

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge
Sacramento, California

April 16, 2025 at 9:00 a.m.

1. <u>19-25699-E-13</u>	GABRIEL VILLAGOMEZ	MOTION TO DISMISS CASE
<u>DPC-1</u>	Mary Ellen Terranella	2-19-25 <u>[22]</u>

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on February 19, 2025. By the court's calculation, 56 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is denied without prejudice.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Gabriel Villagomez ("Debtor"), is delinquent \$546.24 in plan payments. This case is currently in month 65 of a 60-month plan so the delinquent amount is the amount required to complete the case and no further payments will come due prior to the hearing. Mot. 1:26-28, Docket 22.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 24.

DEBTOR'S RESPONSE

Debtor filed a Response and supporting Declaration on April 2, 2025. Dockets 26, 27. Debtor presents testimony and evidence that the delinquency has been cured and the plan has been completed. Decl. 2:4-6, Docket 27.

DISCUSSION
Delinquent

Debtor has shown evidence that the delinquency in the case has been cured. At the hearing,
XXXXXXX

The court shall issue an 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, David Cusick (“Trustee”), 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 without prejudice.

2. 25-20985 -E-13	DEJON SHAMSIDDEEN Pro Se	ORDER TO SHOW CAUSE - FAILURE TO PAY FEES 3-18-25 [12]
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Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter. If the court’s tentative ruling becomes its final ruling, then the court will make the following findings of fact and conclusions of law:

The Order to Show Cause was served by the Clerk of the Court on Debtor (*pro se*) and Chapter 13 Trustee as stated on the Certificate of Service on March 20, 2025. The court computes that 27 days’ notice has been provided.

The court issued an Order to Show Cause based on Debtor’s failure to pay the required fees in this case: \$313 due on March 4, 2025.

<p>The Order to Show Cause is sustained, and the case is dismissed.</p>
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The court’s docket reflects that the default in payment that is the subject of the Order to Show Cause has not been cured. The following filing fees are delinquent and unpaid by Debtor: \$313.

The court shall issue an 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 sustained, no other sanctions are issued pursuant thereto, and the case is dismissed.

3. [23-24665-E-13](#) **BLAKE/STEPHANIE BORCHERS** **MOTION TO DISMISS CASE**
[DPC-1](#) **Matthew Gilbert** **3-13-25 [20]**

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 13, 2025. By the court’s calculation, 34 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Blake Kenneth Borchers and Stephanie Franzoni Borchers (“Debtor”), is delinquent \$5,653.00 in plan payments. Debtor will need to have paid \$6,225.00 to become current by the hearing date. Mot. 1:18-23, Docket 20.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 22.

DEBTOR’S RESPONSE

Debtor filed a Declaration in response on March 31, 2025. Docket 24. Debtor states they are current on their regular payments. Decl. 2:8-12, Docket 24. But Debtor believes the deficiency owed to Trustee is a combination of their federal and state tax refunds, which they have yet to receive. *Id.* at 21-24. Debtor is thus waiting for the tax refund to be mailed. Decl. 3: 1-4, Docket 24. Once Debtor receives the monies, they plan to turn it over to Trustee. *Id.*

DISCUSSION

Delinquent

Debtor is \$5,653.00 delinquent in plan payments, which represents multiple months of the \$572.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

However, it appears the delinquency is due to the pending tax refunds. At the hearing, **XXXXXXX**.

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

4. [24-24263-E-13](#) **EMANUEL/LENIECE JOHNSON** **MOTION TO DISMISS CASE**
[DPC-1](#) **Gary Ray Fraley** **3-13-25 [18]**

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 13, 2025. By the court’s calculation, 34 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is denied without prejudice.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Emanuel Wesley Johnson and Leniece Chante Johnson (“Debtor”), is delinquent \$4,165.00 in plan payments. Debtor will need to

have paid \$6,249.00 to become current by the hearing date. Mot. 1:18-23, Docket 18.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 20.

DEBTOR'S RESPONSE

Debtor filed a Response and supporting Declaration on April 2, 2025. Response, Docket 22; Decl., Docket 23. Debtor states they have diligently made all required Chapter 13 plan payments since the commencement of their case. Response 2:2-4, Docket 22. According to Debtor, upon learning of the payment discrepancy from Trustee's Motion to Dismiss, Debtor verified with the money order issuer that the uncredited payments were not cashed. *Id.* at 19-22. As a result, Debtor requests the court to allow a brief extension for the re-issuance process for the payments to be completed. *Id.* at 24-25.

DISCUSSION

Delinquent

Debtor is \$4,165.00 delinquent in plan payments, which represents multiple months of the \$2,084.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor's lack of payment appears to be a mistake in processing money orders and should be rectified quickly.

At the hearing, **XXXXXXX**

The court shall issue an 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, David Cusick ("Trustee"), 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 without prejudice.~~

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 12, 2025. By the court's calculation, 35 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Eric James Geiger ("Debtor"), is delinquent \$500 in plan payments. Mot. 1:25-26, Docket 20.
2. Trustee's Objection to Confirmation was sustained at hearing on February 11, 2025, on the basis that 2022 & 2023 tax returns were not filed. No plan has been confirmed and no plan is pending for confirmation.
3. Trustee has been advised that Debtor has died. *Id.* at 2:7-8.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 22.

DEBTOR'S RESPONSE

Debtor's attorney filed a Status Report on April 2, 2025. Docket 35. Debtor's attorney informs the court that Debtor has died, and Debtor is exploring substituting deceased Debtor's brother into the case as representative. Debtor's attorney requests a continuance.

DISCUSSION

Debtor is \$500 delinquent in plan payments, and Debtor has not proposed a Plan since the court sustained Trustee's Objection to Confirmation on February 11, 2025. Failure to make plan payments or confirm a plan is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

However, Debtor has passed away, and Debtor's attorney is attempting to substitute Debtor's brother in the case. At the hearing, **XXXXXXX**

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

6. 24-24603-E-13 DPC-2	BRADLEY CULLEN Michael Hays	MOTION TO DISMISS CASE 3-13-25 [38]
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Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 13, 2025. By the court's calculation, 34 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Bradley Allen Cullen ("Debtor"), is delinquent \$2,682.00 in plan payments. Debtor will need to have paid \$4,023.00 to become current by the hearing date. Mot. 1:19-22, Docket 38.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 40.

DEBTOR'S RESPONSE

Debtor filed a Response and supporting Declaration on April 2, 2025. Dockets 42, 43. Debtor states the delinquency will be cured prior to the hearing date.

The evidence filed in support of the Opposition is the Declaration of Debtor's counsel's office manager who testifies as to what she heard their client, the Debtor, tell her. Dckt. 43. No testimony is provided by the Debtor.

DISCUSSION

Delinquent

Debtor is \$2,682.00 delinquent in plan payments, which represents multiple months of the \$1,341.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor states in the Opposition that the delinquency will be cured by April 7, 2025.

At the hearing, **XXXXXXX**.

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on November 22, 2024. By the court’s calculation, 61 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Therefore, the defaults of the respondent and other parties in interest are entered.

The Motion to Dismiss is XXXXXXX.

April 16, 2025 Hearing

The court continued the hearing on this Motion as Debtors are represented by new counsel and had on final payment to make to complete the Plan. A review of the Docket on April 9, 2025 reveals nothing new has been filed with the court.

At the March 5, 2025 hearing, Attorney Peter Macaluso, Esq. appeared and indicated that he was taking on the representation so that the Debtor could make the final payment.

At the hearing, XXXXXXX

Important Matter to Address

Debtor’s counsel of record is no longer practicing law in the State of California. No new counsel has been substituted in place of the prior counsel.

The information provided by the Trustee states that the Debtor in “only” delinquent \$2,547.65, the payment of which is necessary to complete the Plan. This represents approximately four monthly payments. The Chapter 13 Plan provides for a 100% dividend for creditors holding general unsecured claims. Dckt. 3 at p. 5.

The court also notes that Resurgent Capital Services filed a Withdrawal of Proofs of Claims 3, 4, 5, and 6, the dollar amounts of which aggregate (\$7,552.44) in general unsecured claims. There is only (\$1,616.66) in other general unsecured claims. The only other creditor being paid through the Plan is Yolo County for its property tax claim.

Thus, while the Debtor may be on the edge of completing the Plan for a small dollar amount, it appears that Debtor may have dealt with the property tax claim outside of the Plan and has obviated the need for completing the Plan.

As stated at the March 5, 2025 Hearing, new counsel is substituting in to assist the Debtors in concluding this Case.

REVIEW OF MOTION

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Armando Gonzalez and Yolanda Gonzalez (“Debtor”), is delinquent \$2,547.65 in plan payments. Debtor will need to have paid \$2,547.65 to become current by the hearing date. Mot. 1:25-28, Docket 32. Debtor is in month 67 of a 60-month plan so no further payment is required prior to the hearing. Mot. 1:26-28, Docket 32.
2. According to the Trustee’s records, debtor owns \$359,925.00 in non-exempt equity. Mot. 2:3-4, Docket 32. Trustee states due to various factors, including the nature of the assets, this being Debtor’s first bankruptcy filing, the fact that Debtor is in month 67 of a 60-month plan and also that it does not appear the Debtor is acting in bad faith, the Trustee believes that conversion to Chapter 7 is not in the best interest of creditors. Mot. 2:5-9, Docket 32.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 34.

DEBTOR’S RESPONSE

Debtor has not filed a Response as of January 13, 2025.

DISCUSSION

Delinquent

Debtor is \$2,547.65 delinquent in plan payments. As Debtor is in month 67, the amount to complete the Plan is the delinquent amount of \$2,547.65.

At the hearing, the Parties agreed to continue the hearing to afford Debtor, who has one plan payment remaining, an additional opportunity to complete the Chapter 13 Plan.

The hearing is continued to 9:00 a.m. on March 5, 2025.

March 5, 2025 Hearing

The court continued the hearing on the Motion, this being a unique case where Debtor had one final payment to make to complete a Plan that would pay 100% to general unsecured creditors. A review of the Docket on February 27, 2025 reveals nothing new has been filed with the court.

