

**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

ALL MATTERS ARE FINAL RULINGS

DAY: TUESDAY

DATE: March 31, 2020

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 31, 2020 at 1:00 p.m.

- | | | |
|----|---|---|
| 1. | <u>20-20409</u> -B-13 MARGARET SOMKOPULOS
Peter G. Macaluso | ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-28-20 [<u>24</u>] |
|----|---|---|

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

March 31, 2020 at 1:00 p.m.

2. [19-22310](#)-B-13 BONITA BROOKS
[DPC](#)-1 Scott D. Hughes

MOTION TO DISMISS CASE
3-16-20 [[49](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

3. [19-24814](#)-B-13 DAVID/SHARON RICETTI MOTION TO DISMISS CASE
 [DPC](#)-2 Nicholas Wajda 3-16-20 [[56](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

4. [15-25315](#)-B-13 EDWARD/PAMELA DUNCKELMANN ORDER TO SHOW CAUSE - FAILURE
Scott D. Hughes TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
3-9-20 [[50](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

5. [19-27617](#)-B-13 MINH TRAN AND THUY LAI
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-14-20 [[30](#)]

DEBTOR DISMISSED: 2/27/2020
JOINT DEBTOR DISMISSED:
2/27/2020

Final Ruling

The case having been dismissed on February 27, 2020, the order to show cause is discharged as moot.

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

The court will enter a minute order.

6. [16-20118](#)-B-13 LESTHER GASTELUM AND ALMA MOTION TO DISMISS CASE
[DPC](#)-1 SAQUELARES 3-16-20 [[148](#)]
Peter G. Macaluso

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

7. [19-26222](#)-B-7 CLINTON MCGILL MOTION TO DISMISS CASE
 [DPC](#)-2 Jeffrey S. Ogilvie 2-4-20 [[32](#)]

CASE CONVERTED TO CHAPTER 7
ON 2/18/2020

Final Ruling

The case having been converted to a chapter 7 on February 18, 2020, the motion to dismiss case is denied as moot.

The motion is ORDERED DENIED AS MOOT for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

8. [19-20127](#)-B-13 BRETT YODER MOTION TO DISMISS CASE
 [DPC](#)-1 Rabin J. Pournazarian 3-16-20 [[29](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

9. [18-27529](#)-B-13 YESENIA GONZALEZ
[DPC](#)-1 Muoi Chea

MOTION TO DISMISS CASE
3-16-20 [[42](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

10. [19-20630](#)-B-13 ISIDRO FLORES
[DPC](#)-1 Peter G. Macaluso

MOTION TO DISMISS CASE
3-16-20 [[39](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

11. [16-23233](#)-B-13 STACY DEL RIO
[DPC](#)-1 Ted A. Greene

MOTION TO DISMISS CASE
3-16-20 [[100](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

12. [16-25233](#)-B-13 HELEN ZUNIGA MOTION TO DISMISS CASE
[DPC](#)-1 Peter L. Cianchetta 3-16-20 [[70](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

13. [19-24633](#)-B-13 MANUEL LOPEZ AND PAMELA MOTION TO DISMISS CASE
[DPC](#)-1 CORREA LOPEZ 3-16-20 [[51](#)]
Peter G. Macaluso

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

14. [20-20333](#)-B-13 ROBERT PAYNE
Thru #15 Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-25-20 [[22](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

15. [20-20333](#)-B-13 ROBERT PAYNE
[DPC](#)-1 Pro Se

MOTION TO DISMISS CASE
3-16-20 [[24](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

16. [19-26938](#)-B-13 STACY GRAY
Marc A. Carpenter

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-10-20 [[20](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

17. [15-24940](#)-B-13 GARY/DENISE HIGHFILL MOTION TO QUASH
[DPC](#)-1 Jeffrey S. Ogilvie 3-16-20 [[32](#)]

Final Ruling

This matter was resolved by a chambers ordered entered March 26, 2020. No appearance at the March 31, 2020, hearing is required.

18. [19-26942](#)-B-13 DEBORAH RUNNELS MOTION TO DISMISS CASE
[DPC](#)-1 Michael O'Dowd Hays 3-3-20 [[21](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

19. [17-22144](#)-B-13 KIMBERLY MAY
[DPC](#)-2 Richard L. Jare

MOTION TO DISMISS CASE
3-16-20 [[53](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

20. [15-21845](#)-B-13 JOSEPH BARNES
[DPC](#)-1 Scott D. Shumaker

MOTION TO DISMISS CASE
3-16-20 [[275](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

21. [19-27846](#)-B-13 AMANDA/NICK SHADWICK MOTION TO DISMISS CASE
[DPC](#)-1 Steele Lanphier 2-4-20 [[24](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

22. [20-20446](#)-B-13 DENA NOEL
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-11-20 [[14](#)]

DEBTOR DISMISSED: 2/18/2020

Final Ruling

The case having been dismissed on February 18, 2020, the order to show cause is discharged as moot.

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

The court will enter a minute order.

23. [20-20054](#)-B-13 DAVID/LISA EUFEMIA
[DPC](#)-2 CARLSON
Robert P. Huckaby

MOTION TO DISMISS CASE
2-19-20 [[37](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

24. [19-27456](#)-B-13 TYNITRA LANE
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-6-20 [[18](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

25. [20-20658](#)-B-13 BERNARDO/RACHAEL HUBBARD CONTINUED MOTION TO VALUE
[SJT](#)-1 Susan J. Turner COLLATERAL OF ALLY FINANCIAL
2-6-20 [[8](#)]

Final Ruling

This matter was continued from March 10, 2020, to allow the Debtors to serve Ally Financial Bank by certified mail and to the attention of an officer pursuant to Bankruptcy Rule 7004(h) and to provide evidence as to when the purchase-money loan was served.

