

**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**

**DAY: TUESDAY**

**DATE: May 28, 2019**

**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

**May 28, 2019 at 1:00 p.m.**

- 
- |    |   |  |
|----|---|--|
| 1. | <a href="#">19-21802</a> -B-13    JOSE PEREZ<br>Michael Benavides | ORDER TO SHOW CAUSE - FAILURE<br>TO PAY FEES<br>4-29-19 [ <a href="#">23</a> ] |
|----|---|--|

**Tentative 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 Debtor 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 \$79.00 installment when due on April 24, 2019. While the delinquent installment was paid on May 2, 2019, 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.

**May 28, 2019 at 1:00 p.m.**

2.     [19-21705](#)-B-13   TOBY TOLEN  
                              John G. Downing

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-6-19   [\[43\]](#)

**Tentative Ruling**

The Order to Show Cause will be discharged and the case will remain pending.

The Debtor filed an amended verification and master address list on April 22, 2019, and failed to pay the \$31.00 filing fee. The fee was paid on May 11, 2019.

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.

3.     [19-21107](#)-B-13   LARRY BELLANI                   MOTION TO DISMISS CASE  
          [JPJ](#)-3            Michele M. Poteracke           5-6-19   [\[30\]](#)

**No Ruling**

4. [19-20809](#)-B-13 YEVGENIY/VERA MIKHALCHUK CONTINUED OBJECTION TO  
[AP-1](#) Peter G. Macaluso CONFIRMATION OF PLAN BY  
**Thru #6** JPMORGAN CHASE BANK, N.A.  
3-21-19 [[17](#)]

**Tentative Ruling**

This matter was continued from April 23, 2019, to allow JPMorgan Chase Bank, N.A. to obtain an appraisal of its collateral. The objection was originally filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The matter will be determined at the scheduled hearing.

Feasibility depends on the granting of the motion to value collateral of JPMorgan Chase Bank, N.A. The motion to value collateral of JPMorgan Chase Bank, N.A. is heard at Item #6.

The court will enter a minute order.

5. [19-20809](#)-B-13 YEVGENIY/VERA MIKHALCHUK CONTINUED OBJECTION TO  
[JPJ-1](#) Peter G. Macaluso CONFIRMATION OF PLAN BY JAN P.  
JOHNSON AND/OR MOTION TO  
DISMISS CASE  
3-20-19 [[14](#)]

**Tentative Ruling**

This matter was continued from April 23, 2019, to allow JPMorgan Chase Bank, N.A. to obtain an appraisal of its collateral. The objection and motion were originally filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). A written reply has been filed to the objection.

The matter will be determined at the scheduled hearing.

Feasibility depends on the granting of the motion to value collateral of JPMorgan Chase Bank, N.A. The motion to value collateral of JPMorgan Chase Bank, N.A. is heard at Item #6.

The court will enter a minute order.

6. [19-20809](#)-B-13 YEVGENIY/VERA MIKHALCHUK CONTINUED MOTION TO VALUE  
[PGM-2](#) Peter G. Macaluso COLLATERAL OF JPMORGAN CHASE  
BANK, N.A.  
3-26-19 [[26](#)]

**Tentative Ruling**

The motion was originally set for hearing on the 28-days notice required by 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). Opposition was filed. The court will address the merits of the motion at the hearing.

The matter will be determined at the scheduled hearing.

This matter was continued from April 23, 2019, to allow JPMorgan Chase Bank, N.A. ("Creditor") to obtain an appraisal of a 2016 Toyota Highlander ("Vehicle"). The Creditor was required to provide an appraisal by May 14, 2019, and the Debtor was required to provide any reply by May 21, 2019.

On May 14, 2019, Creditor filed a pre-hearing statement that it had been in communication with Debtors' counsel to conduct an appraisal of the Vehicle. However, the Debtors were unavailable for an appraisal to be conducted before the court's deadline. The parties are working on a stipulation to allow for the appraisal to be conducted on the morning of May 20, 2019, and an appraisal to be filed shortly thereafter.

