

**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: March 26, 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  
Sacramento, California

**March 26, 2024 at 1:00 p.m.**

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1. [20-21225](#)-B-13 YVONNE LOPEZ MOTION TO DISMISS CASE  
[LGT-1](#) G. Michael Williams 3-11-24 [[89](#)]

**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 April 2, 2024.**

First, Debtor is delinquent \$1,928.60 with respect to a term of the confirmed plan that is required to pay 2.90% to general unsecured claims. The last payment was received on March 14, 2023. 11 U.S.C. § 1307(c)(6). Debtor's failure to perform is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Second, the Debtor has failed to take any action to file a modified plan to correct the plan over-term of creditor Franklin Credit Management. The Chapter 13 Trustee's office has contacted Debtor's attorney on multiple occasions since October 2023, but this issue has not been remedied.

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 29, 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 April 2, 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 April 2, 2024, at 1:00 p.m.

**March 26, 2024 at 1:00 p.m.**

2. [23-24142](#)-B-13 FRANK CANO  
[LGT-2](#) Mary D. Anderson

MOTION TO DISMISS CASE  
3-7-24 [[36](#)]

### **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 April 2, 2024.**

First, Debtor is delinquent \$1,609.86 in plan payments. The last payment was received on March 4, 2024. 11 U.S.C. § 1307(c)(4). Debtor's failure to perform is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Second, the Debtor has failed to file, set, and serve an amended plan after an objection to confirmation was sustained by the court. Debtor's failure to perform 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 29, 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 April 2, 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 April 2, 2024, at 1:00 p.m.

3. [24-20254](#)-B-13 MARLON MAYO  
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
2-27-24 [[16](#)]

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due February 22, 2024. The court's docket reflects that the default was cured on February 29, 2024. The payment constituted the final installment.

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. [23-24678](#)-B-13 ROCIO ASTOQUILCA AND MOTION TO DISMISS CASE  
[LGT](#)-1 CONOR SAUNDERS 3-8-24 [[16](#)]  
Ryan C. Wood

**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 deny the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that the Debtors have failed to file, set, and serve a motion to confirm the first amended plan filed January 11, 2024. This is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

A review of the court's docket shows that the Debtors filed a second amended plan on March 19, 2024. However, the Debtors have yet to set and serve a motion to confirm it. The Debtors shall have until 5:00 p.m. on Friday, March 29, 2024, to set a confirmation hearing date and to serve it. Should the Debtor's fail to do so, the case will be dismissed on the Trustee's ex parte application.

Cause does not exist to dismiss this case. The motion is conditionally deny the motion to dismiss case.

The court will issue an order.

5. [23-21890](#)-B-13 ESTHER CHAVEZ  
[LGT-3](#) James D Hornbuckle

MOTION TO DISMISS CASE  
3-7-24 [[73](#)]

### **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 April 2, 2024.**

The Debtor has failed to file, set, and serve a second amended plan after the first amended plan was denied confirmation. Debtor's failure to perform 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 29, 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 April 2, 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 April 2, 2024, at 1:00 p.m.

6. [23-24493](#)-B-13 MELANIE/SHANE BRITT  
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
2-21-24 [[66](#)]

DEBTORS DISMISSED: 03/01/24

**Final Ruling**

The case having been dismissed on March 1, 2024, the court's decision is to discharge as moot the Order to Show Cause.

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

The court will issue an order.

7. [23-24593](#)-B-13 ELISHA MOODY  
[LGT-2](#) Le'Roy Roberson

MOTION TO DISMISS CASE  
3-7-24 [[22](#)]

### **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 April 2, 2024.**

Debtor is delinquent \$10,500.00 in plan payments and no payments have been received in this case. 11 U.S.C. § 1307(c)(4). Debtor's failure to perform 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 29, 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 April 2, 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 April 2, 2024, at 1:00 p.m.



8. [23-24398](#)-B-13 RICARDO BENAVIDES ORDER TO SHOW CAUSE - FAILURE  
Thru #9 Pro Se TO PAY FEES  
3-8-24 [[43](#)]

**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 \$78.00 due February 6, 2024. 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. [23-24398](#)-B-13 RICARDO BENAVIDES ORDER TO SHOW CAUSE - FAILURE  
Pro Se TO PAY FEES  
2-13-24 [[26](#)]

**Final Ruling**

The case having been dismissed at Item #8, the court's decision is to discharge as moot the Order to Show Cause.

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

The court will issue an order.

10. [24-20094](#)-B-13 ENQUAN HE CONTINUED OBJECTION TO  
[BDC](#)-1 Jonathan N. Vaknin CONFIRMATION OF PLAN BY FUZHOU  
**Thru #11** WU AND QUAN ZENG  
2-28-24 [[20](#)]

OBJECTION CONTINUED TO 4/09/2024 AT 1:00 PM AT SACRAMENTO COURTROOM 32, DEPT. B, TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 4/03/24.

**Final Ruling**

No appearance at the March 26, 2024, hearing is required. The court will issue an order.

11. [24-20094](#)-B-13 ENQUAN HE CONTINUED OBJECTION TO  
[LGT](#)-1 Jonathan N. Vaknin CONFIRMATION OF PLAN BY LILIAN  
G. TSANG  
2-29-24 [[23](#)]

OBJECTION CONTINUED TO 4/09/2024 AT 1:00 PM AT SACRAMENTO COURTROOM 32, DEPT. B, TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 4/03/24.

**Final Ruling**

No appearance at the March 26, 2024, hearing is required. The court will issue an order.

12. [23-24679](#)-B-13 ERIK LEWELLYN AND CONTINUED OBJECTION TO  
[LGT](#)-1 GEONETTE WOODS CONFIRMATION OF PLAN BY LILIAN  
**Thru #13** Le'Roy Roberson G. TSANG  
2-23-24 [[19](#)]

**Final Ruling**

This matter was continued from March 19, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, March 22, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 33, sustaining the objection, shall become the court's final decision. The continued hearing on March 26, 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.

13. [23-24679](#)-B-13 ERIK LEWELLYN AND CONTINUED OBJECTION TO  
[FWP](#)-1 GEONETTE WOODS CONFIRMATION OF PLAN BY LV THE  
Le'Roy Roberson BEST COMPANY LLC  
2-28-24 [[23](#)]

**Final Ruling**

This matter was continued from March 19, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, March 22, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 34, sustaining the objection, shall become the court's final decision. The continued hearing on March 26, 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.