The court's decision is to grant the motion to value collateral at \$7,680.00

Debtors filed a motion to value the collateral of Ally Financial. The Chapter 13 Trustee filed a non-opposition to the motion. Debtors are the owners of a 2011 Mazda CX9 ("Vehicle"). The Debtors seek to value the Vehicle at a replacement value of \$7,680.00 as of the petition filing date. Given the absence of contrary evidence, the Debtors' opinion of value may be accepted as conclusive. See Fed. R. Evid. 701; see also *Enewally v. Wash. Mut. Bank (In re Enewally)*, 368 F.3d 1165, 1173 (9th Cir. 2004).

No Proof of Claim Filed

The court has reviewed the Claims Registry for this bankruptcy case. No proof of claim has been filed by Creditor for the claim to be valued.

Discussion

The lien on the Vehicle's title secures a purchase-money loan incurred on December 30, 2016, which is more than 910 days prior to filing of the petition, to secure a debt owed to Creditor with a balance of approximately \$11,371.00. Therefore, the Creditor's claim secured by a lien on the asset's title is under-collateralized. The Creditor's secured claim is determined to be in the amount of \$7,680.00. See 11 U.S.C. § 506(a). The valuation motion pursuant to Fed. R. Civ. P. 3012 and 11 U.S.C. § 506(a) is granted.

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

The court will enter a minute order.

26. [16-24559](#)-B-13 STEVEN SIPE
[DPC](#)-1 Lucas B. Garcia

MOTION TO DISMISS CASE
3-16-20 [[189](#)]

DEBTOR DISMISSED: 03/11/2020

Final Ruling

The case having been dismissed on March 11, 2020, the motion to dismiss case is denied as moot.

The motion is ORDERED DENIED AS MOOT for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

27. [16-27762](#)-B-13 YVONNE MANCILLA
[DPC](#)-2 Edward A. Smith

MOTION TO DISMISS CASE
3-16-20 [[79](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

28. [18-27962](#)-B-13 GUILLERMO MIRALRIO
[DPC](#)-1 W. Steven Shumway

MOTION TO DISMISS CASE
3-16-20 [[47](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

29. [18-23364](#)-B-13 BARRY RAASS
[DPC](#)-1 Seth L. Hanson

MOTION TO DISMISS CASE
3-16-20 [[54](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

30. [16-24074](#)-B-13 ROSA GUZMAN
[DPC](#)-2 Chad M. Johnson

MOTION TO DISMISS CASE
3-16-20 [[157](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

31. [19-20175](#)-B-13 JERUSHA AVE-LALLEMANT MOTION TO DISMISS CASE
[DPC](#)-1 Mikalah R. Liviakis 3-16-20 [[22](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

32. [17-28079](#)-B-13 MICHELE SPAHR
[DPC](#)-1 Peter G. Macaluso

MOTION TO DISMISS CASE
3-16-20 [[36](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

33. [18-27879](#)-B-13 RICHARD/BRITTA SHARPE MOTION TO DISMISS CASE
[DPC](#)-1 Mohammad M. Mokarram 3-16-20 [[26](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

34. [20-20179](#)-B-13 JOSE ZUNIGA ORDER TO SHOW CAUSE - FAILURE
Thru #35 Peter G. Macaluso TO PAY FEES
2-18-20 [[24](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

35. [20-20179](#)-B-13 JOSE ZUNIGA MOTION TO DISMISS CASE
[DPC](#)-2 Peter G. Macaluso 3-4-20 [[26](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

36. [20-20379](#)-B-13 CHRISTINE HERNANDEZ-MAYER ORDER TO SHOW CAUSE - FAILURE
Pro Se TO PAY FEES
2-20-20 [[28](#)]

DEBTOR DISMISSED: 2/21/2020

Final Ruling

The case having been dismissed on February 21, 2020, the order to show cause is discharged as moot.

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

The court will enter a minute order.

37. [19-27880](#)-B-13 JONATHAN GARCIA
Richard L. Jare

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-26-20 [[32](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

38. [19-24285](#)-B-13 TRAVIS GROSJEAN
[DPC](#)-2 Mark Shmorgon

MOTION TO DISMISS CASE
3-16-20 [[50](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

39. [19-27188](#)-B-13 RAMON MIRANDA
[DPC](#)-2 Bert M. Vega

MOTION TO DISMISS CASE
3-6-20 [[31](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

40. [19-27689](#)-B-13 KEITH JOHNSON
[DPC](#)-2 Peter G. Macaluso

MOTION TO DISMISS CASE
3-3-20 [[46](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

41. [16-20797](#)-B-13 MARLENE MCNICHOLS MOTION TO DISMISS CASE
[DPC](#)-1 Michael O'Dowd Hays 3-16-20 [[26](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

42. [19-26197](#)-B-13 SHIRLEAN MOORE-JORDAN MOTION TO DISMISS CASE
[DPC](#)-1 Gabriel E. Liberman 3-3-20 [[16](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.

43. [19-27597](#)-B-13 PAVEL LISETSKY
[DPC](#)-1 Pro Se

MOTION TO DISMISS CASE
1-29-20 [[26](#)]

Final Ruling

This matter is continued to April 28, 2020, at 1:00 p.m. No appearance at the March 31, 2020, hearing is required.

The court will enter a minute order.