New counsel for the Debtor appeared, reporting that he is substituting in so that the Debtors can complete the Plan. Both Debtors appeared and demonstrated that they are actively involved with getting this Plan completed.

The Parties agreed to a continuance of the hearing to allow new counsel to get the final payment wrapped up and the Plan completed.

The hearing on the Motion to Dismiss is continued 9:00 a.m. on April 16, 2025.

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 6, 2025. By the court's calculation, 41 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Armando Ariss Gonzalez and Emily Vena Gonzalez ("Debtor"), is delinquent \$2,670.00 in plan payments. Debtor will need to have paid \$3,610.00 to become current by the hearing date. Mot. 1:19-22, Docket 69.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 71.

DEBTOR'S RESPONSE

Debtor filed a Response and supporting Declaration on April 2, 2025. Response, Docket 73; Decl., Docket 74. Debtor states they have made three payments: March 24, 2025: \$400.00; March 28, 2025: \$400.00; and March 31, 2025: \$500.00. Response 1:17-21, Docket 73. Further, Debtor claims they are working to bring the plan current before the date of the hearing. *Id.* at 22-26.

DISCUSSION

Delinquent

Debtor is \$2,670.00 delinquent in plan payments, which represents multiple months of the \$940.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

However, Debtor states they are in the process of fully curing the delinquency. At the hearing, XXXXXXX.

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

9. [20-25519-E-13](#) **ANDREW/RINA CARAGAN** **MOTION TO DISMISS CASE**
[DPC-6](#) **Mark Shmorgon** **3-13-25 [97]**

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 13, 2025. By the court’s calculation, 34 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Andrew Caragan and Rina Caragan (“Debtor”), is delinquent \$1,106.00 in plan payments. Debtor will need to have paid \$1,659.00 to become current by the hearing date. Mot. 1:18-22, Docket 97.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 99.

DEBTOR’S RESPONSE

Debtor has not filed a Response as of April 9, 2025. However, this is an extremely old case, and the court makes it a tentative ruling.

DISCUSSION

Delinquent

Debtor is \$1,106.00 delinquent in plan payments, which represents multiple months of the \$553.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is ~~granted, and the case is dismissed.~~

The court shall issue an 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, David Cusick (“Trustee”), 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.~~

10. [24-24334-E-13](#)
[DPC-3](#)

KENNETH WILKINSON
Pro Se

MOTION TO DISMISS CASE
3-4-25 [\[95\]](#)

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor (*pro se*) and Office of the United States Trustee on March 4, 2025. By the court’s calculation, 43 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Kenneth Gene Wilkinson (“Debtor”), is delinquent \$100.00 in plan payments. Mot. 1:23-24, Docket 95.
2. Debtor’s Motion to Confirm an amended Plan was denied by the Court on February 11, 2025. To date, the Debtor has failed to file an amended Plan and set a hearing for confirmation of amended plan.

Trustee submitted the Declaration of Trina Hayek to authenticate the facts alleged in the Motion. Decl., Docket 97.

DEBTOR’S RESPONSE

Debtor filed a Response and supporting Declaration on April 2, 2025. Dockets 106, 107. Debtor states the delinquency has been cured, and Debtor will file an Amended Plan prior to the hearing on this Motion. Debtor states he has attempted to find an attorney but none so far will take his case.

TRUSTEE’S REPLY

Trustee filed a Reply on April 8, 2025. Docket 109. Trustee notes the delinquency has been cured, but request the court consider this matter as no Amended Plan is yet on file.

DISCUSSION

No Pending Plan / Delay of Confirmation

Debtor did not file a Plan or a Motion to Confirm a Plan following the court’s denial of confirmation to Debtor’s prior plan on February 11, 2025. A review of the docket shows that Debtor has not yet filed a new plan or a motion to confirm a plan. Debtor asserts a new Plan will be on file prior to the hearing. The court reminds Debtor that any new Plan must be feasible with a realistic probability of confirmation, including containing provisions that monthly payments must be large enough to act as a bond while the related litigation is ongoing.

Debtor has been attempting to prosecute this Bankruptcy Case and is working to protect his home. Debtor’s son has been “assisting” the Debtor, with the court at the last hearing making it clear that it is necessary for Debtor to obtain counsel, and that his son, who is not a lawyer, cannot serve as such.

Debtor seeks to challenge the rights of his creditors with respect to their asserted liens against the home property and the debts they assert. The Amended Chapter 13 Plan filed on January 8, 2025, provided for a \$20 a month Plan payment and no disbursements to be made to any creditors. Dckt. 51.

At the hearing, **XXXXXXX**

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

11. [23-20935](#)-E-13
[DPC-2](#)

SERGEY ZHUK
Mark Shmorgon

MOTION TO DISMISS CASE
2-14-25 [55]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on February 14, 2025. By the court’s calculation, 61 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Sergey Zhuk (“Debtor”), is delinquent \$1,536.00 in plan payments. Debtor will need to have paid \$3,072.00 to become current by the hearing date. Mot. 1:19-22, Docket 55.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 57.

DEBTOR’S RESPONSE

Debtor filed a Response and supporting Declaration on February 14, 2025. Dockets 59, 60. Debtor states the delinquency will be cured prior to the hearing date.

DISCUSSION

Delinquent

Debtor is \$3,072.00 delinquent in plan payments, which represents multiple months of the \$768.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor states the delinquency will be cured. At the hearing, **XXXXXXX**.

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

12. 24-21440 -E-13 DPC -4	ERIKA/KEVIN NORMAN Peter Macaluso	MOTION TO DISMISS CASE 3-3-25 [201]
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Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 3, 2025. By the court’s calculation, 44 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Erika Lizeth Norman and Kevin James Norman (“Debtor”), is delinquent \$13,000.00 in plan payments. Mot. 1:23-24, Docket 201.

2. Debtor's Motion to Confirm an amended Plan was denied by the Court on January 29, 2025. The Debtors have failed to file a second amended Plan and set a hearing for confirmation of second amended plan. *Id.* at 2:3-6.

Trustee submitted the Declaration of Trina Hayek to authenticate the facts alleged in the Motion. Decl., Docket 203.

DEBTOR'S RESPONSE

Debtor filed a Response on April 2, 2025. Docket 218. Debtor's counsel states in the Opposition he is "informed and believes that the Debtors have remitted sufficient payments . . . to bring the case current. Additionally, that pending the outcome of the hearing on the Motion for Relief From the Stay set for April 8, 2025, an amended plan will be filed. *Id.*

On April 10, 2025, the court granted the Motion seeking relief from the automatic stay, waiving the 14 day stay of enforcement. However, the order does not modify the stay to allow a nonjudicial foreclosure sale to be conducted until on or after May 1, 2025. Order; Dckt. 221.

DISCUSSION

Delinquent

Debtor is \$13,000.00 delinquent in plan payments, which represents multiple months of the \$7,000 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor states the delinquency has been cured. However, as discussed at the hearing on the related Motion for Relief, Debtor admitted they are not current and are still delinquent approximately \$7,000. The court granted that Motion for Relief.

Prior Plan Denied, No New Plan

Debtor did not file a Plan or a Motion to Confirm a Plan following the court's denial of confirmation to Debtor's prior plan on January 29, 2025. A review of the docket shows that Debtor has not yet filed a new plan or a motion to confirm a plan. That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

At the hearing, **XXXXXXX**

~~Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.~~

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

13. [24-22050](#)-E-13
[DPC](#)-3

JOSE GARCIA
Peter Macaluso

CONTINUED MOTION TO DISMISS
CASE
10-29-24 [99]

Item 13 thru 14

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Below is the court’s tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on October 29, 2024. By the court’s calculation, 15 days’ notice was provided. 14 days’ notice is required.

The Motion to Dismiss was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
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April 16, 2025 Hearing

The court continued the hearing for administrative purposes pending the granting or denial of the conditional order. The court issued the following conditional order:

IT IS ORDERED that the Motion is conditionally granted and the case will be dismissed if the proposed Modified, motion to confirm, supporting evidence, are not filed and served by, and the Debtor current on plan payments by noon on February 7, 2025 (the “conditions” for dismissal of this case).

IT IS FURTHER ORDERED that if the Modified, motion to confirm, supporting evidence, are not filed and served by, and the Debtor current on Plan payments by noon on February 7, 2025; the Chapter 13 Trustee shall:

1. File and serve a declaration attesting to the failure of the Debtor to complete the conditions set forth in the above paragraph by noon on February 7, 2025, and
2. Lodge with the court a proposed order dismissing this Bankruptcy Case.

IT IS FURTHER ORDERED that the hearing on the Motion to Dismiss is continued to **9:00 a.m. on April 16, 2025**, for the court's case management if the Debtor satisfies the conditions in this Order and this Case is not dismissed.

Order, Docket 115. Debtor filed the Modified Plan and accompanying documents by the deadline of February 7, 2025. However, Debtor was not current under that Modified Plan, and the court denied confirmation. Order, Docket 134.

Therefore, the Motion to Dismiss is granted.

REVIEW OF THE MOTION

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Jose Antonio Garcia ("Debtor"), is delinquent \$5,330.00 in plan payments. Mot. 1:25-2:11, Docket 99.
2. Debtor may not have filed his tax return for 2023 based on the claim of the Internal Revenue Service. *Id.* at 2:13-15.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 100.

DISCUSSION

Delinquent

Debtor is \$5,330 delinquent in plan payments, which represents one month of the plan payment. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1). Moreover, Debtor may not have filed the required postpetition tax refunds. At the hearing, counsel for the Trustee reports that the delinquency remains and no tax returns have been provided by the Trustee.

Debtor's counsel states that a TFS payment was initiated on November 12, 2024, for the \$5,330.00. Trustee's counsel states that it is in process, but is not designated as certified funds.

The hearing is continued to 9:00 a.m. on January 22, 2024. If the cure payment has been made, the Chapter 13 Trustee may dismiss this Motion. If not paid, any opposition by Debtor must be filed and served on or before January 8, 2025.

January 22, 2025 Hearing

Debtor filed an Opposition on January 8, 2025. Docket 109. Debtor states he will be current prior to the hearing.

Trustee filed a Response on January 9, 2025. Trustee noted there have been no payments made since September 20, 2024. Docket 110.

