

**UNITED STATES BANKRUPTCY COURT  
Eastern District of California**

Honorable Christopher D. Jaime  
Robert T. Matsui U.S. Courthouse  
501 I Street, Sixth Floor  
Sacramento, California

**PRE-HEARING DISPOSITIONS COVER SHEET**

**DAY: TUESDAY**

**DATE: April 28, 2020**

**CALENDAR: 1:00 P.M. CHAPTER 13**

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule, or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters and no appearance is necessary. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within seven (7) days of the final hearing on the matter.

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
Sacramento, California

**April 28, 2020 at 1:00 p.m.**

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1.	<a href="#"><u>20-20409</u></a> -B-13    MARGARET SOMKOPULOS Peter G. Macaluso	CONTINUED ORDER TO SHOW CAUSE - FAILURE TO PAY FEES 2-28-20 [ <a href="#"><u>24</u></a> ]
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**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due February 24, 2020. The court's docket reflects that the default was cured on March 25, 2020. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

**April 28, 2020 at 1:00 p.m.**

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2.     [20-20809](#)-B-13     JOHN TALLEY AND WENDY     ORDER TO SHOW CAUSE - FAILURE  
                              JONES-TALLEY           TO PAY FEES  
                              Peter L. Cianchetta       3-19-20 [[22](#)]

**Final Ruling**

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$79.00 installment when due on March 16, 2020. While the delinquent installment was paid on March 19, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

3. [19-22310](#)-B-13 BONITA BROOKS  
[DPC](#)-1 Scott D. Hughes

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

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$4,787.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

4. [19-27910](#)-B-13 JOHN HATZIS  
[CCR](#)-1 Justin K. Kuney

CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY AND/OR  
MOTION FOR RELIEF FROM  
CO-DEBTOR STAY, MOTION TO ANNUL  
THE AUTOMATIC STAY  
3-31-20 [[45](#)]

ACCELERATED REALTY GROUP,  
INC. VS.

### **Final Ruling**

The court has before it a motion to annul the automatic stay and for relief from the automatic and co-debtor stays filed by Accelerated Realty Group, Inc. ("Movant"). This matter was initially heard on April 14, 2020, at which time the court issued a conditional ruling and continued the hearing to April 28, 2020. See dkt. 55.

The conditional ruling granted the motion, annulled the automatic stay retroactive to the petition date, and terminated the automatic and co-debtor stays prospectively to permit Movant to commence and/or continue unlawful detainer proceedings to recover property it purchased at foreclosure located at 7863 Royal Down Circle, Sacramento, California ("Property") and to remove Debtor John Hatzis ("Debtor") from the same. The April 14, 2020, ruling was conditioned on the absence of a timely opposition by the Debtor which, if at all, was to be filed and served by April 21, 2020. The Debtor filed a timely opposition. The court therefore revisits the conditional ruling and issues this decision as its Final Ruling.

The court has reviewed the motion, opposition, and all related declarations and exhibits. The court takes judicial notice of the docket in this case. See Fed. R. Evid. 201. To the extent applicable or necessary, the April 14, 2020, civil minutes are incorporated herein.

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

Findings of fact and conclusions of law are set forth below. See Fed. R. Civ. P. 52(a); Fed. R. Bankr. P. 7052.

### **Background**<sup>1</sup>

The Debtor filed the petition that commenced this Chapter 13 case on December 25, 2019. The following day, December 26, 2019, Movant, a third-party purchaser, acquired the Property at a duly noticed and regularly conducted foreclosure sale. Movant determined that the foreclosure sale was valid because this being the Debtor's third bankruptcy case filed within a one-year period the stay did not go into effect when the petition was filed. The trustee's sale deed was recorded several days later on January 2, 2020.

Following its foreclosure acquisition of the Property, Movant served the Debtor with a notice to quit on January 16, 2020, and thereafter on January 23, 2020, filed an unlawful detainer action in the Sacramento County Superior Court. Movant served the Debtor with the unlawful detainer complaint, which includes claims for possession and

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<sup>1</sup>Facts stated in the April 14, 2020, civil minutes are incorporated herein by this reference. The court repeats only those facts from the civil minutes--and states any additional facts from the opposition--necessary to this disposition.

damages, and a summons on January 26, 2020. The Debtor answered the unlawful detainer complaint on February 4, 2020.

