



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

Honorable Christopher M. Klein  
Bankruptcy Judge  
Sacramento, California

**May 28, 2024 at 2:00 p.m.**

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Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person**, at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/RemoteAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

**Unauthorized Recording is Prohibited:** Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medical credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

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**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

**May 28, 2024 at 2:00 p.m.**

1. [24-20009](#)-C-13 JOHN KEIFER  
[LGT](#)-1 Pro Se

MOTION TO DISMISS CASE  
5-14-24 [[32](#)]

**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. 35.

**The Motion to Dismiss is granted, and the case is dismissed.**

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not attended any of the 341 meeting of creditors that have been scheduled on February 22, 2024, March 7, 2024, April 4, 2024, April 18, 2024 and May 1, 2024.

Further the Chapter 13 Trustee represents that the debtor's proposed plan is incomprehensible and essentially blank. The debtor has also failed to provide his most recent income tax returns and payment advices. Finally, the debtor has also failed to file a credit counseling certificate.

A review of the docket confirms that the debtor has failed to appear at any of the 341 meeting of creditors. Attendance is mandatory. 11 U.S.C. § 343. Failure to appear at the Meeting of Creditors constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

The debtor has not provided all necessary tax returns. 11 U.S.C. § 521(e)(2)(A)(i); FED. R. BANKR. P. 4002(b)(3). That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

The debtor has not provided all necessary pay advices. 11 U.S.C. § 521(a)(1)(B)(iv); FED. R. BANKR. P. 4002(b)(2)(A). That constitutes evidence of unreasonable delay that is prejudicial to creditors, which is cause for dismissal of the case. 11 U.S.C. § 1307(c)(1).

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

**May 28, 2024 at 2:00 p.m.**

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, 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 granted, and the case is dismissed, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

2. [24-20665](#)-C-13 EMIL GALABOV  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-29-24 [[19](#)]

**Final Ruling:** No appearance at the May 28, 2024 hearing is required.  
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The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on 4/22/2024. Dkt. 19.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

3. [23-22374](#)-C-13 WILLIE WATSON  
[LGT](#)-4 Peter Cianchetta

MOTION TO DISMISS CASE  
5-14-24 [[221](#)]

Thru #4

**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. 224.

**The Motion to Dismiss or Convert is granted, and the case is ~~xxxxxxx~~.**

The Chapter 13 Trustee filed this Motion to Dismiss or Convert arguing that cause exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on April 30, 2024.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 219 & 220.

The Motion also argues debtor is \$4,677.76 delinquent in plan payments, which is supported by declaration. Dkt. 223.

Finally, the Motion contends that there is currently a liquidation amount of \$172,644.40 after trustee compensation, which would remain available and could be realized for the benefit of unsecured creditors should the case be converted to a case under Chapter 7.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss or convert this case, whichever is in the best interest of creditors and the estate pursuant to 11 U.S.C. § 1307(c)(1).

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 or Convert the  
Chapter 13 case filed by the Chapter 13  
Trustee, Lilian Tsang, 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 is granted, and the case is **XXXXXXXXXX**.

**No 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 39 days' notice was provided. Dkt. 215.

**The Motion to Dismiss is ~~xxxxxxx~~, and the case is ~~xxxxxxx~~.**

Creditor, Bowles & Verna, filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor waited five months to file an amended plan after his initial plan was not confirmed on October 4, 2023.

A review of the docket confirms the proposed Chapter 13 plan was filed on March 21, 2024 and denied confirmation, and no plan is set for confirmation hearing. Dkts. 198 & 220.

The Motion also argues debtor filed his case and plans in bad faith. Creditor asserts that debtor's two filings demonstrate bad faith. Additionally, Creditor alleges that debtor has multiple overseas bank accounts holding in excess of several hundred thousand dollars that have not been disclosed or listed on debtor's schedules.

Failure to confirm a plan and maintain plan payments constitute evidence of unreasonable delay by the debtor that is prejudicial to creditors.

Creditor argues that cause exists to dismiss the case and a bar to refiling rather than conversion is in the best interest of creditors and the estate because the overseas bank accounts would not be included in the distribution to creditors in a case under Chapter 7.

Creditor, however, fails to provide any authority for the proposition that only property that is included in debtor's petition is available for distribution. Section 541(a), in relevant part, states that property of the estate is comprised of all legal and equitable interests of the debtor in property as of the commencement of the case, wherever located and by whomever held. 11 U.S.C. § 541(a)(1). Additionally, property of the estate would also include any interest in property that the trustee avoids, recovers or preserves. 11 U.S.C. §§ 541(a)(3) & (a)(4).

At the hearing ~~xxxxxxxxxx~~

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. The Motion is granted, and the case is dismissed.

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 Creditor, Bowles & Verna, 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 **xxxxxxx**, and the case is **xxxxxxx**,

5. [18-27288](#)-C-13 ROBERT/ALLISON KING  
Thomas Amberg

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-23-24 [[99](#)]

**Final Ruling:** No appearance at the May 28, 2024 hearing is required.  
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The court issued this Order to Show Cause because the assignment/transfer of claim from Nationstar Mortgage LLC to Rushmore Servicing fee had not been. Dkt. 99.

A review of the docket shows that the fee has now been paid. Therefore, the Order To Show Cause is discharged.

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 discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.