

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

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: May 31, 2022

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
Modesto, California

May 31, 2022 at 1:00 p.m.

- | | | | |
|----|---------------------------------------|------------------|---------------------------------------|
| 1. | <u>21-90408</u> -B-13 | SILVIA HERNANDEZ | CONTINUED MOTION TO DISMISS |
| | <u>RDG</u> -4 | Chinonye Ugorji | CASE |
| | | | 4-12-22 [<u>51</u>] |

Final Ruling

The Chapter 13 Trustee has filed a motion to dismiss its pending motion, and it is consistent with the Debtor's opposition filed to the motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

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

May 31, 2022 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 and continue the hearing to June 7, 2022 at 1:00 p.m.**

First, payments to Trustee are not current under the plan proposed by Debtor, and accordingly, Debtor has failed to commence making timely payments under that plan. As of May 13, 2022, plan payments under the plan are delinquent in the sum of \$15,564.68; the last payment having been received on March 8, 2022.

Second, Trustee's objection to confirmation of Debtor's plan, RDG-1, was heard on January 11, 2022. The court sustained the objection and denied confirmation of the plan. Dkt. 28. To date, the Debtor has failed to file, set, and serve an amended/modified plan.

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 3, 2022, 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 7, 2022, 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 7, 2022, at 1:00 p.m.

3. [22-90052](#)-B-13 GREGORY/VALISA NASH
Shane Reich

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
4-21-22 [[39](#)]

DEBTOR DISMISSED: 4/29/22

Final Ruling

The case having previously been dismissed, the Order to Show Cause is discharged as moot with no sanctions ordered.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

4. [21-90585](#)-B-13 MICHELLE PIMENTEL-MONTEZ MOTION TO DISMISS CASE
[RDG](#)-2 David C. Johnston 5-13-22 [[25](#)]

Final Ruling

The Chapter 13 Trustee has filed a motion to dismiss its pending motion. 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 minutes.