

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

May 25, 2021 at 2:00 p.m.

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

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

Tentative Ruling:

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

The Motion to Dismiss is XXXXXXXXXX

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

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

APRIL 20, 2021 HEARING

At the April hearing the debtors' counsel reported the debtors had a house fire, and requested the hearing be continued to allow the debtors to apply for a loan modification and further prosecute the case.

DISCUSSION

No status update has been filed since the prior hearing.

At the hearing, xxxxxxxxxxxxxxxx

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the

Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is
xxxxxxxxxxxx

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dkt. 23.

The Motion to Dismiss is ~~XXXXXXXXXX~~

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor did not attend the 341 Meeting of Creditors, has not provided all pay advices, and has not provided a copy of the debtor's most recent tax return.

A review of the docket shows the debtor attended the May 13, 2021, continued Meeting of Creditors, and that the Meeting was concluded. However, it is not clear from the docket whether the debtor has provided all necessary documents.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is ~~XXXXXXXXXX~~

3. [20-24912](#)-C-13 JAVIER CASTELLANOS AND MOTION TO DISMISS CASE
[RDG](#)-2 ALEJANDRA ALCANTAR 5-7-21 [[77](#)]
Richard Jare

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 18 days' notice was provided. Dckt. 80.

The Motion to Dismiss is denied without prejudice.

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

A review of the docket confirms the Chapter 13 plan was denied confirmation. Dkts. 66, 68. However, after this Motion was filed, on May 21, 2021, the debtor filed an amended plan and corresponding Motion To Confirm. Dkts. 86, 89.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion to Dismiss is denied without prejudice.

4. [21-20769](#)-C-13 CHRIS HAAGENSON
Matthew DeCaminada

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-8-21 [[15](#)]

Final Ruling: No appearance at the May 25, 2021 hearing is required.

The above captioned case was dismissed on May 21, 2021. Dckt. 28. Therefore, the Order To Show Cause is discharged as moot.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is dismissed as moot.

5. [21-20087](#)-C-13 PORSCHIA PITTS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-19-21 [[51](#)]

Final Ruling: No appearance at the May 25, 2021 hearing is required.

The above captioned case was dismissed on April 29, 2021. Dckt. 62.
Therefore, the Order To Show Cause is discharged as moot.

The court shall issue a minute order substantially in the following form
holding that:

Findings of Fact and Conclusions of Law are stated in
the Civil Minutes for the hearing.

The Order to Show Cause having been presented to the
court, and upon review of the pleadings, evidence, arguments
of counsel, and good cause appearing,

IT IS ORDERED that the Order to Show Cause is
dismissed as moot.