At the hearing, counsel for the Debtor reported that the taxes should be filed in the next week. He has made only one payment.

The Debtor will now rent out two rooms in his house to generate more revenue. Debtor's adult son has moved out.

The Motion to Dismiss is conditionally granted, with the bankruptcy to be dismissed if Debtor is not current on all Plan payments and has filed and served a Plan and motion to confirm on or before February 7, 2025.

The hearing is continued to 9:00 a.m. on April 16, 2025, for the court case management purposes.

The court shall issue an 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 this Chapter 13 Case filed by David Cusick, the Chapter 13 Trustee, 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.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 6, 2025. By the court’s calculation, 41 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
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The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Jose Antonio Garcia (“Debtor”), is delinquent \$26,650.00 in plan payments. Debtor will need to have paid \$31,980.00 to become current by the hearing date. Mot. 1:19-22, Docket 82.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 126.

DISCUSSION

Delinquent

Debtor is \$26,650.00 delinquent in plan payments, which represents multiple months of the \$5,330.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

15. [20-25551-E-13](#) **MARVIN/WINIFRED JENKINS** **MOTION TO DISMISS CASE**
[DPC-2](#) **Chad Johnson** **2-14-25 [78]**

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on February 14, 2025. By the court’s calculation, 61 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is xxxxxxx.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Marvin Laroy Jenkins and Winifred Jenkins (“Debtor”), is delinquent \$1,810.00 in plan payments. Debtor will need to have paid \$3,630.00 to become current by the hearing date. Mot. 1:19-22, Docket 78.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 80.

DEBTOR’S RESPONSE

Debtor filed a Response on April 2, 2025. Docket 82. Debtor states the delinquency will be cured prior to the hearing date. Debtor states that they are in month 51 of a 60-month plan and wish to complete.

DISCUSSION

Delinquent

Debtor is \$1,810.00 delinquent in plan payments, which represents multiple months of the \$910 plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor asserts the delinquency will be cured prior to the hearing.

At the hearing, **XXXXXXX**.

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor (*pro se*) and Office of the United States Trustee on February 5, 2025. By the court's calculation, 28 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor (*pro se*) has not filed opposition. If the *pro se* Debtor appears at the hearing, the court shall consider the arguments presented and determine if further proceedings for this Motion are appropriate.

The Motion to Dismiss is XXXXXXX.

April 16, 2025 Hearing

The court continued the hearing on this Motion as debtor was working to obtain counsel. Counsel Peter Macaluso subbed into the case on March 10, 2025. Docket 31. Debtor filed an Opposition to this Motion on April 2, 2025, stating that Debtor is working with Mr. Macaluso to present a confirmable Plan. Docket 40. Debtor requests a continuance of this Motion.

At the hearing, XXXXXXX

REVIEW OF THE MOTION

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Michael Anthony Parra ("Debtor"), is delinquent \$2,182.00 in plan payments. Debtor will need to have paid \$4,364.00 to become current by the hearing date. Mot. 2:3-9, Docket 15.

Cured

2. Debtor failed to submit proof of his Social Security number and identification to the Trustee prior to the First Meeting of Creditors. *Id.* at 1:23-24.
3. Debtor failed to provide 11 U.S.C. § 521 documents, including pay advices and tax returns.

4. Debtor has a monthly net income of (\$3,546.15) and cannot fund a Plan. *Id.* at 2:23-25.

Trustee submitted the Declaration of Teryl Wegemer to authenticate the facts alleged in the Motion. Decl., Docket 17.

DISCUSSION

Delinquent

Debtor is \$2,182.00 delinquent in plan payments, which represents one month of the plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Failure to Authenticate Identification Prior to Meeting of Creditors

Fed. R. Bankr. P. 4002(b)(1)(A) and (B) state:

(b) Individual Debtor's Duty To Provide Documentation.

(1) Personal Identification. Every individual debtor shall bring to the meeting of creditors under §341:

(A) a picture identification issued by a governmental unit, or other personal identifying information that establishes the debtor's identity; and

(B) evidence of social-security number(s), or a written statement that such documentation does not exist.

Here, Debtor has not complied with this rule as Trustee informs the court he did not provide the required identification. That is cause for dismissal.

Failure to Provide Tax Returns

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).

Failure to Provide Pay Advices

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).

Feasability

Debtor's Schedule J at Docket 1, page 42 reveals a negative income of (\$3,546.15). 11 U.S.C. § 109(e) only permits a debtor with regular monthly income to be in Chapter 13. Lack of eligibility is cause for dismissal.

The Chapter 13 Trustee reported that while the Debtor has cured the default, the other issues exist with respect to prosecuting this case.

Debtor appeared, has docs and will be seeking counsel. The Trustee agreed to a continuance of the hearing.

The hearing on the Motion to Dismiss is continued to 9:00 a.m. on April 16, 2025.

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on January 17, 2025. By the court's calculation, 47 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The Motion to Dismiss is XXXXXXX.

April 16, 2025 Hearing

The court continued the hearing on the Motion as the Parties reported Debtor was in the process of curing the default. As of the court's review of the Docket on April 9, 2025, nothing new has been filed with the court.

At the hearing, XXXXXXX

REVIEW OF MOTION

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Gerald William Miller and Barbara Miller ("Debtor"), is delinquent \$1,833.63 in plan payments, which is the final amount to complete the Plan. Mot. 1:19-22, Docket 109.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 111.

DEBTOR'S RESPONSE

Debtor filed a Response on February 11, 2025. Docket 115. Debtor states there was a misunderstanding as the final amount due to complete the Plan, and Debtor requests time to cure the delinquency and complete the Plan.

The Chapter 13 Trustee requested a continuance to the April 16 dismissal calendar on February 11, 2025. Docket 113.

DISCUSSION

Delinquent

Debtor is delinquent \$1,833.63 in plan payments, which is the final amount to complete the Plan. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor is in the process of curing the delinquency and the Parties have agreed to a continuance. The hearing on the Motion to Dismiss is continued to April 16, 2025.

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on January 17, 2025. By the court's calculation, 47 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

April 16, 2025 Hearing

The court continued the hearing on this Motion as Debtor had gone through special circumstances, including a death in the family. A review of the Docket on April 16, 2025 reveals nothing new has been filed with the court.

At the hearing, XXXXXXX

REVIEW OF MOTION

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Eufemio Ordonia Seguban and Liza Frani Seguban ("Debtor"), is delinquent \$1,370.00 in plan payments. Debtor will need to have paid \$2,740.00 to become current by the hearing date. Mot. 1:19-22, Docket 175.

Trustee submitted the Declaration of Kristen Koo / Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 177.

DEBTOR'S RESPONSE

Debtor filed a Response on February 18, 2025. Docket 179. Debtor states the delinquency will be cured prior to the hearing date.

DISCUSSION

Delinquent

Debtor is \$1,370.00 delinquent in plan payments, which represents multiple months of the \$685 plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Counsel for the Trustee reported that the Debtors are now delinquent four plan payments.

Debtor's counsel appeared, and requested that the hearing be continued in light of some special circumstances in this case. There was a recent death of one of the Debtor's family members who lives in the Philippines and Debtor was there with the family members.

The hearing on the Motion to Dismiss is continued to 2:00 p.m. on April 16, 2025.

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 13, 2025. By the court's calculation, 34 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is xxxxxxx.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Alyn Marie Ojanpera Grayson and Edward Allen Grayson ("Debtor"), is delinquent \$4,713.00 in plan payments. Debtor will need to have paid \$7,534.00 to become current by the hearing date. Mot. 1:25-28, Docket 66.
2. Debtor has no plan confirmed and the last motion to confirm was denied on January 16, 2025. Mot. 2:3-4, Docket 66.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 68.

DEBTOR'S RESPONSE

Debtor filed a Response on April 2, 2025. Dockets 70. Debtor states that a Second Amended Chapter 13 Plan will be filed and it will address the delinquency. Response 1:18-19, Docket 70. As of April 11, 2025 Debtor has not filed an Amended Chapter 13 Plan.

DISCUSSION

Delinquent

Debtor is \$4,713.00 delinquent in plan payments, which represents multiple months of the \$2,821.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor asserts there will be an Amended Plan on file to correct the issues. AS of the court's April 14, 2025 review of the Docket, no Amended Plan and Motion to Confirm have been filed.

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

20. [23-24174-E-13](#) **MICHAEL/SUSAN MARASCO** **MOTION TO DISMISS CASE**
[DPC-2](#) **Timothy Stearns** **3-13-25 [143]**

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 13, 2025. By the court's calculation, 34 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1.The debtor, Michael Joe Marasco and Susan Diane Marasco ("Debtor"), has engaged in unreasonable delay that is prejudicial to creditors. The Court denied Debtor's Motion to Confirm on January 16, 2025, and no motion to confirm is pending. Mot. 1:25-28, Docket 143.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 145.

DEBTOR'S RESPONSE

Debtor filed a Response and supporting Declaration on April 1, 2025. Dockets 153-54. Debtor states the failure in filing a confirmable Plan is due to Debtor's attorneys mistakes, including his misunderstanding of the law surrounding Chapter 13. Opp'n 1:26-2:6. Debtor has filed an Amended Plan to address prior errors that calls for the sale of Debtor's residence. There have been other life events that have stalled the process, including storms and Mr. Marasco's inability to currently work resulting from storm damage to his office.

TRUSTEE'S REPLY

Trustee filed a Reply on April 8, 2025. Docket 160. Trustee states the newly proposed Amended Plan still contains errors that likely make it unconfirmable. These include grounds for the Debtor paying creditors directly rather than through the Chapter 13 Trustee.

DISCUSSION

Delay of Confirmation

The court denied confirmation of Debtor's prior plan on January 16, 2025. Debtor filed an Amended Plan and Motion to Confirm on April 1, 2025. However, Trustee has advised that the Amended Plan likely is not confirmable due to the same errors appearing on this version of the Plan as those that appeared on the unconfirmed plans. Such errors improperly include paying creditors outside the Plan. At the hearing, **XXXXXXX**

~~Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.~~

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on February 19, 2025. By the court's calculation, 56 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is xxxxxxx.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Adam Scott Newland and Sherri Ann Newland ("Debtor"), is delinquent \$50,605.22 in plan payments. This case is currently in month 63 of a 60-month plan so the delinquent amount is the amount required to complete the case in February 2025. Mot. 1:25-28, Docket 138.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 140.

