

**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 COVER SHEET**

**DAY: TUESDAY**

**DATE: May 30, 2023**

**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 30, 2023 at 1:00 p.m.**

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1. [22-23010](#)-B-13 SALVADOR CHAPARRO MOTION TO DISMISS CASE  
[RDG](#)-2 Gary Ray Fraley 5-16-23 [[82](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to conditionally grant the motion to dismiss case and continue the matter to June 6, 2023, at 1:00 p.m.

The Chapter 13 Trustee's objection to confirmation was heard on February 21, 2023. The court sustained the objection and denied confirmation. To date, the Debtor has failed to file, set, and serve an amended plan. This is an unreasonable delay that is prejudicial to creditors since they are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

**Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, June 2, 2023, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 6, 2023, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on June 6, 2023, at 1:00 p.m.

**May 30, 2023 at 1:00 p.m.**

### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

The court has determined that oral argument will not assist in the decision-making process or resolution of the motion. See Local Bankr. R. 9014-1(h), 1001-1(f). This matter will therefore be decided on the papers.

The court's decision is to conditionally grant the motion to dismiss case and continue the matter to June 6, 2023, at 1:00 p.m.

The Debtor is delinquent in the amount of \$17,323.77. The last payment was received on December 6, 2022. The Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

Additionally, the Debtor failed to appear at multiple continued meetings of creditors held February 8, 2023, March 8, 2023, March 22, 2023, April 19, 2023, and May 17, 2023 as required by 11 U.S.C. § 343. The meeting of creditors has again been continued to June 14, 2023.

Given the Debtor's delinquency in plan payments and repeated failure to appear at continued meetings of creditors, cause exists to dismiss this case. The motion is conditionally granted and the case will be dismissed.

### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, June 2, 2023, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on June 6, 2023, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on June 6, 2023, at 1:00 p.m.

### **Non-Conditional Order for Debtor to Appear**

Independent of and without regard to this conditional ruling, the Debtor is **ORDERED** to appear at the continued creditors' meeting on June 14, 2023. If the Debtor files a timely response that prevents this conditional ruling from becoming the court's final decision, but the Debtor thereafter fails to appear at the continued creditors' meeting on June 14, 2023, based on the Debtor's repeated failure to appear in proper prosecution of this case, this case may nevertheless be dismissed on the Chapter 13 Trustee's ex parte application.

It is **FURTHER ORDERED** that if this case is dismissed on the Chapter 13 Trustee's ex parte application based on the Debtor's failure to appear on June 14, 2023, dismissal will be pursuant to 11 U.S.C. § 109(g)(1) which will result in a 180-day bar to the refile of any single or joint case by the Debtor.

It is **FURTHER ORDERED** this provision is not conditional and will survive if the conditional ruling is vacated due to the timely filing of a response. It is **FURTHER**

**ORDERED** this provision is intended to be an order within these minutes.

3. [22-23294](#)-B-13 MAZHAR KHAN  
Richard L. Jare

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
4-25-23 [[33](#)]

**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 \$78.00 due April 20, 2023. The court's docket reflects that the default was cured on May 1, 2023. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.