Meanwhile, on January 24, 2020, the Debtor filed a motion to impose the automatic stay retroactively to the petition date. On that same date, the Debtor served Movant with the motion and its related documents by first class, postage prepaid, U.S. mail. As noted below, Movant concedes it received the motion to impose the stay and its related documents.

The motion to impose the stay was heard on February 11, 2020. Movant did not oppose or otherwise respond to the motion and it did not appear at the hearing. The motion was ordered granted on February 11, 2020, with retroactive imposition denied on the record based on the clear statutory language of 11 U.S.C. § 362(c)(4)(C) which states that "a stay imposed under subparagraph (B) shall be effective on the date of the entry of the order allowing the stay to go into effect[.]" An order granting the motion and imposing the stay was filed on February 13, 2020, and entered on the docket on February 14, 2020.

Debtor appealed the order imposing the stay on February 27, 2020. Notice of the appeal was served on Movant. Movant acknowledges that it received the notice of appeal on March 10, 2020. Notably, the notice of appeal was sent to Movant at the same address where the Debtor served Movant with the motion to impose the stay and its related documents. Movant asserts that March 10, 2020, is the first time it learned of the imposed stay. Movant also acknowledges that on March 10, 2020, it discovered the motion to impose the stay and its related documents in its file related to the Debtor.

An unlawful detainer trial was held in state court, and judgment in that trial entered for Movant, on March 5, 2020. A writ of possession issued on March 6, 2020. Movant delivered the writ of possession to the sheriff on March 9, 2020.

In the April 14, 2020, conditional ruling the court determined that there was no stay in effect before February 14, 2020, and, thus, no stay as to the foreclosure sale, recordation of the trustee's sale deed, service of the notice to quit, filing of the unlawful detainer complaint, service of the unlawful detainer complaint and summons, and filing of the Debtor's answer. The court also granted prospective relief and terminated the stay and co-debtor stay to permit Movant to commence and/or continue with unlawful detainer proceedings. And the court annulled the stay retroactively to the petition date and, in so doing, validated all acts occurring after February 14, 2020, including, but not limited to, the unlawful detainer trial and judgment, the writ of possession, and delivery of the writ of possession to the sheriff.

The Debtor's opposition is limited to the annulment of the stay. Dkt. 57 at 1:22-25. The determination that there was no stay in effect before February 14, 2020, and the prospective relief from the stay and co-debtor stays granted on April 14, 2020, remain undisturbed. Drilling down further in the annulment context, the Debtor takes issue only with "whether the creditor knew about the stay . . . and whether the annulment of the stay will cause irreparable injury to the debtor." *Id.* at 3:13-14.

### Discussion

The filing of a bankruptcy petition operates as an automatic stay. 11 U.S.C. § 362(a). Knowledge of the automatic stay is imputed to a creditor that knows of the bankruptcy filing. *Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1191 (9th Cir. 2003) (noting that "a party with knowledge of bankruptcy proceedings is charged with knowledge of the automatic stay"); *Ozenne v. Bendon (In re Ozenne)*, 337 B.R. 214, 220 (9th Cir. BAP 2006) ("Knowledge of the bankruptcy filing is the legal equivalent of knowledge of the automatic stay."); *Ramirez v. Fuselier (In re Ramirez)*, 183 B.R. 583, 589 (9th Cir. BAP 1995) (citations omitted); *Sundquist v. Bank of America, N.A.*, 566 B.R. 563, 591 (Bankr. E.D. Cal. 2017) (citation omitted), vacated in part on other grounds, 580 B.R. 536 (Bankr. E.D. Cal. 2018). Stated somewhat differently, knowledge of the stay is imputed to a creditor that has knowledge of the action from which the stay arises, *i.e.*, the filing of a bankruptcy petition. There is no good reason that same rationale should not apply equally to an imposed stay. In other words, there is no reason that knowledge of an imposed stay should not be imputed to a creditor that has knowledge or

receives notice of the action from which the imposed stay arises, *i.e.*, the motion to impose the stay and the hearing on it.

Movant knew of the Debtor's bankruptcy case very shortly after the foreclosure sale and, thus, very shortly after the petition was filed. Movant also knew of the motion to impose the stay and the hearing on it because the motion and its related documents were in Movant's file related to the Debtor.<sup>2</sup> Movant was thus aware--and had clear notice--of the action from which the imposed stay arises. So just as knowledge of the stay is imputed to a creditor with knowledge of the action from which it arises, *i.e.*, the filing of a bankruptcy petition, knowledge of the imposed stay will be imputed to Movant based on its knowledge of the action from it arises, *i.e.*, the motion to impose the stay and the hearing on it. Movant is therefore charged with knowledge of the imposed stay as of the date the court previously held the stay was imposed and went into effect, *i.e.*, February 14, 2020.