The court will enter a minute order.

7. [19-21515](#)-B-13 STACEY SANDRY  
Muoi Chea

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-17-19 [[29](#)]

**Tentative 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 Debtor 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 \$79.00 installment when due on April 12, 2019. While the delinquent installment was paid on April 18, 2019 and May 6, 2019, 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.

8. [19-20621](#)-B-13 MERCEDES MOYA-GRANT MOTION TO DISMISS CASE  
[JPJ](#)-2 Richard L. Jare 5-15-19 [[46](#)]

**No Ruling**



9. [19-22021](#)-B-13 NORMAN COATES  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-6-19 [[19](#)]

### **Tentative Ruling**

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative 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 April 12, 2019. 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.

10. [15-29322](#)-B-13 JAMES/TRACEE LEWIS  
Ashley R. Amerio

NOTICE OF DEFAULT AND MOTION TO  
DISMISS CASE FOR FAILURE TO  
MAKE PLAN PAYMENTS  
3-26-19 [[159](#)]

**No Ruling**

11. [19-20927](#)-B-13 LAUREN HAYES  
Thomas L. Amberg

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-25-19 [[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 April 22, 2019. The court's docket reflects that the default was cured on April 26, 2019. 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.

12. [19-21127](#)-B-13 GERALDINE DEGUZMAN  
[JPJ](#)-3 Pro Se

MOTION TO DISMISS CASE  
5-15-19 [[34](#)]

**No Ruling**

13. [19-20630](#)-B-13 ISIDRO FLORES  
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-7-19 [[25](#)]

**Tentative 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 Debtor 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 May 2, 2019. While the delinquent installment was paid on May 10, 2019, 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.

14. [18-27132](#)-B-13 STUART KOPPLE  
[JPJ](#)-1 Pro Se

MOTION TO DISMISS CASE  
4-26-19 [[89](#)]

**No Ruling**

15. [19-21032](#)-B-13 FRANCES REID  
Mohammad M. Mokarram

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-29-19 [[29](#)]

**Tentative Ruling**

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative 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 \$77.00 due April 22, 2019. 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.

16. [19-20436](#)-B-13 EFREN GUZMAN  
George T. Burke

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-29-19 [[25](#)]

**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 24, 2019. The court's docket reflects that the default was cured on April 29, 2019, and May 6, 2019. 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.



17. [18-27737](#)-B-7 APRIL/THOMAS AYATCH  
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-17-19 [[32](#)]

CASE CONVERTED TO CHAPTER 7  
ON 04/18/2019

**Final Ruling**

The court's decision is to discharge the Order to Show Cause as moot. The case was converted to a chapter 7 on April 18, 2019.

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.

18. [19-21640](#)-B-13 DEBORA MILLER-ZURANICH MOTION TO DISMISS CASE  
[JPJ](#)-1 Pro Se 5-6-19 [[35](#)]

**No Ruling**

19. [18-27747](#)-B-13 VIRGINIA HUNT  
[JPJ](#)-2 Steele Lanphier

MOTION TO DISMISS CASE  
5-1-19 [[30](#)]

**No Ruling**

20. [19-21747](#)-B-13 ARACELY RIVAS  
And #31 Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-25-19 [[31](#)]

**Tentative 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 Debtor 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 \$80.00 installment when due on April 22, 2019. While the delinquent installment was paid on May 2, 2019, 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.

21. [19-20949](#)-B-13 ANNA RATH  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-25-19 [[50](#)]

CASE DISMISSED: 05/03/2019

**Final Ruling**

The court's decision is to discharge the Order to Show Cause as moot. The case was dismissed on May 3, 2019.

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.

22. [19-21354](#)-B-13 RICHARD SILVA AND  
VICTORIA ROMERO  
Thomas L. Amberg

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-10-19 [[16](#)]

**Tentative 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 \$77.00 installment when due on May 6, 2019. While the delinquent installment was paid on May 13, 2019, 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.

