

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: April 29, 2025

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
Modesto, California

April 29, 2025 at 1:00 p.m.

1. [24-90205](#)-B-13 THERESA/GUADALUPE SOLIS MOTION TO DISMISS CASE
 [LGT](#)-3 David S. Henshaw 3-11-25 [[78](#)]

DEBTORS DISMISSED: 03/15/25

Final Ruling

The case having been dismissed on March 15, 2025, the motion to dismiss case is denied as moot.

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

The court will issue an order.

April 29, 2025 at 1:00 p.m.

2. [24-90506](#)-B-13 BOBBI RODRIQUEZ MOTION TO DISMISS CASE
 [LGT](#)-3 Pro Se 2-26-25 [[89](#)]

DEBTORS DISMISSED: 04/23/25

Final Ruling

The case having been dismissed on April 23, 2025, the motion to dismiss case is denied as moot.

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

The court will issue an order.

3. [25-90021](#)-B-13 GURJIT DHALIWAL
[LGT](#)-1 David C. Johnston

MOTION TO DISMISS CASE
3-7-25 [[26](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

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

First, Debtor failed to appear and testify at the initial meeting of creditors on March 05, 2025, and the continued meeting of creditors on April 3, 2025. Although the meeting of creditors has again been continued to May 14, 2025, the court finds its unlikely that the Debtor will appear at the third meeting of creditors given Debtor's history of nonappearance. 11 U.S.C. § 341 and/or F.R.B.P. 4002. Debtor's failure to fulfill his duties is an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Second, Debtor has failed to provide the Chapter 13 Trustee with required documents including copies of all payment advices or other evidence of payment received within 60 days before the date of filing of the petition, the most recently filed tax return, proof of complete social security number, and Class 1 checklist with the most recent mortgage statement.

Third, Debtor failed to provide the Trustee with requested documents including monthly profit and loss statements for the full six months prior to filing, and copies of bank statements for the full six months prior to filing.

Fourth, Debtor failed to accurately file Schedule I and the Statement of Financial Affairs. 11 U.S.C. § 521 and/or F.R.B.P. 1007.

Fifth, Debtor has failed to commence making plan payments and is delinquent \$2,016 as of March 7, 2025. In addition to the delinquency amount, Debtor must also make the monthly plan payment of \$2,016 for each March 25, 2025, and April 25, 2025. 11 U.S.C. § 1307(c)(4).

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 minutes.

The court will issue an order.

4. [24-90749](#)-B-13 JOSEPH LEWIS
[LGT](#)-1 David C. Johnston

MOTION TO DISMISS CASE
3-20-25 [[27](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss this case on grounds that Debtor failed to set a plan for hearing with notice to creditors, failed to provide the Trustee with required and requested documents, failed to accurately file Schedule I and the Statement of Financial Affairs, and is delinquent in plan payments.

Although Debtor did not file a response as of April 25, 2025, Debtor did file a first amended plan on April 28, 2025. The hearing is set for June 10, 2025.

Given Debtor's prosecution in this case, cause does not exist to dismiss case at this time. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

5. [18-90876](#)-B-13 LEONARDO/MELISSA JOSEF MOTION TO DISMISS CASE
 [LGT](#)-1 Steven A. Alpert 4-1-25 [[121](#)]

Final Ruling

The Chapter 13 Trustee filed a motion to withdraw its pending motion, and it is consistent with the Debtors' opposition filed to the motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

The motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

6. [24-90285](#)-B-13 JOHNATHAN MOHR
[LGT](#)-2 David C. Johnston

MOTION TO DISMISS CASE
3-12-25 [[50](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 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). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss this case on grounds that Debtor failed to set a plan for hearing with notice to creditors. 11 U.S.C. § 1307(c)(1).

Although Debtor did not file a response as of April 25, 2025, Debtor did file a first amended plan on April 27, 2025. The hearing is set for June 10, 2025.

Given Debtor's prosecution in this case, cause does not exist to dismiss case at this time. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.