Under the *Fjeldsted* factors, Movant's knowledge of the imposed stay weighs against annulment.<sup>3</sup> See *Fjeldsted v. Lien (In re Fjeldsted)*, 293 B.R. 12, 24-25 (9th Cir. BAP 2003). So too does the fact that Movant is not significantly prejudiced by the absence of annulment. The absence of annulment voids only the unlawful detainer trial and judgment, writ of possession, and delivery of the writ of possession to the sheriff. *Griffin v. Wardrobe (In re Wardrobe)*, 559 F.3d 932, 934 (9th Cir. 2009); see also *Gruntz v. County of Los Angeles (In re Gruntz)*, 202 F.3d 1074, 1081-82 (9th Cir. 2000) (en banc). As to those acts, relief from the stay and co-debtor stays has been granted and that relief is not contested by the Debtor. The absence of annulment also has no impact on the foreclosure, recordation of the trustee's sale deed, filing of the unlawful detainer action, service of the unlawful detainer complaint and summons, or the filing of the Debtor's answer all of which occurred at a time when the court has determined there was no stay in effect.

On the other hand, annulling the stay would result in some prejudice to the Debtor. Particularly troubling here is that Movant received the motion to impose the stay and its related documents in the midst of its unlawful detainer efforts to recover the Property and remove the Debtor from it. That Movant discovered the motion in a file some six weeks after it was served and received is indicative of Movant's decision to simply ignore the stay proceedings. Movant is certainly free to choose to not participate in the bankruptcy case; however, it does so at its own peril. See *CBIC v. Shook (In re Shook)*, 278 B.R. 815, 825 (9th Cir. BAP 2002). And apparently having elected to do so with clear notice and actual knowledge of proceedings that would adversely affect its substantive rights as to the Debtor, Movant can not now complain that its substantive rights have been adversely affected by the very proceedings which it elected to ignore. In that regard, annulment would allow Movant to benefit from feigned or wilful ignorance.

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<sup>2</sup>As noted above, the Debtor served Movant with the motion to impose the stay and its related documents (notice of hearing included) by first class mail at the same address where Movant acknowledges it received the notice that the Debtor appealed the order imposing the stay. Served by first class mail on January 24, 2020, in the absence of evidence to the contrary (and there is none), there is a presumption that Movant received the motion to impose the stay and its related documents on or shortly after January 27, 2020. *Dandino, Inc. v. U.S. Dept. of Trans.*, 729 F.3d 917, 921-22 (9th Cir. 2013); *Payan v. Aramark Mgmt. Servs. Ltd. P'ship*, 495 F.3d 1119, 1124 (9th Cir. 2007).

<sup>3</sup>Somewhat disingenuously Movant cites *National Environmental Waste Corp. v. City of Riverside (In re National Environmental Waste Corp.)*, 129 F.3d 1052 (9th Cir. 1997), for the proposition that the "[t]he Ninth Circuit has affirmed a bankruptcy court's decision to annul the automatic stay even when the creditor had actual knowledge of the bankruptcy case[.]" Dkt. 52 at 9:12-13. Movant misreads the opinion, the relevant quote in which is: "The City is represented by counsel and, *if it knew* of the bankruptcy, it must have or should have known about the automatic stay." 129 F.3d at 1055 (emphasis added). "If it knew" is a far cry from "actual knowledge of."

In addition to a purported ignorance of the imposed stay as a basis for annulment, Movant also seeks "annulment of the automatic stay as to the unlawful detainer trial held and judgment entered on March 5, 2020 [sic] and the writ of possession issued on March 6, 2020 [sic] on the basis that debtor never advised either Movant or Movant's counsel of the entry on February 13 [sic], 2020 [sic] of the order imposing the stay." Dkt. 52 at 9:16-19. Movant characterizes this as unreasonable or inequitable conduct by the Debtor that supports annulment under *Fjeldsted*. The court disagrees. The Debtor was under no obligation to provide Movant with notice of the order imposing the stay. Local Bankruptcy Rule 9022-1(a) captioned "On Whom Notice Must Be Served" states as follows: "Unless otherwise ordered by the Court, the requirements of Fed. R. Bankr. P. 9022 shall be satisfied by service of the notice of entry of judgment or of order on *only those contesting parties who appeared in connection with the judgment or order.*" (Emphasis added). Movant does not satisfy that criteria because Movant did not respond to or oppose the motion and did not appear at the hearing on the motion. Lack of notice of the order imposing the stay from the Debtor, therefore, does not support annulment.