23. [19-21258](#)-B-13 TROY EMRY  
Pauldeep Bains

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
5-6-19 [[26](#)]

**Tentative Ruling**

Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative 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 \$77.00 due April 30, 2019. 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.

24. [19-20861](#)-B-13 RAJESH KAPOOR  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-19-19 [[45](#)]

DEBTOR DISMISSED: 05/04/2019

**Final Ruling**

The court's decision is to discharge the Order to Show Cause as moot. The case was dismissed on May 4, 2019.

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.



25. [18-27966](#)-B-13 YVONNE RICHARDS  
[JPJ](#)-2 Aubrey L. Jacobsen

MOTION TO DISMISS CASE  
4-22-19 [[63](#)]

**No Ruling**

26. [18-27978](#)-B-13 ROMULO/GENEVIEVE CALICDAN MOTION TO DISMISS CASE  
[JPJ](#)-2 Nikki Farris 5-1-19 [[33](#)]

WITHDRAWN BY M.P.

**Final Ruling**

The Chapter 13 Trustee having filed a Notice of Withdrawal of Trustee's Motion to Dismiss Case, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar and the case will proceed in this court.

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

The court will enter a minute order.

27. [19-20882](#)-B-13 HENRY RODRIGUEZ  
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-22-19 [[38](#)]

**Tentative 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 Debtor 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 \$1.00 installment when due on April 15, 2019. While the delinquent installment was paid on May 15, 2019, 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.

28. [19-21082](#)-B-13 RONDELL DANIEL  
[JPJ](#)-2 Pro Se

MOTION TO DISMISS CASE  
4-12-19 [[22](#)]

**No Ruling**

29. [18-26787](#)-B-13 HUMBERTO VIEYRA  
[JPJ](#)-1 Thomas O. Gillis  
WITHDRAWN BY M.P.

MOTION TO DISMISS CASE  
4-22-19 [[32](#)]

**Final Ruling**

The Chapter 13 Trustee having filed a Notice of Withdrawal of Trustee's Motion to Dismiss Case, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(I) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar and the case will proceed in this court.

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

The court will enter a minute order.

30. [19-21114](#)-B-13 LYNDA STOVALL  
[TGM](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY THE  
BANK OF NEW YORK MELLON  
3-25-19 [[20](#)]

**No Ruling**

31. [19-21747](#)-B-13 ARACELY RIVAS  
[JPJ](#)-1 Peter G. Macaluso  
**See Also #20**

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY JAN P.  
JOHNSON AND/OR MOTION TO  
DISMISS CASE  
4-25-19 [[32](#)]

**Tentative Ruling**

The objection and motion were originally filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The matter will be determined at the scheduled hearing.

This matter was continued from May 14, 2017, and again from May 21, 2019, to allow the Debtor to amend Schedule I and J to reflect that she no longer works for American Income Insurance Union and instead has new employment as a translator.

Provided that the Debtor has filed the required amendment, the plan filed March 21, 2019, will be confirmed.

The court will enter a minute order.

32. [19-21681](#)-B-13 MICHELLE SWIFT  
[JPJ](#)-1 Peter G. Macaluso

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY JAN P.  
JOHNSON AND/OR MOTION TO  
DISMISS CASE  
4-25-19 [[16](#)]

### **Tentative Ruling**

The objection and motion were originally filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The matter will be determined at the scheduled hearing.

This matter was continued from May 14, 2017, and again from May 21, 2019, to allow the Debtor to file amended schedules to reflect that she has new employment in the state of Texas and has moved there to work.

Provided that the Debtor has filed the required amendment, the plan filed March 19, 2019, will be confirmed.

The court will enter a minute order.



33. [19-23339](#)-B-13 CHRISTOPHER MORRIS  
[PGM](#)-1 Peter G. Macaluso

MOTION TO IMPOSE AUTOMATIC STAY  
O.S.T.  
5-24-19 [[10](#)]

**No Ruling**