

**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: February 27, 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
Modesto, California

February 27, 2024 at 1:00 p.m.

1. [23-90502](#)-B-13 LYNNE ERNST CONTINUED MOTION TO CONFIRM
[KLG-1](#) Arete Kostopoulos PLAN
11-22-23 [[32](#)]

Final Ruling

The case having been dismissed on February 21, 2024, the motion to confirm plan is denied as moot.

The motion is ORDERED DENIED AS MOOT for reason 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 March 5, 2024, at 1:00 p.m.**

First, the Debtor failed to appear at two meetings of creditors in his converted chapter 13 case held on January 24, 2023, and February 21, 2024, as required pursuant to 11 U.S.C. § 343.

Second, the Debtor has failed to file a chapter 13 plan and Form 122C-1. Debtor's failure to fulfill 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, March 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 March 5, 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 March 5, 2024, at 1:00 p.m.

3. [23-90522](#)-B-13 PATRICIA OCHSNER MOTION TO DISMISS CASE
[LGT-2](#) David C. Johnston 2-9-24 [[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 March 5, 2024, at 1:00 p.m.**

First, the Debtor is delinquent in the sum of \$4,420.00. No payments have been received to date. 11 U.S.C. § 1307(c)(4).

Second, the Chapter 13 Trustee's objection to confirmation was sustained on January 23, 2024. The Debtor has failed to file, set, and serve an amended plan in this case. Debtor's failure to fulfill 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, March 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 March 5, 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 March 5, 2024, at 1:00 p.m.

4. [23-90576](#)-B-13 GURMAIL SINGH AND KULDEEP CONTINUED OBJECTION TO
[LGT](#)-1 KAUR CONFIRMATION OF PLAN BY LILIAN
David C. Johnston G. TSANG
1-31-24 [[27](#)]

Final Ruling

This matter was continued from February 20, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, February 23, 2024. 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 February 27, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.