#### Conclusion

For all the foregoing reasons, the conditional ruling of April 14, 2020, is modified to the extent that Movant's request for an annulment of the automatic stay is denied.

The determination that there was no stay in effect before February 14, 2020, and the prospective relief from the stay and co-debtor stay granted on April 14, 2020, remain undisturbed.

The 14-day stay of Bankruptcy Rule 4001(a)(3) is waived. All other relief is denied.

The motion to annul the automatic stay is ORDERED DENIED for reasons stated in the ruling appended to the minutes.

The motion to confirm that no automatic stay was in effect before February 14, 2020, and the prospective relief from the stay and co-debtor stay are ORDERED GRANTED for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.



5. [19-24814](#)-B-13 DAVID/SHARON RICETTI  
[DPC](#)-2 Nicholas Wajda

CONTINUED MOTION TO DISMISS  
CASE  
3-16-20 [[56](#)]

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtors failed to prosecute this case after the Debtors' motion to confirm plan was denied on January 1, 2020. The failure to take further action in a case causes an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

On March 27, 2020, the Debtors filed an amended plan and the confirmation hearing is set for May 5, 2020. Therefore, the Debtors have taken further action to prosecute this case and have not prejudiced creditors.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will enter a minute order.

6. [20-20814](#)-B-13 PATRICK EASTER AND TINA OBJECTION TO CONFIRMATION OF  
[DPC](#)-1 GUEVARA-EASTER PLAN BY DAVID P CUSICK  
Julius J. Cherry 3-17-20 [[19](#)]

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to overrule the Trustee's objection. However, the plan filed February 13, 2020, is not confirmed because the objection to confirmation by SVIP, LLC was heard and sustained on April 14, 2020.

The Trustee objected to confirmation on grounds that it did not have the opportunity to examine the Debtors at the meeting of creditors due to the ongoing COVID-19 pandemic. The meeting of creditors was continued to April 16, 2020. The Debtors appeared and the meeting was concluded as to Debtor and Joint Debtor.

Nonetheless, the plan filed February 13, 2020, does not comply with 11 U.S.C. §§ 1322 and 1325(a) for reasons stated at dkt. 31. The objection is overruled.

The objection is ORDERED OVERRULED for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

7.     [15-25315](#)-B-13   EDWARD/PAMELA DUNCKELMANN     CONTINUED ORDER TO SHOW CAUSE -  
                              Scott D. Hughes                     FAILURE TO TENDER FEE FOR  
  FILING TRANSFER OF CLAIM  
  3-9-20   [\[50\]](#)

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to the failure to pay the \$25.00 fee for the transfer of claim from U.S. Bank Trust, N.A. to U.S. Bank Trust National Association. The court's docket reflects that the default was cured on March 23, 2020.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

8. [19-27815](#)-B-13 IYANAH FLETCHER  
Richard L. Jare

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-23-20 [[40](#)]

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due March 18, 2020. The court's docket reflects that installments were made on March 26, 2020, and April 13, 2020. The latter payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

9. [16-20118](#)-B-13 LESTHER GASTELUM AND ALMA CONTINUED MOTION TO DISMISS  
[DPC](#)-1 SAQUELARES CASE  
Peter G. Macaluso 3-16-20 [[148](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtors are delinquent in the amount of \$3,000.00, which represents approximately 2 plan payments. Debtors filed a response stating that they will be current on or before the hearing on this matter. The court has confirmed that the Debtors are current through March 2020.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will enter a minute order.

10. [20-20722](#)-B-13 ANTHONY/KAYLA YAZZIE  
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-16-20 [[30](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Order to Show Cause was issued due to Debtors' failure to pay \$79.00 due March 11, 2020. The court's docket reflects that the default has not been cured. The Debtor shall have until May 5, 2020, to cure the default.

