

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus

Bankruptcy Judge

Sacramento, California

April 28, 2014 at 2:00 p.m.

1. 14-21004-A-13 LUIS BOLANOS MOTION TO
JPJ-1 DISMISS CASE
3-25-14 [33]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

First, the debtor filed Exhibit D to the petition with a statement that the debtor had received credit counseling prior to filing the petition but did not have a certificate demonstrating completion of that counseling. An order to show cause was issued because the debtor failed to file this certificate within 14 days after filing the petition as required by Fed. R. Bankr. P. 1007(c). Thus, the debtor has not established eligibility for bankruptcy relief. See 11 U.S.C. § 109(h). This is cause for dismissal.

Second, this case was filed on February 2. Therefore, a proposed plan should have been filed no later than February 16. See Fed. R. Bankr. P. 3015(b). It was filed on February 16. However, an amended plan was filed on March 19. The amended plan was not accompanied by a motion to confirm it and it has not been served on all parties in interest and set for a confirmation hearing. See Local Bankruptcy Rule 3015-1(d)(1). The meeting of creditors was concluded on March 20.

This means that because the debtor must give a minimum of 42 days notice of the confirmation hearing, there will be no confirmation hearing within 45 days of the meeting as required by 11 U.S.C. § 1324. This delay, then, is prejudicial to creditors and is cause for dismissal. See 11 U.S.C. § 1307(c)(1).

2. 14-20005-A-13 RODNEY/JESSICA SPEARMAN MOTION TO
JPJ-1 DISMISS CASE
4-4-14 [21]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

The debtor has failed to commence making plan payments and has not paid approximately \$830 to the trustee as required by the proposed plan. This has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(4).

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3. 13-24363-A-13 MICHAEL/DELENA SPONSLER MOTION TO
JPJ-2 DISMISS CASE
4-10-14 [62]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

The debtor has failed to discharge the duties required by 11 U.S.C. § 521(f), Section 6.02 of the confirmed plan, and Local Bankruptcy Rule 3015-1(b)(5) by providing the trustee with a copy of the debtor's 2013 income tax return as well wage and income documentation. This failure to cooperate with the trustee also violates 11 U.S.C. § 521(a)(3) and warrants dismissal of the case.

4. 14-20174-A-13 TRANG PHAN MOTION TO
JPJ-1 DISMISS CASE
3-27-14 [28]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

The debtor has failed to commence making plan payments and has not paid approximately \$9,090 to the trustee as required by the proposed plan. This has resulted in delay that is prejudicial to creditors and suggests that the plan is not feasible. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1) & (c)(4).

5. 13-31182-A-13 DANILA WONG MOTION TO
JPJ-2 DISMISS CASE
4-10-14 [43]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

The debtor has failed to discharge the duties required by 11 U.S.C. § 521(f), Section 6.02 of the confirmed plan, and Local Bankruptcy Rule 3015-1(b)(5) by providing the trustee with a copy of the debtor's 2013 income tax return as well wage and income documentation. This failure to cooperate with the trustee also violates 11 U.S.C. § 521(a)(3) and warrants dismissal of the case.

6. 13-22390-A-13 MARY PHILIPPSEN MOTION TO
JPJ-2 DISMISS CASE
4-10-14 [49]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

The debtor has failed to discharge the duties required by 11 U.S.C. § 521(f), Section 6.02 of the confirmed plan, and Local Bankruptcy Rule 3015-1(b)(5) by providing the trustee with a copy of the debtor's 2013 income tax return as

well wage and income documentation. This failure to cooperate with the trustee also violates 11 U.S.C. § 521(a)(3) and warrants dismissal of the case.

7. 13-29094-A-13 THEODORE SCOTT MOTION TO
JPJ-4 DISMISS CASE
4-10-14 [55]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

Tentative Ruling: The motion will be granted and the case will be dismissed.

The debtor has failed to discharge the duties required by 11 U.S.C. § 521(f), Section 6.02 of the confirmed plan, and Local Bankruptcy Rule 3015-1(b)(5) by providing the trustee with a copy of the debtor's 2013 income tax return as well wage and income documentation. This failure to cooperate with the trustee also violates 11 U.S.C. § 521(a)(3) and warrants dismissal of the case.