

**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 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

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

1. [22-22908](#)-B-13 JUAN/ALMA VAZQUEZ MOTION TO DISMISS CASE
[RDG](#)-2 Peter G. Macaluso 3-14-23 [[42](#)]

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 April 4, 2023, at 1:00 p.m.

The court sustained objection to confirmation of plan on January 24, 2023. To date, the Debtors have failed to file, set, and serve a first amended plan. This is an unreasonable delay by the Debtors that is prejudicial to creditors. 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 31, 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 April 4, 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 April 4, 2023, at 1:00 p.m.

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

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

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-27-23 [[72](#)]

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 \$2.00 due February 21, 2023. The court's docket reflects that the default was cured on March 8, 2023. 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.

3. [22-22612](#)-B-13 LAWRENCE/JENNY BOLDON MOTION TO DISMISS CASE
[RDG-1](#) Brian S. Haddix 3-9-23 [[67](#)]

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 April 4, 2023, at 1:00 p.m.**

First, the Debtors are delinquent in plan payments. As of March 9, 2023, plan payments are delinquent \$6,150.00. The last payment was received on February 16, 2023. 11 U.S.C. § 1307(c)(4).

Second, the court denied confirmation of plan on February 21, 2023. To date, the Debtors have failed to file, set, and serve a second amended plan. This is an unreasonable delay by the Debtors that is prejudicial to creditors. 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 31, 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 April 4, 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 April 4, 2023, at 1:00 p.m.

4. [22-23055](#)-B-13 ALBERT EGU
[RDG-2](#) Jennifer G. Lee

MOTION TO DISMISS CASE
3-9-23 [[29](#)]

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 April 4, 2023, at 1:00 p.m.**

First, the Debtor is delinquent in plan payments. As of March 9, 2023, plan payments are delinquent \$2,225.00. The last payment was received on February 27, 2023. 11 U.S.C. § 1307(c)(4).

Second, the court sustained an objection to confirmation of plan on February 7, 2023. To date, the Debtor has failed to file, set, and serve a second amended plan. This is an unreasonable delay by the Debtor that is prejudicial to creditors. 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 31, 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 April 4, 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 April 4, 2023, at 1:00 p.m.

5. [22-23273](#)-B-13 MARK JOHNSON MOTION TO DISMISS CASE
 [RDG](#)-1 Eric John Schwab 3-9-23 [[31](#)]

CASE TRANSFERRED TO DEPARTMENT C ON 3/21/23. THE HEARING HAS BEEN RESCHEDULED
TO 3/28/23 AT 10:00 A.M. IN DEPT. C.

6. [22-22683](#)-B-13 MONIQUE ZE CONTINUED MOTION TO CONFIRM
[RS-1](#) Richard L. Sturdevant PLAN
2-7-23 [[51](#)]

CONTINUED TO 4/25/2023 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 4/19/2023.

Final Ruling

No appearance at the March 28, 2023, hearing is required. The court will issue an
order.