If the installment is not timely paid the case may be dismissed without further notice or hearing. If any future installment is not timely paid the case may also be dismissed without further notice or hearing.

If the installment is timely paid the order to show cause shall be deemed discharged.

The order to show cause is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the ruling appended to the minutes and the case is CONDITIONALLY DISMISSED.

The court will enter a minute order.

11. [19-20127](#)-B-13 BRETT YODER  
[DPC](#)-1 Rabin J. Pournazarian

CONTINUED MOTION TO DISMISS  
CASE  
3-16-20 [[29](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to grant the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtor is delinquent in the amount of \$400.00, which represents approximately 2 plan payments. Debtor filed a response of non-opposition and requests that this case be dismissed without a bar to future filing.

Cause exists to dismiss this case. The motion is granted and the case is dismissed.

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

The court will enter a minute order.

12. [18-27529](#)-B-13 YESENIA GONZALEZ  
[DPC](#)-1 Muoi Chea

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

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtor is delinquent in the amount of \$2,263.00, which represents approximately 1 plan payment. Debtor filed a response stating that the delinquency is cured. The court has confirmed that the Debtor is current through March 2020.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will enter a minute order.



**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$210.00 and the plan is overextended to approximately 77 months.

The Debtor filed a response stating that he will be current by the date of the hearing on this matter. Debtor also stated that the overextension is due to the Internal Revenue Service's ("IRS") Claim No. 8-2 that inaccurately states that the Debtor failed to file a 2018 tax return. The Debtor states that he received a tax refund from that tax year and believes that there are no taxes owed for 2018. Debtor's counsel requests additional time to reach out to the IRS.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

14. [20-20032](#)-B-13 NEIL GARCIA  
Marc A. Carpenter

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-7-20 [[19](#)]

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due April 2, 2020. The court's docket reflects that the default was cured on April 13, 2020. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

15. [16-23233](#)-B-13 STACY DEL RIO  
[DPC](#)-1 Ted A. Greene

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

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$610.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$4,790.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

17. [19-24633](#)-B-13 MANUEL LOPEZ AND PAMELA CONTINUED MOTION TO DISMISS  
[DPC](#)-1 CORREA LOPEZ CASE  
Peter G. Macaluso 3-16-20 [[51](#)]

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to conditionally deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtors are delinquent in the amount of \$900.00, which represents approximately 2 plan payments. Debtors filed a response stating that the delinquency is cured. The court has confirmed that the Debtors are current through March 2020.

Additionally, the Trustee moves to dismiss on grounds that the plan is overextended to approximately 65 months due to claims being filed for amounts higher than what the Debtor had scheduled. This exceeds the maximum length of 60 month pursuant to 11 U.S.C. § 1322(d) and results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. § 1325(b)(4). Debtors filed a response stating that they can resolve this issue by increasing plan payments by \$40.00 and that they will file a stipulated ex parte motion to allow modification before the hearing on this matter.

Cause does not exist to dismiss this case; provided, the stipulated ex parte motion to allow modification by increasing plan payments is filed by the time of the hearing. The motion is conditionally denied and the case is conditionally not dismissed.

The motion is ORDERED CONDITIONALLY DENIED for reasons stated in the ruling appended to the minutes. If a stipulated ex parte motion is not filed by the time of the hearing the motion is ORDERED GRANTED and the case dismissed.

The court will enter a minute order.

18. [20-20333](#)-B-13 ROBERT PAYNE  
Thru #20 Pro Se

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

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due February 20, 2020. The court's docket reflects that the default was cured on March 5, 2020.

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

The court will enter a minute order.

19. [20-20333](#)-B-13 ROBERT PAYNE  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-26-20 [[29](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Order to Show Cause was issued due to Debtor's failure to pay \$6.00 due March 23, 2020. The court's docket reflects that the default has not been cured. The Debtor shall have until May 5, 2020, to cure the default.

If the installment is not timely paid the case may be dismissed without further notice or hearing. If any future installment is not timely paid the case may also be dismissed without further notice or hearing.

If the installment is timely paid the order to show cause shall be deemed discharged.

The order to show cause is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the ruling appended to the minutes and the case is CONDITIONALLY DISMISSED.

The court will enter a minute order.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to conditionally deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtor is delinquent in the amount of \$2,333.00, which represents approximately 1 plan payment. The Trustee also moves to dismiss on the grounds that Debtor has not provided the Trustee with a federal tax return for the most recent year a return was filed, business documents for Payne Solutions Group, and for the Debtor's failure to provide proof of social security number at the § 341 meeting.