DEBTOR'S RESPONSE

Debtor filed a Response and supporting Declaration on March 21, 2025. Dockets 147-48. Debtor states the Plan has been completed and there is a Modified Plan on file to address the percentage to unsecured creditors.

DISCUSSION

Delinquent

Debtor is \$50,605.22 delinquent in plan payments, which represents multiple months of the \$6,800.00 plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

The previously confirmed Plan at Docket 91 provides for a 100% payment to unsecured creditors in the amount of \$49,234.93. Debtor is in month 63 of a 60 month Plan and now proposes to file a Modified Plan that pays unsecured creditors a 9.5% dividend, but also in the amount of \$49,234.93. There is no

mention from Debtor as to curing the massive delinquency. Moreover, Debtor has not presented the court with any law allowing them to Modify the Plan after 60 months.

Congress provides in 11 U.S.C. § 1329 for the modification of Chapter 13 Plan after confirmation, stating in pertinent part:

1329. Modification of plan after confirmation

(a) **At any time after confirmation of the plan** *but before the completion of payments* under such plan, the plan may be modified, upon request of the debtor, the trustee, or the holder of an allowed unsecured claim, to—

(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

(2) extend or reduce the time for such payments;

(3) **alter the amount of the distribution to a creditor whose claim is provided for by the plan to** the extent necessary to take account of any payment of such claim other than under the plan; or

. . .

(c) A plan modified under this section may not provide for payments over a period that expires after the applicable commitment period under section 1325(b)(1)(B) after the time that the first payment under the original confirmed plan was due, unless the court, for cause, approves a longer period, but the court may not approve a period that expires after five years after such time.

Confirmed Plans in This Bankruptcy Case

On June 11, 2020, the court entered an Order confirming the Original Chapter 13 Plan (Dckt. 2) filed by Debtor. With respect to general unsecured claims, the Original Plan provided for a not less than 0.00% dividend for general unsecured claims totaling approximately \$73,836.50. Orig. Plan, ¶ 3.14; Dckt. 2.

On February 22, 2021, the court entered an Order (Dckt. 69) confirming the First Modified Chapter 13 Plan (Dckt. 58). The First Modified Plan provided for a not less than 0.00% dividend for general unsecured claims totaling approximately \$49,234.93. First Mod. Plan, ¶ 3.14; Dckt. 58.

On June 21, 2022, the court entered an Order (Dckt. 109) confirming the Second Modified Chapter 13 Plan (Dckt. 91). The Second Modified Plan provided for a not less than 100% dividend for general unsecured claims totaling approximately \$49,234.93. Second Mod. Plan, ¶ 3.14; Dckt. 91. Debtor's Declaration in support of confirmation of the Second Modified Plan provides a detailed discussion of the medical issues impacting Debtor that caused the default. Dckt. 89.

On March 21, 2025, Debtor filed the Third Modified Plan (Dckt. 145) that is before the court. The latest modification seeks to reduce the not less than 100% dividend required to be paid creditors under the Confirmed Second Modified over the last 20 months to just 9.5%.

In the Motion to Confirm the Third Modified Plan, it is alleged that:

3. Due to a change in circumstances, Debtors cannot complete the plan as originally confirmed as stated under penalty of perjury in the accompanying Declaration of Debtors. In that Declaration, Debtors state, "We have completed our Plan and are amending the Plan to adjust the percentage to unsecured creditors."

Motion, ¶ 3; Dckt. 142.

Reviewing the Debtor's Declaration in Support of the Motion, there are no "change in circumstances" identified. Dec.; Dckt. 144. It merely states that the Plan has been completed (Dec. ¶ 2), have funding the plan with \$359,461.35 (Dec. ¶ 3), and now seek to modify the Confirmed Second Modified Plan to provide for a 9.5% dividend to creditors holding general unsecured claims (Dec. ¶ 2). Dec.; Dckt. 144.

The Confirmed Second Modified Plan required the Debtor to make Plan payments totaling the following:

- A. Plan Month 1 through April 2022.....\$139,187.37 and
- B. Plan Payment of \$6,800 for Remaining 31 Months....\$210,800.00,

for Chapter 13 Plan payments totaling \$359,987.37. Second Mod. Plan; § 7; Dckt. 91 at 7.

Creditor Claims to be paid in the Confirmed Second Modified Plan are computed as follows:

Creditor	Amount of Claim in Plan	Interest Rate/Monthly Payment	Total Amount to Be Paid on Claim
Class 1 PHH Sept, Oct., Nov. 2020 Post Petition Arrearage	(\$10,379.97)	0.00% Interest	(\$10,379.97)
Class 1 PHH Pre-Petition Arrearage	(\$23,940.56)	0.00% Interest	(\$23,940.56)
Class 2 Consumer Portfolio Services	(\$16,101.19)	5% Interest With \$650 a Month Payments	(\$17,016.00)
Class 2 PPH Mt Sup Claim	(\$1,400.00)		(\$1,400.00)
Tesla Solar	(\$6,902.79)	7% Interest With \$500 a Month Payments	(\$7,216.87)
Priority Claims	(\$55,163.93)	No Interest	(\$55,163.93)
General Unsecured Claims	(\$49,234.93)	No Interest	(\$49,234.93)

Chapter 13 Trustee's Fees		Assumed 7% of \$359,416.35 Plan Payments	(\$25,159.15)
			=====
	Total of Claims to Be Paid Through the Confirmed Second Modified Plan.		(\$189,511.41)

The forgoing is a very rough computation of the claims to be paid through the Plan. As noted above, there were defaults that occurred and payments were stretched out. However, the interest accrual would appear to be modest.

For the priority claims, the Internal Revenue Service asserted a priority claim of (\$38,415.66), Proof of Claim 1-1, and the Franchise Tax Board asserts its priority claim in the amount of (\$16,748.27), Proof of Claim 5-1. These total (\$55,163.93), the exact number used in the Confirmed Second Modified Plan.

It is not clear to the court that if the Confirmed Second Modified Plan has been funded with \$359,987.37 and the listed claims and payments to be made on the Claims total around (\$189,511.41), why there is not a 100% dividend on general unsecured claims.

The proposed Third Modified Plan states that Debtor has funded the Plan with \$359,461.35, which is greater than the amount as computed by the court under the Confirmed Second Modified Plan. Third Mod. Plan, § 7; Dckt. 145 at 7.

If the Plan has been fully funded as provided in the Confirmed Second Modified Plan, then it appears that there may have been a gross mis-computation of the plan payments necessary to fund a 100% dividend to creditors holding general unsecured claims.

At the hearing, **XXXXXXX**

~~Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.~~

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on February 14, 2025. By the court's calculation, 61 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Joseph Stanley Foreman ("Debtor"), is delinquent \$7,003.00 in plan payments. Mot. 1:19, Docket 17.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 19.

DEBTOR'S RESPONSE

Debtor's attorney filed a n Opposition on April 2, 2025. Docket 23. Debtor's attorney informs the court that Debtor has died, and Debtor is exploring substituting deceased Debtor's wife into the case as representative. Debtor's attorney requests a continuance.

DISCUSSION

Debtor is \$7,003.00 delinquent in plan payments. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

However, Debtor has passed away, and Debtor's attorney is attempting to substitute Debtor's brother in the case. At the hearing, XXXXXXX

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

23. [24-23586-E-13](#)
[DPC-1](#)

JON NEWTON
Michael Reid

MOTION TO DISMISS CASE
3-6-25 [20]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 6, 2025. By the court’s calculation, 41 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is XXXXXXX.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Jon Carter Newton (“Debtor”), is delinquent \$11,938.00 in plan payments. Debtor will need to have paid \$16,911.00 to become current by the hearing date. Mot. 1:19-22, Docket 20.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 22.

DEBTOR’S RESPONSE

Debtor filed a Response and supporting Declaration on April 2, 2025. Dockets 24, 25. Debtor informs the court he has experienced some hardship along the way, including car troubles and a reduce in hours at his employment. Debtor will not be able to cure the delinquency, but Debtor prays for time as he explores curing a delinquency through a modified Plan.

DISCUSSION

Delinquent

Debtor is \$11,938.00 delinquent in plan payments, which represents multiple months of the \$4,973.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor has informed the court he is exploring a modified plan to cure the delinquency. As of the court's review of the Docket on April 11, 2025, no modified plan has been filed. A review of the court's files discloses that Debtor has not had a prior bankruptcy case in the Eastern District of California.

At the hearing, **XXXXXXX**

~~Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.~~

The court shall issue an 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, David Cusick ("Trustee"), 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 **XXXXXXX**.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 6, 2025. By the court's calculation, 41 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Portia Merie Stewart ("Debtor"), is delinquent \$1,952.29 in plan payments. Debtor will need to have paid \$3,871.14 to become current by the hearing date. Mot. 1:19-22, Docket 66.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 68.

DEBTOR'S RESPONSE

Debtor filed a Response on April 1, 2025. Docket 70. Debtor states the delinquency is being cured and will be fully cured as soon as possible.

DISCUSSION

Delinquent

Debtor is \$1,952.29 delinquent in plan payments, which represents one month of the plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor has asserted she is curing the delinquency, but there is no evidence or time line suggested for curing. At the hearing, **XXXXXXX**

~~Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.~~

The court shall issue an 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, David Cusick (“Trustee”), 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.~~

25. [22-21590-E-13](#)
[DPC-5](#)

WILLIAM DOTY
Kenneth Bauer

MOTION TO DISMISS CASE
3-6-25 [86]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 6, 2025. By the court’s calculation, 41 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, William R Doty (“Debtor”), is delinquent \$10,787.35 in plan payments. Debtor will need to have paid \$16,290.91 to become current by the hearing date. Mot. 1:19-22, Docket 86.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 88.

