

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus

Bankruptcy Judge

Sacramento, California

May 15, 2017 at 2:00 p.m.

1. 16-25503-A-13 EDGAR/BRENDA GUZMAN MOTION TO
JPJ-2 DISMISS CASE
4-28-17 [33]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

11 U.S.C. § 521(f)(1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debt must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f)(4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c)(1), (c)(6).

May 15, 2017 at 2:00 p.m.

2. 16-24204-A-13 STACEY BASE
JPJ-2

MOTION TO
DISMISS CASE
4-27-17 [36]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

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The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c)(1), (c)(6).

3. 14-22621-A-13 MIKE/SANDRA HANSBROUGH
JPJ-2

MOTION TO
DISMISS CASE
4-26-17 [68]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits,

lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

11 U.S.C. § 521(f)(1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debtor must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f)(4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c)(1), (c)(6).

4. 14-25147-A-13 MATTHEW KELLOGG AND MOTION TO
JPJ-5 VERONICA SANCHEZ DISMISS CASE
4-27-17 [67]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

11 U.S.C. § 521(f)(1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debtor must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f)(4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable

nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c)(1), (c)(6).

5. 13-21273-A-13 GLENN/LISA TOOF MOTION TO
JPJ-3 DISMISS CASE
4-26-17 [64]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

11 U.S.C. § 521(f)(1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debt must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f)(4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he

requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c) (1), (c) (6).

6. 16-24074-A-13 FRANCISCO ESQUIVIAS AND MOTION TO
JPJ-2 ROSA GUZMAN DISMISS CASE
4-26-17 [83]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

11 U.S.C. § 521(f) (1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debt must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f) (4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b) (4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c) (1), (c) (6).

7. 16-25176-A-13 RICHARD WILLIAMS MOTION TO
JPJ-1 DISMISS CASE
4-28-17 [27]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

11 U.S.C. § 521(f)(1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debt must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f)(4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c)(1), (c)(6).

8.	16-27478-A-13 RAYMOND WOLFE JPJ-1	MOTION TO DISMISS CASE 4-28-17 [59]
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Final Ruling: The trustee has voluntarily dismissed the motion. The case shall remain pending.

9.	16-21883-A-13 EDWARD/MYLINLINNY STEARNS JPJ-2	MOTION TO DISMISS CASE 4-26-17 [40]
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- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to the trustee's request for information.

11 U.S.C. § 521(f)(1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debtor must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f)(4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c)(1), (c)(6).

10. 17-20885-A-13 KANDICE RICHARDSON FOWLER MOTION TO
JPJ-2 DISMISS CASE
4-28-17 [45]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

The debtor has failed to commence making plan payments and has not paid approximately \$3,900 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).

11. 16-22196-A-13 TAMELA BUNCH MOTION TO
JPJ-1 DISMISS CASE
4-27-17 [23]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

In March 2017, the chapter 13 trustee made a written request to the debtor for a copy of the debtor's 2016 tax returns, 2016 W-2 statements, bank account statements for January through March 2017, pay advices for January through March 2017, and information concerning inheritances, life insurance benefits, lawsuits and claims, and gambling winnings. The debtor failed to respond to

the trustee's request for information.

11 U.S.C. § 521(f)(1)-(3) provides that at the request of the trustee, an individual debtor shall file with the court current year tax returns, past due tax returns, amendments to prior year tax returns that are filed while the case is pending. Additionally, annually after the confirmation of a plan, an individual debt must file a statement under penalty of perjury of income and expenditures for the prior year, as well as a statement of the debtor's monthly income. See 11 U.S.C. § 521(f)(4).

The plan similarly provides at section 5.02: "In addition to the duties imposed upon Debtor by the Bankruptcy Code, the Bankruptcy Rules, and applicable nonbankruptcy law, the court's Local Bankruptcy Rules impose additional duties on Debtor, including without limitation, . . . providing Trustee copies of tax returns, W-2 forms, 1099 forms, and quarterly financial information regarding Debtor's business or financial affairs"

Finally, Local Bankruptcy Rule 3015-1(b)(4) requires a chapter 13 debtor to provide a chapter 13 trustee with a copy of any tax return, W-2 form, and 1099 form filed or received while the case is pending, and furnish the trustee with periodic financial information regarding the debtor's business or financial affairs.

Hence, despite the fact that the plan, the Bankruptcy Code, and this court's local rules obligated the debtor to provide to the trustee the information he requested, it was not provided. Because the debtor has had sufficient time to provide the information and documents, this is a material breach of the plan and the applicable law and court rules warranting dismissal of the case. See 11 U.S.C. § 1307(c)(1), (c)(6).

12. 16-21599-A-13 CHRISTOPHER/GLEE WOODYARD MOTION TO
JPJ-2 DISMISS CASE
4-4-17 [162]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

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

This case began under chapter 13 then was voluntarily converted to one under chapter 7 in August 2016. In January 2017 the debtor successfully moved to reconvert the case to one under chapter 13. However, under the terms of the plan proposed after reconversion, the debtor has failed to pay to the trustee approximately \$10,308. Also, when that plan was denied confirmation in March, the debtor failed to propose a modified plan despite ample time to do so. The foregoing 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).