

**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 28, 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

February 28, 2023 at 1:00 p.m.

1. [22-22902](#)-B-13 WILLIAM BURGESS MOTION TO DISMISS CASE
[RDG](#)-2 David C. Johnston 2-10-23 [[33](#)]

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 dismiss the case and continue the matter to March 7, 2023, at 1:00 p.m.

First, the Debtor has failed to appear at the first meeting of creditors held December 28, 2022, a continued meeting of creditors on January 11, 2023, and another continued meeting of creditors on February 8, 2023. Given the Debtor's history of nonappearances, it is unlikely that the Debtor will appear at the continued meeting of creditors set for March 8, 2023. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c).

Second, the Debtor has not provided the Chapter 13 Trustee with his most recent federal income tax return no later than seven days before the date first set for the first meeting of creditors as required by 11 U.S.C. § 521(e)(2).

Third, the Debtor has failed to provide the Trustee with copies of payment advices as required by 11 U.S.C. § 521(a)(1)(B)(iv) and LBR 1007-1, and accordingly breached the duties imposed by 11 U.S.C. §§ 521(a)(3) and (4) to cooperate with Trustee and provide him with financial records.

Fourth, the Debtor has failed to provide the Trustee with business documents including: 6 months of profit and loss statements and a copy of Debtor's liability riders and workers' compensation riders, if applicable, for Debtor's business. 11 U.S.C. § 521(e)(2)(A); FRBP 4002(b)(3). This is required 7 days before the date set for the first meeting of creditors. 11 U.S.C. § 521(e)(2)(A)(i).

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 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

February 28, 2023 at 1:00 p.m.

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

2. [22-23010](#)-B-13 SALVADOR CHAPARRO
Gary Ray Fraley

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
1-25-23 [[56](#)]

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 \$2.00 installment when due on January 20, 2023. While the delinquent installment was paid on February 14, 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.

3. [22-21927](#)-B-13 ORLANDO ANDRADE MOTION TO DISMISS CASE
[RDG](#)-2 Flor De Maria A. Tataje 2-10-23 [[57](#)]

Final Ruling

The Chapter 13 Trustee has filed a motion to dismiss its pending motion, and it is consistent with the Debtor's opposition filed to the 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.

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 dismiss the case and continue the matter to March 7, 2023, at 1:00 p.m.**

First, payments are not current under the proposed plan. As of February 9, 2023, plan payments are delinquent in the sum of \$2,850.00. 11 U.S.C. § 1307(c)(4).

Second, although the Debtor filed a plan on December 22, 2022, she has not set a hearing on confirmation of the plan. This is unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c).

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

5. [22-22493](#)-B-13 BERNARDO DE GUZMAN MOTION TO DISMISS CASE
[RDG-2](#) Simran Singh Hundal 2-10-23 [[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 dismiss the case and continue the matter to March 7, 2023, at 1:00 p.m.**

The Chapter 13 Trustee's objection to confirmation was heard and sustained on January 3, 2023. To date, the 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)(c).

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

6. [22-21126](#)-B-13 DOUGLAS/NYLA STONE
[RDG](#)-2 Carl R. Gustafson

CONTINUED OBJECTION TO CLAIM OF
OE FEDERAL CREDIT UNION, CLAIM
NUMBER 8
1-18-23 [[96](#)]

Final Ruling

This matter was continued from February 21, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 24, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 126, sustaining the objection to claim, shall become the court's final decision. The continued hearing on February 28, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.

7. [22-22533](#)-B-13 ALONZO STEENS CONTINUED OBJECTION TO CLAIM OF
[RDG](#)-1 Jason N. Vogelpohl SANTANDER CONSUMER USA INC.,
CLAIM NUMBER 14-1
1-18-23 [[22](#)]

Final Ruling

This matter was continued from February 21, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, February 24, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 26, sustaining the objection to claim, shall become the court's final decision. The continued hearing on February 28, 2023, at 1:00 p.m. is vacated.

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

The court will issue an order.