DISCUSSION

Delinquent

Debtor is \$10,787.35 delinquent in plan payments, which represents multiple months of the \$5,503.56 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 14, 2025. By the court's calculation, 33 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

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

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Wlodzimierz Jan Litwin ("Debtor"), is delinquent \$210.00 in plan payments. Mot. 1:24-25, Docket 76.
2. This case was filed on October 12, 2024 after Debtor, represented by current counsel, failed to confirm a plan in Debtor's prior case #23-22217 which was filed on July 5, 2023 and dismissed on August 15, 2024. Debtor has 13 months in his prior case, and has now had 4 months in the present case and no plan has been confirmed, and based on the evidentiary record, no plan appears likely to be confirmable. The Court should consider dismissing the case or at least setting a deadline to confirm a plan. *Id.* at 2:3-10.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 78.

Trustee filed a Status Report on April 1, 2025. Docket 83. Trustee informs the court that Debtor is now current in plan payments; however, the court should still consider dismissing the case for failure to confirm a plan, especially where there still does not appear to be a confirmable plan on the docket.

DEBTOR'S RESPONSE

Debtor filed a Response and supporting Declaration on April 2, 2025. Dockets 86, 87. Debtor states he has been experiencing health issues, and Debtor requests more time to prepare a Second Amended Plan and set it for confirmation.

DISCUSSION

Prior Plan Denied, No New Plan

Debtor did not file a Plan or a Motion to Confirm a Plan following the court's denial of confirmation to Debtor's prior plan on April 8, 2025. A review of the docket shows that Debtor has not yet filed a new plan or a motion to confirm a plan. Debtor requests more time to prepare a Second Amended Plan; however, Debtor has had ample time to have a plan confirmed in either this case or the previous case. That is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

At the hearing, **XXXXXXX**

~~Based on the foregoing, cause exists to dismiss this case. The Motion is granted, and the case is dismissed.~~

The court shall issue an 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, David Cusick ("Trustee"), 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.~~

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 13, 2025. By the court's calculation, 34 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

<p>The Motion to Dismiss is XXXXXX.</p>

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Adrenia Marie Despanie ("Debtor"), is delinquent \$4,566.00 in plan payments. Debtor will need to have paid \$6,849.00 to become current by the hearing date. Mot. 1:19-22, Docket 56.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 56.

DEBTOR'S RESPONSE

Debtor filed a Response on March 31, 2025. Docket 60. Debtor states the delinquency will be cured prior to the hearing date.

DISCUSSION

Delinquent

Debtor is \$4,566.00 delinquent in plan payments, which represents multiple months of the \$2,283.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Debtor states that she will have the delinquency cured by the date of the hearing on this Motion. At the hearing, **XXXXXXX** .

The court shall issue an 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, David Cusick (“Trustee”), 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 **XXXXXXX**.

FINAL RULINGS

28. [22-21200-E-13](#)
[DPC-3](#)

AMADA ROGERS
Mary Ellen Terranella

MOTION TO DISMISS CASE
3-6-25 [45]

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an *Ex Parte* Motion to Dismiss the pending Motion on April 8, 2025, Docket 53; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Amada Soledad Rogers (“Debtor”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue an 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, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Docket 53, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

29. [19-26112-E-13](#)
[DPC-3](#)

MARCO PEDRAZA
Peter Macaluso

MOTION TO DISMISS CASE
3-6-25 [76]

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on April 8, 2025, Docket 82; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Marco D. Pedraza (“Debtor”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue an 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, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Docket 82, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 5, 2025. By the court's calculation, 42 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
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The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Sharon Rocker ("Debtor"), is delinquent \$520.00 in plan payments. Debtor will need to have paid \$780.00 to become current by the hearing date. Mot. 1:18-23, Docket 17.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 19.

DEBTOR'S RESPONSE

Debtor has not filed a Response as of April 9, 2025.

DISCUSSION

Delinquent

Debtor is \$520.00 delinquent in plan payments, which represents multiple months of the \$260.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

31. 24-25613-E-13 DPC-2	MARY MURPHY David Ritzinger	MOTION TO DISMISS CASE 3-14-25 [30]
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Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 14, 2025. By the court’s calculation, 33 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Mary Susan Murphy (“Debtor”), unfortunately passed away. Mot. 1:22-25, Docket 30. A Notice of Death of Debtor was filed on March 5, 2025, and Debtor’s Death Certificate shows Debtor passed away on

February 1, 2025. *Id.* According to Trustee, no one has come forward to continue the administration of the bankruptcy case. *Id.* at 25.

2. Debtor, has not made any Plan payments and is delinquent \$3,602.00 in payments to Trustee. Mot. 1:26-28, Docket 30.
3. Trustee's objection to Debtor's original plan was sustained at hearing on February 25, 2025. Mot. 2:4-6, Docket 30. Since then, Debtor has not taken any further action. *Id.*

Trustee submitted the Declaration of Teryl Wegemer to authenticate the facts alleged in the Motion. Decl., Docket 32.

DEBTOR'S RESPONSE

Debtor has not filed a Response as of April 9, 2025.

DISCUSSION

Unreasonably Delay

Debtor's untimely passing unreasonably delays the bankruptcy case as no one has come forward to continue prosecuting the case. Under 11 U.S.C. § 1307(c)(1), the court finds the delay to be the cause for granting Trustee's Motion to dismiss.

Failed to Commence Plan Payments

Debtor did not commence making plan payments and is \$3,602.00 delinquent in plan payments, which represents multiple months of the \$1,801.00 plan payment. Before the hearing, another plan payment will be due. 11 U.S.C. § 1307(c)(4) permits the dismissal or conversion of the case for failure to commence plan payments. Debtor did not present any opposition to the Motion.

Prior Plan Denied, No New Plan

Debtor did not file a Plan or a Motion to Confirm a Plan following the court's denial of confirmation to Debtor's prior plan on February 28, 2025. A review of the docket shows that Debtor has not yet filed a new plan or a motion to confirm a plan. Debtor offers no explanation for the delay in setting a plan for confirmation. 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

32. [22-21614-E-13](#) **ARMANDO ALBARRAN** **MOTION TO DISMISS CASE**
[DPC-1](#) **Pauldeep Bains** **2-13-25 [19]**

Final Ruling: No appearance at the April 16, 2025 hearing is required.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on February 13, 2025. By the court’s calculation, 62 days’ notice was provided. 28 days’ notice is required.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion. The defaults of the non-responding parties in interest are entered.

The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Armando Castro Albarran (“Debtor”), is delinquent \$915.64 in plan payments. Debtor will need to have paid \$1,859.40 to become current by the hearing date. Mot. 1:18-23, Docket 19.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 21.

DEBTOR’S RESPONSE

Debtor filed a Response on March 27, 2025. Docket 32. Debtor states that a Modified Plan was filed on March 19, 2025. Mot., Docket 23. The court is scheduled to hear the motion on May 6, 2025. Debtor claims that under the Modified Plan, Debtor is current on the terms. *Id.* at 20-21. Debtor thus requests the court to deny Trustee’s motion to dismiss. *Id.* at 22-23.

DISMISSAL OF MOTION

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an *Ex Parte* Motion to Dismiss the pending Motion on April 11, 2025, Docket 34; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Armando Albarran (“Debtor”); the *Ex Parte* Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue an 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, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Docket 34, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

33. 23-20016-E-13 DPC-1	DAVID STEELE Mo Mokarram	MOTION TO DISMISS CASE 3-6-25 [31]
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Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an *Ex Parte* Motion to Dismiss the pending Motion on April 8, 2025, Docket 38; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by David Jeremy Steele (“Debtor”); the *Ex Parte* Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue an 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, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Docket 38, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

34. [24-23120-E-7](#) **TIMOTEO/MARY ASPER** **MOTION TO DISMISS CASE**
[DPC-2](#) **Mo Mokarram** **3-13-25 [28]**

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 13, 2025. By the court’s calculation, 34 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

The Motion to Dismiss is denied without prejudice as moot, the Chapter 13 Case having been converted to one under Chapter 7 when Debtor filed their Notice of Conversion on March 27, 2025. Docket 34.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks to dismiss Timoteo Dawang Asper, II and Mary Grace Nuguid Asper’s (“Debtor”) Chapter 13 case. Debtor filed a Notice of Conversion on March 27, 2025, however, converting the case to a proceeding under Chapter 7. Dckt. 34. Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. *FED. R. BANKR. P. 1017(f)(3)*; *In re Bullock*, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); *In re McFadden*, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor’s case was

converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on March 27, 2025. *McFadden*, 37 B.R. at 521.

The court shall issue an 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, David Cusick (“Trustee”), 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 without prejudice as moot.

35. 24-24028 -E-13 DPC-1	TONY HO Jasmin Nguyen	MOTION TO DISMISS CASE 3-5-25 [20]
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Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 5, 2025. By the court’s calculation, 42 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

The Motion to Dismiss is denied without prejudice.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Tony Ho (“Debtor”), is delinquent \$16,746.00 in plan payments. Debtor will need to have paid \$22,334.00 to become current by the hearing date. Mot. 1:18-23, Docket 20.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 22.

DEBTOR’S RESPONSE

Debtor filed a Response on April 2, 2025. Dockets 32. Debtor states a Motion to Confirm First Modified Chapter 13 Plan was filed on April 2, 2025. Response 1:17-19, Docket 32. The hearing for the

Motion to Confirm is set on May 20, 2025. *Id.* at 19-20. Debtor believes that if the Motion is granted, it will resolve Trustee's Motion to dismiss. *Id.* at 20-21. Debtor thus requests the court to continue Trustee's Motion to dismiss out to May 20, 2025 so that it may be resolved along with Debtor's Motion to Confirm. *Id.*

DISCUSSION

Delinquent

Debtor is \$16,746.00 delinquent in plan payments, which represents multiple months of the \$5,588.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Pending Plan

A review of the docket shows that Debtor has filed a new plan or a motion to confirm a plan. Debtor states that the motion to confirm a plan will resolve Trustee's motion for dismissal.

Plan and Motion to Confirm Filed

Debtor has filed a Modified Plan (Dckt. 28) and Motion to Confirm (Dckt. 26) to address the defaults. From the court's preliminary review, it appears that the Motion states grounds with particularity upon which relief is based and that the Declaration in support (Dckt. 29) states personal knowledge testimony in support of the Motion to Confirm. Supplemental Schedules I and J have been filed. Dckt. 24.

