



**UNITED STATES BANKRUPTCY COURT**  
Eastern District of California

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**March 18, 2025 at 2:00 p.m.**

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Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

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1. [24-25029](#)-C-13 CHAUNCY TAYLOR MOTION TO DISMISS CASE O.S.T.  
[KLG](#)-2 Arete Kostopoulos 3-3-25 [[29](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(3) notice which requires an Order Shortening Time. An Order Shortening Time was entered on March 5, 2025. Dkt. 33.

**The Motion to Dismiss is granted, and the case is dismissed.**

Debtor, Chauncy Taylor filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor can no longer successfully fund a Chapter 13 plan.

Pursuant to 11 U.S.C. § 1307(b), the debtor may request the dismissal of a case under Chapter 13 at any time, and the court shall dismiss the case as long as it has not previously been converted under section 706.

A review of the docket shows that this case has not previously been converted under 11 U.S.C. § 706. Based on the foregoing, the case shall be dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are  
stated in the Civil Minutes for the hearing.

The Motion to Dismiss by debtor,  
Chauncy Taylor, having been presented to the  
court, and upon review of the pleadings,  
evidence, arguments of counsel, and good cause  
appearing,

**IT IS ORDERED** that the Motion to  
Dismiss is granted, and the case is dismissed.

2. [19-26621](#)-C-13 JUAN/ASHLIE URBINA  
[LGT](#)-1 Thomas Amberg

MOTION TO DISMISS CASE  
1-31-25 [[78](#)]

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 46 days' notice was provided. Dkt. 81.

**The Motion to Dismiss is denied.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtors are \$1,010.00 delinquent in plan payments, which is supported by declaration. Dkt. 80.

The debtors filed an opposition (dkt. 82) and a status report (dkt. 85) representing the \$1,010.00 was their last payment due and it was made on March 3, 2025.

Based on the foregoing, it appears that cause to dismiss no longer exists.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Lilian G. Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

**IT IS ORDERED** that the Motion to Dismiss is denied.

3. [24-25270](#)-C-13 MARIA AVALOS  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
2-24-25 [[39](#)]

DEBTOR DISMISSED: 02/24/25

**Final Ruling:** No appearance at the March 18, 2025 hearing is required.  
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The above captioned case was dismissed on February 24, 2025. Dkt. 40.  
Therefore, the Order to Show Cause is discharged as moot.

The court shall issue a minute order substantially in the following form  
holding that:

Findings of Fact and Conclusions of Law are stated in  
the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the  
court, and upon review of the pleadings, evidence, arguments  
of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is  
dismissed as moot.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 35 days' notice was provided. Dkt. 61.

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on January 9, 2025.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 57.

An Order on Substitution of Attorney was entered on March 5, 2025. Debtor's new attorney asserts a new plan will be filed with a motion to confirm on or before the hearing. An amended plan has so far not been filed.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are  
stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13  
case filed by the Chapter 13 Trustee, Lilian  
G. Tsang, having been presented to the court,  
and upon review of the pleadings, evidence,  
arguments of counsel, and good cause  
appearing,

**IT IS ORDERED** that the Motion to  
Dismiss is granted, and the case is dismissed,  
the court having found that dismissal, and not  
conversion, is in the best interest of  
creditors and the Estate.

**Tentative Ruling:**

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 53 days' notice was provided. Dkt. 24.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists for the following reasons:

(1) Debtor failed to appear at the Meeting of Creditors;

(2) Debtor has failed to set a hearing on confirmation;

(3) Debtor has failed to provide pay advices, tax returns, original valid ID, proof of social security number, most recent mortgage statement, evidence of payment of Class 1 claims, DSO checklist, and other required documents, and

(4) Debtor has failed to commence making plan payments.

**DISCUSSION**

Debtor did not properly serve the Plan on all interested parties and has yet to file a motion to confirm the Plan. The Plan was filed after the notice of the Meeting of Creditors was issued. Therefore, Debtor must file a motion to confirm the Plan. See Local Bankr. R. 3015-1(c)(3). A review of the docket shows that no such motion has been filed. That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. Attendance is mandatory. 11 U.S.C. § 343. Failure to appear at the Meeting of Creditors is unreasonable delay that is prejudicial to creditors and is cause to dismiss the case. 11 U.S.C. § 1307(c)(1).

Debtor has not provided Trustee with employer payment advices for the period of sixty days preceding the filing of the petition as required by 11 U.S.C. § 521(a)(1)(B)(iv); Fed. R. Bankr. P. 4002(b)(2)(A). That is

unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor did not provide either a tax transcript or a federal income tax return with attachments for the most recent pre-petition tax year for which a return was required. See 11 U.S.C. § 521(e)(2)(A)(i); Fed. R. Bankr. P. 4002(b)(3). That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor has not provided Trustee with proof of a Social Security Number. See 11 U.S.C. § 521(h)(2). That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are  
stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13  
case filed by the Chapter 13 Trustee, Lilian  
G. Tsang, having been presented to the court,  
and upon review of the pleadings, evidence,  
arguments of counsel, and good cause  
appearing,

**IT IS ORDERED** that the Motion to  
Dismiss is granted, and the case is dismissed,  
the court having found that dismissal, and not  
conversion, is in the best interest of  
creditors and the Estate.