

**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: June 21, 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
Sacramento, California

June 21, 2022 at 1:00 p.m.

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- | | |
|---|--|
| 1. <u>22-20704</u> -B-13 KATHLEEN MAGANA
<u>RDG</u> -1 Mark Shmorgon | CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
5-17-22 [<u>18</u>] |
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Final Ruling

This objection to confirmation was continued from June 7, 2022, to provide the Debtor additional time to file and serve by June 14, 2022, amended Schedules I and J. See dkt. 22. The Debtor failed to do this. Therefore, the Chapter 13 Trustee's objection to confirmation is sustained.

The plan filed March 24, 2022, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

June 21, 2022 at 1:00 p.m.

2. [22-20924](#)-B-13 MEAGAN MONAGHAN OBJECTION TO CONFIRMATION OF
[DWE](#)-1 Pro Se PLAN BY FREEDOM MORTGAGE
Thru #3 CORPORATION
6-1-22 [[24](#)]

CONTINUED TO 7/5/22 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 7/23/22.

Final Ruling

No appearance at the hearing is necessary. The court will issue an order.

3. [22-20924](#)-B-13 MEAGAN MONAGHAN OBJECTION TO CONFIRMATION OF
[RDG](#)-1 Pro Se PLAN BY RUSSELL D. GREER
6-1-22 [[16](#)]

CONTINUED TO 7/5/22 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 7/23/22.

Final Ruling

No appearance at the hearing is necessary. The court will issue an order.

4. [22-20534](#)-B-13 JESUS GARCIA-GURROLA MOTION TO CONFIRM PLAN
[ES-1](#) Eric L. Seyvertsen 5-4-22 [[15](#)]

Final Ruling

The motion been set for hearing on the 35-days notice required by Local Bankruptcy Rules 3015-1(d)(1), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 2002(b). The court determines that the resolution of this matter does not require oral argument. See Local Bankr. R. 9014-1(h).

The court's decision is to deny the motion to confirm as moot.

An amended plan was filed on May 18, 2022. The confirmation hearing for the amended plan is scheduled for July 19, 2022. The earlier plan filed May 3, 2022, is not confirmed.

The motion is ORDERED DENIED AS MOOT for reasons stated in the minutes.

The court will issue an order.

5. [20-20648](#)-B-13 ALTON SLAUGHTER
[JCK](#)-1 Kathleen H. Crist

MOTION TO MODIFY PLAN
5-13-22 [[43](#)]

Final Ruling

The motion has been set for hearing on the 35-days' notice required by Local Bankruptcy Rules 3015-1(d)(2), 9014-1(f)(1), and Federal Rule of Bankruptcy Procedure 3015(g). 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 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 permit the requested modification and confirm the modified plan provided that the Debtor is current on plan payments.

The Chapter 13 Trustee objects to confirmation on grounds that the Debtor is delinquent \$1,838.00 under the proposed plan. The Trustee states that it has no opposition to confirmation of the modified plan in the event that plan payments are brought current prior to the hearing.

Debtor filed a response stating that he will become current under the modified plan by June 17, 2022.

Provided that the Debtor is current on plan payments, the modified plan will be deemed to comply with 11 U.S.C. §§ 1322 and 1325(a) and will be confirmed. If the Debtor has not cured the delinquency, the motion to modify plan will be denied.

The court will issue an order.

6. [21-23996](#)-B-13 SANDRA DAVIS ORDER TO SHOW CAUSE
 [EJS](#)-1 Eric J. Schwab 6-10-22 [[59](#)]

Final Ruling

No appearance at the hearing is necessary. The court entered an order on June 16, 2022, granting the Debtor's ex parte application to dismiss. The order to show cause is discharged as moot.

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

The court will issue an order.

7. [20-20381](#)-B-13 LOAY ELKOUSSY
[GSJ](#)-3 Grace S. Johnson

CONTINUED MOTION TO SELL
5-24-22 [[60](#)]

Final Ruling

This matter was continued from June 14, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, June 17, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 65, granting the motion to sell, shall become the court's final decision. The continued hearing on January 21, 2022, at 1:00 p.m. is vacated.

The motion is ordered granted.

Debtor's attorney shall submit an order consistent with the Trustee's standard sale order. The order shall be approved by the Trustee.