Here, the Debtor is very early in this Bankruptcy Case and has identified an unexpected economic event which has derailed the currently confirmed Plan. Given Debtor's active prosecution of confirmation of a Modified Plan, the Motion is denied without prejudice.

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, David Cusick ("Trustee"), 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 without prejudice.

DEBTOR DISMISSED: 03/07/25

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor (*pro se*) and Chapter 13 Trustee as stated on the Certificate of Service on February 21, 2025. The court computes that 54 days' notice has been provided.

The court issued an Order to Show Cause based on Debtor's failure to pay filing fees in the case.

The Order to Show Cause is discharged as moot, this Bankruptcy Case having been dismissed.

The court having dismissed this bankruptcy case by prior order filed on March 7, 2025 (Docket 50), the Order to Show Cause is discharged as moot, with no sanctions ordered.

The court shall issue an 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 discharged as moot, and no sanctions are ordered.

37. [24-20933](#)-E-13
[DPC-1](#)

ANDREA NIMMO
Carl Gustafson

MOTION TO DISMISS CASE
3-6-25 [\[25\]](#)

Final Ruling: No appearance at the April 16, 2024 Hearing is required.

The Chapter 13 Trustee, David Cusick (“Trustee”) having filed a Notice of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041 (Docket 29), **the Motion to Dismiss the Bankruptcy Case was denied without prejudice, and the matter is removed from the calendar.**

38. [24-25534](#)-E-13

KEITH GAINES
Muoi Chea

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-17-25 [\[34\]](#)

Final Ruling: No appearance at the April 16, 2025, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor, Debtor’s Attorney, and Chapter 13 Trustee as stated on the Certificate of Service on March 19, 2025. The court computes that 28 days’ notice has been provided.

The court issued an Order to Show Cause based on Debtor’s failure to pay the required fees in this case: \$78 due on March 10, 2025.

The Order to Show Cause is discharged, and the bankruptcy case shall proceed in this court.

The court’s docket reflects that the default in payment that is the subject of the Order to Show Cause has been cured.

The court shall issue an 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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

39. [24-20444-E-13](#)
[DPC-1](#)

MATTHEW VAUGHN
Mary Ellen Terranella

MOTION TO DISMISS CASE
3-6-25 [21]

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 6, 2025. By the court’s calculation, 41 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Matthew Thomas Vaughn (“Debtor”), is delinquent \$2,324.00 in plan payments. Debtor will need to have paid \$2,905.00 to become current by the hearing date. Mot. 1:19-22, Docket 21.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 23.

DISCUSSION

Delinquent

Debtor is \$2,324.00 delinquent in plan payments, which represents multiple months of the \$581.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

40. 24-21046-E-13 DPC-1	LINELL WALKER Thomas Amberg	MOTION TO DISMISS CASE 3-6-25 [18]
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Final Ruling: No appearance at the April 16, 2025 hearing is required.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 6, 2025. By the court’s calculation, 41 days’ notice was provided. 28 days’ notice is required.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion. The defaults of the non-responding parties in interest are entered.

The Motion to Dismiss is denied without prejudice.

The Chapter 13 Trustee, David Cusick, moved to dismiss this case based on payment delinquency.

FILING OF MODIFIED PLAN

Debtor filed a Modified Plan and Motion to Confirm on March 17, 2025. Docket 26. The court has reviewed the Motion to Confirm the Modified Plan and the Declaration in support filed by Debtor. Docket 25. The Motion appears to comply with Federal Rule of Bankruptcy Procedure 9013 (stating grounds with particularity), and the Declaration appears to provide testimony as to facts to support confirmation based upon Debtor’s personal knowledge. FED. R. EVID. 601, 602.

Debtor appearing to be actively prosecuting this case, the Motion to Dismiss is denied without prejudice.

The court shall issue an 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, David Cusick (“Trustee”), 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 without prejudice.

41. 23-23547 -E-13	KIMBERLY SMITH	MOTION TO DISMISS CASE
DPC-2	Mo Mokarram	2-14-25 [42]

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on April 9, 2025, Docket 49; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Kimberly Ann Smith (“Debtor”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue an 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, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Docket 49, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Chapter 13 Trustee's Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

42. [24-20549-E-13](#)
[DPC-2](#)

RYAN/SHARLENE BECK
Mikalah Liviakis

MOTION TO DISMISS CASE
2-14-25 [\[66\]](#)

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on February 14, 2025. By the court's calculation, 61 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
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The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Ryan Dean Beck and Sharlene Summers Beck ("Debtor"), is delinquent \$2,965.01 in plan payments. Debtor will need to have paid \$4,945.01 to become current by the hearing date. Mot. 1:19-22, Docket 82.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 68.

DISCUSSION

Delinquent

Debtor is \$2,965.01 delinquent in plan payments, which represents multiple months of the \$990.00 plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

43. 24-24554-E-13 DPC-1	JOLENE NORTON Peter Macaluso	CONTINUED MOTION TO DISMISS CASE 12-10-24 [28]
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Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor (*pro se*) and Office of the United States Trustee on December 10, 2024. By the court’s calculation, 43 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor (*pro se*) has not filed opposition. If the *pro se* Debtor appears at the hearing, the court shall consider the arguments presented and determine if further proceedings for this Motion are appropriate.

The hearing on the Motion to Dismiss is continued to 2:00 p.m. on May 20, 2025, (Specially Set Day and Time) to be conducted in conjunction with the hearing on Debtor's Motion to Confirm Amended Plan.

REVIEW OF MOTION

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Jolene Norton (“Debtor”), is delinquent \$700.00 in plan payments. Debtor will need to have paid \$1,400 to become current by the hearing date. Mot. 2:5-10, Docket 28.
2. Debtor failed to appear and was not examined at the First Meeting of Creditors held on December 5, 2024. *Id.* at 1:24-25.
3. Debtor failed to provide to Trustee with verification of both the Social Security number and identification. *Id.* at 2:2-3.
4. Debtor failed to provide the Trustee with 60 days of employer payment advices received prior to the filing of the petition pursuant to 11 U.S.C. §521(a)(1)(B)(iv). *Id.* at 2:12-15.
5. Debtor has failed to provide the Trustee with any tax transcript or copies of the Federal Income Tax Return with attachments for the most recent pre-petition tax year for which a return was required. *Id.* at 2:16-20.
6. The Plan has been incorrectly filled out. Debtor has not provided a duration for the Plan, and no creditors have been listed. *Id.* at 2:21-3:2.

Trustee submitted the Declaration of Teryl Wegemer to authenticate the facts alleged in the Motion. Decl., Docket 30.

DISCUSSION

Delinquent

Debtor is \$700.00 delinquent in plan payments, which represents one month of the plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments is unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Failed to Appear at § 341 Meeting of Creditors

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).

Failure to Authenticate Identification Prior to Meeting of Creditors

Fed. R. Bankr. P. 4002(b)(1)(A) and (B) state:

(b) Individual Debtor's Duty To Provide Documentation.

(1) Personal Identification. Every individual debtor shall bring to the meeting of creditors under §341:

(A) a picture identification issued by a governmental unit, or other personal identifying information that establishes the debtor's identity; and

(B) evidence of social-security number(s), or a written statement that such documentation does not exist.

Here, Debtor has not complied with this rule as Trustee informs the court he did not provide the required identification. That is cause for dismissal.

Failure to Provide Pay Stubs

Debtor has not provided Trustee with employer payment advices for the sixty-day period 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). Debtor has failed to provide all necessary pay stubs. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

Failure to Provide Tax Returns

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). Debtor has failed to provide the tax transcript. That is cause to deny confirmation. 11 U.S.C. § 1325(a)(1).

Incomplete Plan

Finally, Debtor has submitted a Plan that omits many key elements. Debtor has not listed creditors or priority debts, Debtor has not provided a duration for the Plan, and Debtor has not scheduled any dividend to general unsecured claims. Such a Plan is not confirmable, Trustee having no direction on how to administer plan payments.

At the hearing counsel for the Trustee reported that the only thing that has been cured is the delinquency. The 341 Meeting has been continued.

The outstanding documents have not been provided as of this time.

Debtor appeared at the hearing and was accompanied by her Daughter. Debtor explained that she has paid money to Progressive Elite Group to assist her with the filing of bankruptcy, but at the last minute they would not file the case for her.

The Debtor and her Daughter explained that they were trying to do it themselves.

The court discussed with the Debtor and her Daughter that consumer service bankruptcy clinics exist, such as the Bankruptcy Clinic at McGeorge Law School, as well as that in light of the substantial equity in her home, Debtor may well want to seek the assistance of counsel (who can substantially be paid through the Chapter 13 Plan) to protect her assets.

The Trustee agreed to a continuance of the hearing to afford Debtor and her Daughter to seek out legal assistance.

The hearing on the Motion to Dismiss is continued to 9:00 a.m. on March 5, 2025.

March 5, 2025 Hearing

The court continued the hearing on this Motion to afford Debtor time to find and obtain counsel. On February 18, 2025, Mr. Macaluso substituted in the case to represent Debtor. Mr. Macaluso filed an Opposition to this Motion on that same day and requested denial or a continuance in light of his substitution. Docket 53. Trustee filed a Response on February 26, 2025, agreeing with a continuance or, if Debtor files an Amended Plan and sets it for hearing, requesting denial of his Motion. A review of the Docket on February 28, 2025 reveals no Amended Plan has been filed with the court.

At the hearing, new counsel for the Debtor appeared at the hearing. The new counsel requested, and the Trustee agreed, to continue the hearing.

The hearing on the Motion to Dismiss is continued to 9:00 a.m. on April 16, 2025.

April 16, 2025 Hearing

The court continued the hearing on this Motion as the Parties agreed to a continuance. Trustee filed a Response on April 8, 2025. Docket 74. Trustee states there has been an Amended Plan filed, but questions why the Debtor made no payments in made in February or March 2025.

The Trustee suggests the court continue the hearing on this Motion to the same time and date as the hearing on the Motion to Confirm the Amended Plan.