The motion is conditionally denied. The Debtor shall have until May 5, 2020, to provide the Trustee the tax return, business documents, and proof of social security number. If those documents are not received by the Trustee by May 5, 2020, the case may be dismissed on the Trustee's ex parte application. If those documents are received by the Trustee by May 5, 2020, given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Debtor is also under an independent obligation to pay the filing fee installment at Item No. 19, dkt. 29, by May 5, 2020. If that installment is not paid the case may be dismissed on those independent grounds.

To be clear, the Debtor has two obligations that must be satisfied by May 5, 2020, and the failure to satisfy either will result in dismissal: (1) provide the Trustee with all requested documents; and (2) pay the filing fee installment.

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

The court will enter a minute order.

21. [19-26938](#)-B-13 STACY GRAY  
Marc A. Carpenter

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

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due March 5, 2020. The court's docket reflects that the default was cured on March 16, 2020. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.



22. [19-26942](#)-B-13 DEBORAH RUNNELS  
[DPC](#)-1 Michael O'Dowd Hays

CONTINUED MOTION TO DISMISS  
CASE  
3-3-20 [[21](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtor is delinquent in the amount of \$2,466.00, which represents approximately 2 plan payments. Debtor filed a response stating that the delinquency will be cured. The court has confirmed that the Debtor is current through March 2020.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will enter a minute order.

23. [17-22144](#)-B-13 KIMBERLY MAY  
[DPC](#)-2 Richard L. Jare

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

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$600.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

24. [15-21845](#)-B-13 JOSEPH BARNES  
[DPC](#)-1 Scott D. Shumaker

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

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$9,822.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

25. [19-27846](#)-B-13 AMANDA/NICK SHADWICK  
Thru #26 Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-24-20 [[34](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtors' failure to pay \$77.00 due March 19, 2020. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes and the case is DISMISSED.

The court will enter a minute order.

26. [19-27846](#)-B-13 AMANDA/NICK SHADWICK  
DPC-1 Steele Lanphier

CONTINUED MOTION TO DISMISS  
CASE  
2-4-20 [[24](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to grant the motion to dismiss and dismiss this case.

This Chapter 13 case was filed on December 20, 2019. The Debtor did not file a plan with the petition. Instead, the Debtor filed a plan on January 21, 2020. The plan was not served on all creditors and there is no motion to confirm pending. The Notice of Chapter 13 case filed on January 7, 2020, set the § 341 meeting on January 30, 2020.

Section 1324(b) states that a confirmation hearing is to be held no later than 45 days after the § 341 meeting. Section 1324(b) requires an actual confirmation hearing. See *In re Hegeduis*, 525 B.R. 74, 82 (Bankr. N.D. Ind. 2015); *In re Tiliakos*, 2013 WL 3943502 at \*3 (Bankr. M.D. Fla. 2013).

The applicable 45-day period expired on March 15, 2020, or, because that was a Sunday, March 16, 2020. No confirmation hearing was held prior to that date and one cannot now be held within the time required by § 1324(b). Consequently, no plan can be confirmed in this case. There is therefore cause to dismiss under § 1307(c)(1). And since the plan that is filed provides for 0% to unsecured creditors dismissal, rather than conversion, is in the best interest of creditors and the estate. Therefore, even if the default at Item No. 25, dkt. 34, is cured the case is nevertheless ORDERED DISMISSED.

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

The court will enter a minute order.

27. [20-20054](#)-B-13 DAVID/LISA EUFEMIA CONTINUED MOTION TO DISMISS  
[DPC](#)-2 CARLSON CASE  
Robert P. Huckaby 2-19-20 [[37](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtors failed to appear at the first meeting of creditors pursuant to 11 U.S.C. § 343, failed to provide copies of their tax returns pursuant to 11 U.S.C. § 521(e)(2)(A), and failed to provide copies of certain business documents pursuant to 11 U.S.C. § 521(e)(2)(A).

The Debtors filed a response stating that they appeared at the continued meeting of creditors, provided the Trustee with copies of their 2018 tax returns, and provided the Trustee with copies of their business questionnaire, attachments, and bank statements.

Separately, the court has confirmed that the Debtors are current through March 2020.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will enter a minute order.

