

**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 29, 2022

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 29, 2022 at 1:00 p.m.

1. [21-24236](#)-B-13 JONATHAN LA VINE MOTION TO DISMISS CASE
[RDG-1](#) Pro Se 3-10-22 [[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 and continue the motion to April 5, 2022 at 1:00 p.m.**

First, the Debtor is delinquent in the amount of \$180.00. The Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

Second, the Debtor did not appear at the meeting of creditors set for February 2, 2022, the continued meeting of creditors on February 16, 2022, or the second continued meeting of creditors on March 16, 2022, as required pursuant to 11 U.S.C. § 343.

Third, the Trustee's objection to confirmation of Debtor's plan, RDG-1, was heard and sustained on March 1, 2022. Debtor has failed to file, set and serve an amended/modified plan to date.

Cause exists to dismiss this case. The motion is conditionally granted and the case is 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, April 1, 2022, 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 5, 2022, 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 5, 2022, at 1:00 p.m.

March 29, 2022 at 1:00 p.m.

2. [22-20050](#)-B-13 SERENA TURCHIE
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-14-22 [[15](#)]

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 \$79.00 due February 9, 2022. 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.

3. [22-20375](#)-B-13 RODEL LEGASPI
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-8-22 [[12](#)]

DEBTOR DISMISSED: 3/14/22

Final Ruling

The case was dismissed on March 14, 2022. The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

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

The court will issue an order.

4. [21-23996](#)-B-13 SANDRA DAVIS CONTINUED MOTION FOR
 [GT-1](#) Eric John Schwab EXAMINATION AND FOR PRODUCTION
 OF DOCUMENTS
 3-4-22 [[24](#)]

Final Ruling

This matter was continued from March 22, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, March 25, 2022. Therefore, the court's conditional ruling, granting the motion for examination and production of documents, shall become the court's final decision. The continued hearing on March 29, 2022, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.