

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

June 22, 2021 at 2:00 p.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

1.	20-24108 -C-13	LONNIE/MARIA FINK	MOTION TO DISMISS CASE
	RDG -3	Steele Lanphier	6-7-21 [58]

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 15 days' notice was provided. Dkt. 58.

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 debtors have not filed an amended plan since the court denied confirmation of the Chapter 13 plan on April 20, 2021.

A review of the docket confirms the amended plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 57.

The Motion also argues debtors are \$200.00 delinquent in plan payments, which is supported by declaration. Dkt. 58.

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

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.

June 22, 2021 at 2:00 p.m.

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. [21-20838](#)-C-13 RON COLLA
Peter Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-14-21 [[39](#)]

Final Ruling: No appearance at the June 22, 2021 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on May 10, 2021. Dkt. 39.

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. [21-21244](#)-C-13 CYNTHIA ANSPACH
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-12-21 [[32](#)]

Final Ruling: No appearance at the June 22, 2021 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on May 6, 2021, Dkt. 32.

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.

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. 44.

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:

1. The debtor did not attend the May 13 or 27, 2021, Meeting of Creditors.
2. The debtor has not provided all documents required by 11 U.S.C. § 521.
3. The plan and schedules appear incomplete.
4. No confirmation hearing has been set.
5. No Credit Counseling certificate has been filed, as required by 11 U.S.C. § 109(h).

DISCUSSION

A review of the docket shows the debtor did not attend the June 10, 2021, continued Meeting of Creditors. The trustee has also presented evidence that the debtor has not complied with 11 U.S.C. §§ 109(h) & 521, has not set a confirmation hearing, and has not filed a complete Chapter 13 plan. Dkt. 43.

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 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.

5. [21-20348](#)-C-13 HEATHER GREY
[RDG](#)-3 Peter Cianchetta

MOTION TO DISMISS CASE
6-7-21 [[31](#)]

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 15 days' notice was provided. Dkt. 31.

The Motion to Dismiss is denied without prejudice.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on April 20, 2021.

A review of the docket shows the debtor filed an amended plan and corresponding Motion to Confirm on June 9, 2021. Dkts. 32, 35.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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 denied without prejudice.

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 14 days' notice was provided. Dkt. 34.

The Motion to Dismiss is XXXXXXXXXXXX

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtors have not attended the 341 Meeting of Creditors.

A review of the docket shows the debtors attended the continued Meeting on June 10, 2021, but the Meeting was not concluded because debtor's counsel did not appear.

At the hearing, XXXXXXXXXXXXXXXX

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 XXXXXXXXXXXX

7. [21-21468](#)-C-13 MARSHAUN TATE
Mikalalah Liviakis

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-26-21 [[19](#)]

Final Ruling: No appearance at the June 22, 2021 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on May 21, 2021. 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.

8. [21-20769](#)-C-13 CHRIS HAAGENSON
Matthew DeCaminada

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-10-21 [[21](#)]

Final Ruling: No appearance at the June 22, 2021 hearing is required.

The above captioned case was dismissed on May 21, 2021. Dkt. 27.
Therefore, the Order to Show Cause is discharged as moot.

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 as moot.

9. [21-21875](#)-C-13 KIMBERLY BRADLEY
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-4-21 [[18](#)]

Tentative Ruling:

The court issued this Order to Show Cause because debtor had not paid the filing fee. Dkt. 18.

A review of the docket shows the payment has still not been made.

Therefore, the Order to Show Cause is sustained, 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 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 sustained, and the case is dismissed.

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. 56.

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 filed an amended plan since the court denied confirmation of the Chapter 13 plan on May 11, 2021.

A review of the docket confirms the amended plan was denied confirmation, and no plan is set for confirmation hearing. Dkts. 51, 52.

The Motion also argues debtor is \$2,164.04 delinquent in plan payments, which is supported by declaration. Dkt. 55.

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 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 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.