28. [19-27456](#)-B-13 TYNITRA LANE  
Steele Lanphier

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

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due March 2, 2020. The court's docket reflects that the default was cured on March 12, 2020. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

29. [20-21256](#)-B-13 SIDNEY/ANGELA MOORE  
Scott D. Shumaker

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-7-20 [[28](#)]

**Final Ruling**

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$79.00 installment when due on April 7, 2020. While the delinquent installment was paid on April 16, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.



30. [20-20759](#)-B-13 MALIK JOHNSON  
Matthew J. DeCaminada

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-17-20 [[31](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due March 12, 2020. The court's docket reflects that the default has not been cured. The Debtor shall have until May 5, 2020, to cure the default.

If the installment is not timely paid the case may be dismissed without further notice or hearing. If any future installment is not timely paid the case may also be dismissed without further notice or hearing.

If the installment is timely paid the order to show cause shall be deemed discharged.

The order to show cause is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the ruling appended to the minutes and the case is CONDITIONALLY DISMISSED.

The court will enter a minute order.

31. [20-20361](#)-B-13 RAMONA LITTLE  
Pauldeep Bains

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
3-30-20 [[16](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due March 23, 2020. The court's docket reflects that the default has not been cured. The Debtor shall have until May 5, 2020, to cure the default.

If the installment is not timely paid the case may be dismissed without further notice or hearing. If any future installment is not timely paid the case may also be dismissed without further notice or hearing.

If the installment is timely paid the order to show cause shall be deemed discharged.

The order to show cause is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the ruling appended to the minutes and the case is CONDITIONALLY DISMISSED.

The court will enter a minute order.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$2,750.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$4,720.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

34. [19-27463](#)-B-13 JOAN PHILLIPS  
Richard L. Jare

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-6-20 [[59](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to conditionally sustain the Order to Show Cause and order the case conditionally dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$70.00 due March 31, 2020. The court's docket reflects that the default has not been cured. The Debtor shall have until May 5, 2020, to cure the default.

If the installment is not timely paid the case may be dismissed without further notice or hearing. If any future installment is not timely paid the case may also be dismissed without further notice or hearing.

If the installment is timely paid the order to show cause shall be deemed discharged.

The order to show cause is ORDERED CONDITIONALLY SUSTAINED for reasons stated in the ruling appended to the minutes and the case is CONDITIONALLY DISMISSED.

The court will enter a minute order.

35. [18-23364](#)-B-13 BARRY RAASS  
[DPC](#)-1 Seth L. Hanson

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

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtor is delinquent in the amount of \$4,700.00, which represents approximately 1 plan payment. The court has confirmed that the Debtor is current through March 2020.

Separately, the Trustee moves to dismiss on grounds that the plan is overextended to approximately 68 months due to claims being filed for amounts higher than what the Debtor had scheduled. This exceeds the maximum length of 60 month pursuant to 11 U.S.C. § 1322(d) and results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. § 1325(b)(4).

Although the Debtor did not file a response, a modified plan was filed on March 30, 2020, which may resolve the overextension. The confirmation hearing for the modified plan is set for May 12, 2020.

Cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will enter a minute order.

36. [20-21066](#)-B-13 VERONICA LARA  
Mark J. Hannon

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-1-20 [[24](#)]

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due March 27, 2020. The court's docket reflects that installments were made on April 6, 2020, and April 15, 2020. The latter payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$2,193.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.



**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$7,950.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

39. [20-21276](#)-B-13 OLAF/SUSAN HELENA OLSEN ORDER TO SHOW CAUSE - FAILURE  
Michael Benavides TO PAY FEES  
4-8-20 [[20](#)]

**Final Ruling**

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtors' failure to pay \$79.00 due April 3, 2020. The court's docket reflects that the default was cured on April 15, 2020. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

The court will enter a minute order.

40. [19-26277](#)-B-13 JUAN MONGALO AND MILAGROS MOTION TO COMPROMISE  
[RMP](#)-2 MONGALO ROBLETO CONTROVERSY/APPROVE SETTLEMENT  
Michael M. Noble AGREEMENT WITH JUAN CARLOS  
MONGALO AND MILAGROS DEL  
SOCORRO MONGALO ROBLETO  
4-9-20 [[140](#)]

CONTINUED TO 5/05/2020 AT 1:00 P.M.

**Final Ruling**

This matter was improperly set on the court's dismissal calendar without prior court approval. No appearance at the April 28, 2020, hearing is necessary.