In the Declaration in Support of the Motion to Confirm, the Debtor testifies that with respect to the delinquent payments:

2. I have paid a total of \$2,198.40 to the Trustee over the last 5 months. I am delinquent with my payments because I did not have an attorney and I wasn't sure how to do the "Plan." I was also unaware of who my lender was and had my old Mortgage Lender as the creditor to pay. Since then, I sent over a Class 1 checklist to the Trustee.

Declaration, ¶ 2: Dckt. 69.

The hearing on the Motion to Dismiss is continued to 2:00 p.m. on May 20, 2025, to be conducted in conjunction with the hearing on Debtor's Motion to Confirm Amended Plan.

The court shall issue an 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, David Cusick (“Trustee”), 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 hearing on the Motion to Dismiss is continued to **2:00 p.m. on May 20, 2025, (Specially Set Day and Time)**, to be conducted in conjunction with the hearing on Debtor's Motion to Confirm Amended Plan.

44. [24-24754](#)-E-13

TONI HAMILTON
Richard Jare

**ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-24-25 [\[58\]](#)**

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor, Debtor’s Attorney, and Chapter 13 Trustee as stated on the Certificate of Service on February 26, 2025. The court computes that 49 days’ notice has been provided.

The court issued an Order to Show Cause based on Debtor’s failure to pay the required fees in this case: \$79 due on February 19, 2025.

The Order to Show Cause is discharged, and the bankruptcy case shall proceed in this court.

The court’s docket reflects that the default in payment that is the subject of the Order to Show Cause has been cured.

The court shall issue an 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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on February 13, 2025. By the court's calculation, 62 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

The hearing on the Motion to Dismiss is continued to 2:00 p.m. on May 6, 2025, to be heard in conjunction with Debtor's Motion to Confirm Modified Plan.

The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Charmayne Lee Shultz ("Debtor"), is delinquent \$1,810.00 in plan payments. Debtor will need to have paid \$3,340.00 to become current by the hearing date. Mot. 1:19-22, Docket 77.
2. Trustee received today an insurance check for \$23,592.23 from CSAA representing the payoff of Debtor's 2019 Honda Ridgeline which secures Claim 7 of Capital Auto One Finance filed by AIS Portfolios Services. This payment is not called for by the plan so the Debtor remains delinquent but if treated as a plan payment would bring the Debtor current, payoff the secured claim which has a current principal owed of \$17,568.43 and interest due of \$417.24 with \$452.54 of Trustee fees, and either result in a refund of \$1,257.33 or \$5,154.02 of funds to the Debtor depending on whether funds should be held for the \$3,897.99 unsecured part of claim 7. *Id.* at 2:11-17.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 79.

DEBTOR'S RESPONSE

Debtor filed a Response on April 1, 2025. Docket 87. Debtor states she has set for hearing confirmation of her Modified Plan.

Trustee filed a Reply on April 8, 2025, requesting the court continue this Motion until Debtor directs Trustee on how to apply the insurance proceeds. Docket 88.

DISCUSSION

Delinquent

Debtor is delinquent in plan payments. However, Trustee has received an insurance check that appears to bring the Plan completely current and even result in a net refund to Debtor. The proposed Modified Plan does not direct the Trustee on how to apply this insurance check. The court continues the hearing to May 6, 2025 at 2:00 p.m. on Trustee's request for the parties to work out how the insurance proceeds will be applied.

The court shall issue an 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, David Cusick ("Trustee"), 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 hearing on the Motion to Dismiss is continued to **2:00 p.m. on May 6, 2025**, to be heard in conjunction with Debtor's Motion to Confirm Modified Plan.

DEBTOR DISMISSED: 03/04/25

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor (*pro se*) and Chapter 13 Trustee as stated on the Certificate of Service on March 2, 2025. The court computes that 45 days' notice has been provided.

The court issued an Order to Show Cause based on Debtor's failure to pay filing fees.

The Order to Show Cause is discharged as moot, the Bankruptcy Case having been dismissed.

The court having dismissed this bankruptcy case by prior order filed on March 4, 2025 (Docket 13), the Order to Show Cause is discharged as moot, with no sanctions ordered.

The court shall issue an 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, the Bankruptcy Case having been Dismissed (Order; Dckt. 13), evidence, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is discharged as moot, and no sanctions are ordered.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on February 14, 2025. By the court’s calculation, 61 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
--

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Riteshni Prasad Shankar (“Debtor”), is delinquent \$3,920.00 in plan payments. Debtor will need to have paid \$11,760.00 to become current by the hearing date. Mot. 1:19-22, Docket 26.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 28.

DISCUSSION

Delinquent

Debtor is \$3,920.00 delinquent in plan payments, which represents one month of the plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

48. [23-23062-E-13](#) **DAVID/TAMMY MEZQUIRIZ** **MOTION TO DISMISS CASE**
[DPC-3](#) **Catherine King** **3-6-25 [41]**

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 6, 2025. By the court’s calculation, 41 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, David Espinoza Mezquiriz and Tammy Lee Mezquiriz (“Debtor”), is delinquent \$4,399.03 in plan payments. Debtor will need to have paid \$7,399.03 to become current by the hearing date. Mot. 1:19-22, Docket 41.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 43.

DISCUSSION

Delinquent

Debtor is \$4,399.03 delinquent in plan payments, which represents multiple months of the \$3,000.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

49. [24-25862-E-13](#)
[DPC-2](#)

SUSAN SCOTT
Cindy Lee Hill

MOTION TO DISMISS CASE
3-19-25 [33]

Final Ruling: No appearance at the April 10, 2025 hearing is required.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 19, 2025. By the court’s calculation, 28 days’ notice was provided. 28 days’ notice is required.

Upon review of the Motion and supporting pleadings, and the files in this case, the court has determined that oral argument will not be of assistance in ruling on the Motion. The defaults of the non-responding parties in interest are entered.

The Motion to Dismiss is denied without prejudice.

The Chapter 13 Trustee, David Cusick (“Trustee”), moves the court for dismissal based on plan payment delinquency and a failure to file an Amended Plan and Motion to Confirm.

FILING OF AMENDED PLAN

Debtor filed an Amended Plan and Motion to Confirm on March 27, 2025. Docket 42. The court has reviewed the Motion to Confirm the Amended Plan and the Declaration in support filed by Debtor. Docket 44. The Motion appears to comply with Federal Rule of Bankruptcy Procedure 9013 (stating grounds with particularity), and the Declaration appears to provide testimony as to facts to support confirmation based upon Debtor's personal knowledge. FED. R. EVID. 601, 602.

Debtor appearing to be actively prosecuting this case, the Motion to Dismiss is denied without prejudice.

The court shall issue an 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, David Cusick ("Trustee"), 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 without prejudice.

50. 23-23163-E-13	JAMES/NICOLE DOBSON	MOTION TO DISMISS CASE
DPC-1	Mikalah Liviakis	3-13-25 [24]

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 13, 2025. By the court's calculation, 34 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, James Le’Roy Dobson and Nicole Colette Dobson (“Debtor”), is delinquent \$3,625.00 in plan payments. Debtor will need to have paid \$5,245.00 to become current by the hearing date. Mot. 1:18-23, Docket 24.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 26.

DEBTOR’S RESPONSE

Debtor has not filed a Response as of April 9, 2025.

DISCUSSION

Delinquent

Debtor is \$3,625.00 delinquent in plan payments, which represents multiple months of the \$1,620.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 6, 2025. By the court’s calculation, 41 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
--

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Jonathan William Hayner (“Debtor”), is delinquent \$5,784.18 in plan payments. Debtor will need to have paid \$7,754.18 to become current by the hearing date. Mot. 1:17-23, Docket 22.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 24.

DEBTOR’S RESPONSE

Debtor has not filed a Response as of April 9, 2025.

DISCUSSION

Delinquent

Debtor is \$5,784.18 delinquent in plan payments, which represents multiple months of the \$1,970.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

52. 24-21068 -E-13 DPC-2	DESIREE LEWIS Sunita Kapoor	MOTION TO DISMISS CASE 3-19-25 [158]
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Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 19, 2025. By the court’s calculation, 28 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor filed opposition. If it appears at the hearing that disputed, material, factual issues remain to be resolved, then a later evidentiary hearing will be set. LOCAL BANKR. R. 9014-1(g).

<p>The Motion to Dismiss is denied without prejudice.</p>
--

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Desiree Rebecca Lewis (“Debtor”), is engaging in unreasonable delay by not successfully valuing the collateral in order to pay the secured creditor, Real Time Resolutions (“Creditor”), claim. Mot. 2:1-24, Docket 158.
2. There are serious issues with Debtor’s current Objection to Claim, which has been filed after Debtor did not prevail on her Motion to Value.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 160.

DEBTOR'S RESPONSE

Debtor filed a Response on March 31, 2025. Dockets 167. Debtor claims that she has not acted with undue delay or prejudice because her objections to the valuation of the collateral have merit. Response 2:7-18, Docket 167. Specifically, Debtor claims that under California Civil Procedure § 337 and California Civil Code § 882.020, Creditor is barred from foreclosure or enforcing any claims. *Id.* It is asserted that the Statute of Limitations for the enforcement of Creditor's claim has expired. *Id.*; p. 2:11-12; Dckt. 167. Additionally, that there is a defect in Creditor's chain of title and Creditor hacks standing.

On March 28, 2025, Debtor filed an Objection to Creditor's Claim. Dckt. 162.

TRUSTEE'S REPLY

Trustee filed a Reply on April 8, 2025. Response, Docket 173. Trustee states, that in light of the prosecution of this case by Debtor, the Trustee does not oppose the denial of the Motion without prejudice or continuance of the hearing until after the Chapter 13 Plan Status Conference and the hearing on the Objection to Claim. Response; p. 1:20-25, Docket 173.

DISCUSSION

Unreasonable Delay

Debtor initially filed the case on March 18, 2024, and since then no plan has been confirmed. It has been over a year. Further, the court denied Debtor's motion to have her collateral valued, and in response, Debtor has filed an objection to Creditor's claim. Mot. 2:4-20, Docket 158. The original Objection to Claim filed on March 11 was filed without supporting evidence or being properly noticed; Debtor then filed a new Objection to claim with supporting pleadings on March 28, 2025, setting the hearing on the Objection for May 6, 2025.

