

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

April 20, 2021 at 2:00 p.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

1.	19-27700 -C-13	KRISTA/SEAN BILLINGS	MOTION TO DISMISS CASE
	RDG -4	Peter Cianchetta	4-6-21 [105]

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 108.

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

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Fourth Amended Chapter 13 plan on January 26, 2021.

A review of the docket confirms the Fourth Amended Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dckts. 103, 104.

Failure to confirm a plan constitutes evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

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, Russell Greer ("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.

2. [21-20404](#)-C-13 RITA WONG
Mikalalah Liviakis

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-10-21 [[20](#)]

Final Ruling: No appearance at the April 20, 2021 hearing is required.

The court issued this Order To Show Cause because debtor had not paid a filing fee installment payment due on March 5, 2021. Dkt. 20.

A review of the docket shows that the installment has now been paid. Therefore, the Order To Show Cause is discharged.

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 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.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 190.

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

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Third Amended Chapter 13 plan on March 9, 2021.

A review of the docket confirms the Third Amended Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dckts. 184, 185. No plan has been confirmed in this case which was filed June 1, 2020.

The Motion also argues debtor is \$960.25 delinquent in plan payments, which is supported by declaration. Dkt. 189.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

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, Russell Greer ("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.

4. [21-20087](#)-C-13 PORSCHIA PITTS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
3-18-21 [[38](#)]

Thru #5

Tentative Ruling:

The court issued this Order To Show Cause because debtor had not paid the second filing fee installment payment on the due date of March 15, 2021. Dkt. 38.

A review of the docket shows the payment has still not been made. Additionally, the third fee installment payment came due April 12, 2021, and was not made.

Therefore, the Order to Show Cause is sustained, and the case is dismissed.

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 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, and the case is dismissed.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dkt. 47.

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

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor did not attend the February 2021 Meeting of Creditors, or the March or April 2021 Meetings. Dkt. 44.

The Motion also argues debtor is \$401.00 delinquent in plan payments (having made no payment to date), which is supported by declaration. Id.

A review of the docket also shows there is no confirmation hearing pending.

Failure to attend the Meeting of Creditors, confirm a plan, and maintain plan payments all constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

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, Russell Greer ("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.