 1, 2022, at 1:00 p.m.**

The court sustained objections to confirmation on December 7, 2021. The Debtor has not filed, set, and served an amended plan. Debtor's failure to perform her duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 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 25, 2022, 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 March 1, 2022, 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 March 1, 2022, at 1:00 p.m.

The court will issue an order.

3. [21-23531](#)-B-13 DIANA QUIROGA  
[RDG-1](#) Richard L. Jare

MOTION TO DISMISS CASE  
2-8-22 [[40](#)]

### **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 March 1, 2022, at 1:00 p.m.**

The court sustained objections to confirmation on January 4, 2022. The Debtor has not filed, set, and served an amended plan. Debtor's failure to perform her duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 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 25, 2022, 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 March 1, 2022, 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 March 1, 2022, at 1:00 p.m.

The court will issue an order.

4. [19-23738](#)-B-13 WILLIAM BURGESS MOTION TO DISMISS CASE  
[RDG-3](#) David C. Johnston 2-7-22 [[84](#)]

### **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 March 1, 2022, at 1:00 p.m.**

As of February 7, 2022, plan payments under the plan are delinquent in the sum of \$413,000.06. The last payment was received on January 14, 2022. This delinquency stems from the plan confirmed on March 10, 2020, that calls for a lump sum payment in month 24 (June 2021) of \$413,000.00 or an amount necessary to pay the plan in full at 100% plus interest at the federal judgement rate of 2.05%. The amount needed to complete this plan is \$416,587.56. Debtor's failure to perform under the plan is prejudicial to creditors since they are delayed in receiving payments. 11 U.S.C. § 1307(c)(1) and (6).

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)(3), any party in interest shall have until 5:00 p.m. on Friday, February 25, 2022, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(3). 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 March 1, 2022, 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 March 1, 2022, at 1:00 p.m.

The court will issue an order.

5.     [21-23844](#)-B-13   MARITA GALIZA                               MOTION TO DISMISS CASE  
          [RDG](#)-2               Eric L. Seyvertsen                       2-8-22 [[27](#)]

**Final Ruling**

The Chapter 13 Trustee has filed a motion to dismiss its pending motion. The motion 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 and the case will proceed in this court.

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

### **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 March 1, 2022, at 1:00 p.m.**

Debtor has filed multiple plans that have been denied confirmation. The court sustained objection to confirmation of Debtor's original plan on June 1, 2021. Dkt. 17. The court entered an order denying confirmation of Debtor's first amended plan on October 19, 2021. Dkt. 53. The court entered an order denying confirmation of Debtor's second amended plan on January 18, 2022. Dkt. 77. The Debtor has failed to file, set, and serve an amended plan. This failure by the Debtor is an unreasonable delay that is prejudicial to creditors since they are delayed in receiving payments pursuant to 11 U.S.C. § 1307(c)(1). Further, the court ordered the Debtor to provide the Chapter 13 Trustee ("Trustee") with information regarding what is referred to as the "Georgia" property by February 8, 2022, or this case may be dismissed on the Trustee's ex parte application. See Dkts. 76, 77. There is no indication that the Debtor has complied with the order.

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 25, 2022, 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 March 1, 2022, 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 March 1, 2022, at 1:00 p.m.

The court will issue an order.

7. [21-23493](#)-B-13 EMILIE/KENNETH BURTON MOTION TO DISMISS CASE  
[RDG](#)-2 Richard L. Sturdevant 2-8-22 [[28](#)]

**Final Ruling**

The Chapter 13 Trustee has filed a motion to dismiss its pending motion. The motion 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 and the case will proceed in this court.

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



8. [19-25927](#)-B-13 TOBIAS GOMEZ CONTINUED MOTION FOR  
[BLF](#)-6 Richard Kwun COMPENSATION BY THE LAW OFFICE  
**Thru #10** OF BAKKEN LAW FIRM FOR LORIS L.  
BAKKEN, TRUSTEES ATTORNEY(S)  
1-21-22 [[76](#)]

**Final Ruling**

This matter was continued from February 15, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 18, 2022. Nothing was filed. Therefore, the court's conditional ruling, granting the motion for compensation, shall become the court's final decision. The continued hearing on February 22, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.

9. [19-25927](#)-B-13 TOBIAS GOMEZ CONTINUED MOTION FOR  
[BLF](#)-7 Richard Kwun COMPENSATION FOR GARY R.  
FARRAR, CHAPTER 7 TRUSTEE(S)  
1-21-22 [[82](#)]

**Final Ruling**

This matter was continued from February 15, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 18, 2022. Nothing was filed. Therefore, the court's conditional ruling, granting the motion for compensation, shall become the court's final decision. The continued hearing on February 22, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.

10. [19-25927](#)-B-13 TOBIAS GOMEZ CONTINUED MOTION FOR  
[BLF](#)-8 Richard Kwun COMPENSATION FOR REMAX  
EXECUTIVE, REALTOR(S)  
1-21-22 [[87](#)]

**Final Ruling**

This matter was continued from February 15, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 18, 2022. Nothing was filed. Therefore, the court's conditional ruling, granting the motion for compensation, shall become the court's final decision. The continued hearing on February 22, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.

11. [19-23989](#)-B-13 WILLIAM/ELVIRA VARQUEZ CONTINUED MOTION TO WAIVE  
[HWW](#)-7 Hank W. Walth FINANCIAL MANAGEMENT COURSE  
REQUIREMENT, WAIVE SECTION 1328  
CERTIFICATE REQUIREMENT,  
CONTINUE CASE ADMINISTRATION,  
AND BE APPOINTED AS SUCCESSOR  
AS TO DEBTOR  
1-30-22 [[89](#)]

**Final Ruling**

This matter was continued from February 15, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 18, 2022. Nothing was filed. Therefore, the court's conditional ruling, granting the motion and substituting Joint Debtor to continue administration of the case, and waiving the deceased Debtor's certification otherwise required for entry of a discharge, shall become the court's final decision. The continued hearing on February 22, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.