In light of the prosecution of this Case by the Debtor and the issues raised, the court denies without prejudice the Motion to Dismiss..

The court shall issue an 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, David Cusick ("Trustee"), 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 without prejudice.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor (*pro se*) and Chapter 13 Trustee as stated on the Certificate of Service on March 15, 2025. The court computes that 32 days' notice has been provided.

The court issued an Order to Show Cause based on Debtor's failure to pay the required fees in this case: \$313 due on February 27, 2025.

The Order to Show Cause is discharged, and the bankruptcy case shall proceed in this court.

The court's docket reflects that the default in payment that is the subject of the Order to Show Cause has been cured.

The court shall issue an 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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

54. [25-20474](#)-E-13

OWEN BRADLEY / SHARECE
BRIDGES VAN MEURS
Thomas Amberg

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-10-25 [\[17\]](#)

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor, Debtor's Attorney, and Chapter 13 Trustee as stated on the Certificate of Service on March 12, 2025. The court computes that 35 days' notice has been provided.

The court issued an Order to Show Cause based on Debtor's failure to pay the required fees in this case: \$79 due on March 5, 2025.

The Order to Show Cause is discharged, and the bankruptcy case shall proceed in this court.

The court's docket reflects that the default in payment that is the subject of the Order to Show Cause has been cured.

The court shall issue an 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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

55. [22-22276](#)-E-13
[DPC-3](#)

COREY/GLORIA PARKS
Matthew DeCaminada

MOTION TO DISMISS CASE
3-6-25 [\[40\]](#)

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Motion to Dismiss is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

The Chapter 13 Trustee, David Cusick (“Trustee”), having filed an Ex Parte Motion to Dismiss the pending Motion on April 8, 2025, Docket 45; no prejudice to the responding party appearing by the dismissal of the Motion; the Chapter 13 Trustee having the right to request dismissal of the motion pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041; and the dismissal being consistent with the opposition filed by Corey Richard Parks and Gloria Jean Parks (“Debtor”); the Ex Parte Motion is granted, the Chapter 13 Trustee’s Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

The court shall issue an 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, David Cusick (“Trustee”) having been presented to the court, the Chapter 13 Trustee having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, Docket 45, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Chapter 13 Trustee’s Motion to Dismiss the Chapter 13 Case is dismissed without prejudice, and the bankruptcy case shall proceed in this court.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on March 6, 2025. By the court's calculation, 41 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
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The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Cheryl Renee McNeal ("Debtor"), is delinquent \$1,498.01 in plan payments. Debtor will need to have paid \$1,998.01 to become current by the hearing date. Mot. 1:19-22, Docket 32.

Trustee submitted the Declaration of Neil Enmark to authenticate the facts alleged in the Motion. Decl., Docket 34.

DEBTOR'S RESPONSE

Debtor initially filed an Opposition on April 3, 2025, stating she will file a Modified Plan; on April 7, 2025, Debtor withdrew her Opposition and stated she understands the court will rule accordingly. Dockets 36, 37.

DISCUSSION

Delinquent

Debtor is \$1,498.01 delinquent in plan payments, which represents multiple months of the \$500.00 plan payment. Before the hearing, another plan payment will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

CASE CONVERTED: 03/14/25

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on March 13, 2025. By the court’s calculation, 34 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

The Motion to Dismiss is denied without prejudice as moot, the Chapter 13 Case having been converted to one under Chapter 7 when Debtor filed their Notice of Conversion on March 14, 2025. Docket 84.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks to dismiss Luis A. Sanchez and Karla Mariela Sanchez’s (“Debtor”) Chapter 13 case. Debtor filed a Notice of Conversion on March 14, 2025, however, converting the case to a proceeding under Chapter 7. Dckt. 84. Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. FED. R. BANKR. P. 1017(f)(3); *In re Bullock*, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); *In re McFadden*, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor’s case was converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on March 14, 2025. *McFadden*, 37 B.R. at 521.

The court shall issue an 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, David Cusick (“Trustee”), 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 without prejudice
as moot.

58. [23-21885-E-13](#)
[DPC-1](#)

MISTEE MCCAFFERTY
Gabriel Liberman

MOTION TO DISMISS CASE
2-14-25 [\[21\]](#)

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on February 14, 2025. By the court’s calculation, 61 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Mistee Anne McCafferty (“Debtor”), is delinquent \$1,688.04 in plan payments. Debtor will need to have paid \$2,828.04 to become current by the hearing date. Mot. 1:19-22, Docket 21.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 23.

DISCUSSION

Delinquent

Debtor is \$1,688.04 delinquent in plan payments, which represents multiple months of the \$2,828.04 plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

59. [23-20991](#)-E-13 **JAMES BARNARD** **MOTION TO DISMISS CASE**
[DPC-1](#) **Patricia Wilson** **2-14-25 [19]**

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on February 14, 2025. By the court’s calculation, 61 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

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

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, James Joseph Barnard (“Debtor”), is delinquent \$875.00 in plan payments. Debtor will need to have paid \$1,575.00 to become current by the hearing date. Mot. 1:19-22, Docket 19.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 21.

DISCUSSION

Delinquent

Debtor is \$875.00 delinquent in plan payments, which represents multiple months of the \$350.00 plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor’s Attorney, and Office of the United States Trustee on February 10, 2025. By the court’s calculation, 65 days’ notice was provided. 28 days’ notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party’s failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties’ pleadings.

The hearing on the Motion to Dismiss is continued to 2:00 p.m. on May 6, 2025, (Specially Set Day and Time) to be conducted in conjunction with the Hearing on the Motion for Confirmation of Debtor’s Fourth Amended Chapter 13 Plan.

The Chapter 13 Trustee, David Cusick (“Trustee”), seeks dismissal of the case on the basis that:

1. The debtor, Kiana Calica Zamora (“Debtor”), is engaging in unreasonable delay that is prejudicial to creditors. Debtor’s Motion to Confirm an amended Plan was denied by the Court on December 17, 2024. Debtor has failed to file an amended Plan and set a hearing to confirm the amended plan. Mot. 1:24-26, Docket 77.

Trustee submitted the Declaration of Trina Hayek to authenticate the facts alleged in the Motion. Decl., Docket 79.

OPPOSITION FILED BY DEBTOR

On March 28, 2025, the Debtor filed an Opposition to the Trustee’s Motion to Dismiss. Opp;; Dckt. 87. However, it was filed under Docket Control No. SLG-4, which is the Docket Control Number for Debtor’s Motion to Confirm Fourth Amended Plan. The hearing on the Motion to Confirm Plan is set for 2:00 p.m. on May 6, 2025.

The Opposition asserts that Debtor is current on all plan payments and all post-petition payments.

DISCUSSION

Debtor's Fourth Amended Plan requires monthly Plan payments of \$1,073.00 for 4 months, \$2,381 for month 5, \$4,440 for months 6-11, and \$6,003.62 for months 12-60. Fourth Amd. Plan, § 7; Dckt. 85 at 8. Debtor's Declaration in Support of Confirmation (Dckt. 83) does not discuss how Debtor will be able to afford the substantially larger payments in months 6 through 60 under the Plan.

The hearing on the Motion to Dismiss is continued to 2:00 p.m. on May 6, 2025, (Specially Set Day and Time) to be conducted in conjunction with the Hearing on the Motion for Confirmation of Debtor's Fourth Amended Chapter 13 Plan.

The court shall issue an 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, David Cusick ("Trustee"), 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 hearing on the Motion to Dismiss is continued to **2:00 p.m. on May 6, 2025**, (Specially Set Day and Time) to be conducted in conjunction with the Hearing on the Motion for Confirmation of Debtor's Fourth Modified Chapter 13 Plan..

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor (*pro se*) and Chapter 13 Trustee as stated on the Certificate of Service on March 27, 2025. The court computes that 20 days' notice has been provided.

The court issued an Order to Show Cause based on Debtor's failure to pay the required fees in this case: \$34 due on March 11, 2025.

The Order to Show Cause is discharged, and the bankruptcy case shall proceed in this court.

The court's docket reflects that the default in payment that is the subject of the Order to Show Cause has been cured.

The court shall issue an 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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

The Order to Show Cause was served by the Clerk of the Court on Debtor (*pro se*) and Chapter 13 Trustee as stated on the Certificate of Service on March 27, 2025. The court computes that 20 days' notice has been provided.

The court issued an Order to Show Cause based on Debtor's failure to pay the required fees in this case: \$79 due on March 26, 2025.

The Order to Show Cause is discharged, and the bankruptcy case shall proceed in this court.

The court's docket reflects that the default in payment that is the subject of the Order to Show Cause has been cured.

The court shall issue an 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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

Final Ruling: No appearance at the April 16, 2025 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Debtor's Attorney, and Office of the United States Trustee on February 14, 2025. By the court's calculation, 61 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Failure of the respondent and other parties in interest to file written opposition at least fourteen days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (upholding a court ruling based upon a local rule construing a party's failure to file opposition as consent to grant a motion). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. *See Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006). Therefore, the defaults of the respondent and other parties in interest are entered. Upon review of the record, there are no disputed material factual issues, and the matter will be resolved without oral argument. The court will issue its ruling from the parties' pleadings.

<p>The Motion to Dismiss is granted, and the case is dismissed.</p>
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The Chapter 13 Trustee, David Cusick ("Trustee"), seeks dismissal of the case on the basis that:

1. The debtor, Patricia Lorraine Marie Perez ("Debtor"), is delinquent \$1,078.00 in plan payments. Debtor will need to have paid \$2,156.00 to become current by the hearing date. Mot. 1:19-22, Docket 34.

Trustee submitted the Declaration of Kristen Koo to authenticate the facts alleged in the Motion. Decl., Docket 36.

DISCUSSION

Delinquent

Debtor is \$1,078.00 delinquent in plan payments, which represents multiple months of the \$539.00 plan payment. Before the hearing, another two plan payments will be due. Failure to make plan payments 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. The Motion is granted, and the case is dismissed.

The court shall issue an 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, David Cusick (“Trustee”), 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.