The court will enter a minute order.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$2,064.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$100.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

43. [20-20179](#)-B-13 JOSE ZUNIGA CONTINUED ORDER TO SHOW CAUSE -  
Thru #45 Peter G. Macaluso FAILURE TO PAY FEES  
2-18-20 [[24](#)]

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due February 13, 2020. The court's docket reflects that the default has not been cured. Subsequent to this order to show cause two more have issued based on the Debtor's failure to make subsequent installment payments. One was filed on March 19, 2020 (Item No. 44, dkt. 37) and another filed on April 2, 2020 (dkt. 47).

The order to show cause is ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes and the case is DISMISSED.

The court will enter a minute order.

44. [20-20179](#)-B-13 JOSE ZUNIGA ORDER TO SHOW CAUSE - FAILURE  
Peter G. Macaluso TO PAY FEES  
3-19-20 [[37](#)]

**Final Ruling**

The case having been dismissed at Item #43, the order to show cause is discharged as moot.

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

The court will enter a minute order.

45. [20-20179](#)-B-13 JOSE ZUNIGA CONTINUED MOTION TO DISMISS  
DPC-2 Peter G. Macaluso CASE  
3-4-20 [[26](#)]

**Final Ruling**

The case having been dismissed at Item #43, the Chapter 13 Trustee's motion to dismiss case is dismissed as moot.

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

The court will enter a minute order.

46. [19-27880](#)-B-13 JONATHAN GARCIA  
Richard L. Jare

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

**Final Ruling**

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$77.00 installment when due on February 21, 2020. While the delinquent installment was paid on March 23, 2020, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$11,635.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.



**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$150.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

49. [19-27188](#)-B-13RAMON MIRANDA  
[DPC](#)-2Bert M. Vega

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

CONTINUED TO 5/12/2020 AT 1:00 P.M. TO BE HEARD AFTER CONTINUED MEETING OF  
CREDITORS SET FOR 5/07/2020.

**Final Ruling**

No appearance at the April 28, 2020, hearing is necessary. The court will enter a  
minute order.

**Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The court's decision is to deny the motion to dismiss case.

The Trustee moves to dismiss the case on grounds that Debtor is delinquent in the amount of \$15,190.00, failed to file an amended plan after the court sustained the Trustee's objection to confirmation on February 13, 2020, and failed to provide copies of certain business documents pursuant to 11 U.S.C. § 521(e) (2) (A).

Debtor filed a response stating that a first amended plan was filed on March 6, 2020, and that copies of business documents will be provided to the Trustee.

The court has confirmed that the Debtor is current through March 2020. However, the Debtor must file a second amended plan since the first amended plan was denied confirmation on April 14, 2020.

Nonetheless, cause does not exist to dismiss this case. The motion is denied and the case is not dismissed.

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

The court will enter a minute order.

51. [19-26197](#)-B-13SHIRLEAN MOORE-JORDAN  
[DPC](#)-1Gabriel E. Liberman

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

### **Final Ruling**

The court has determined this matter may be decided on the papers. See General Order No. 612 at 2, ¶ 2 (E.D. Cal. March 18, 2020) (ordering all civil matters to be decided on the papers due to courthouse closure and national COVID-19 crisis); General Order No. 617 (E.D. Cal. April 17, 2020) at 2-3, ¶ 3 (extending General Order No. 612 through June 1, 2020). The court has also determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f).

The Debtor is delinquent in the amount of approximately \$12,390.00.

If the default has been cured and the Trustee can confirm receipt of the April 2020 payment at the time of the hearing, the motion to dismiss is denied without prejudice.

If the default has not been cured or the Trustee cannot confirm receipt of the April payment at the time of the hearing, the motion is conditionally denied. Given the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall have 90 days from the hearing date to cure the default and become current or confirm a modified plan. Otherwise, the case may be dismissed on the Trustee's ex parte application.

The Trustee shall submit the appropriate order based on the status at the time of the hearing.

52. [19-27597](#)-B-13 PAVEL LISETSKY  
[DPC](#)-1 Pro Se

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

CONTINUED TO 5/05/2020 AT 1:00 P.M. TO BE HEARD AFTER CONTINUED MEETING OF  
CREDITORS SET FOR 4/30/2020.

**Final Ruling**

No appearance at the April 28, 2020, hearing is necessary. The court will enter a  
minute order.