

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher D. Jaime
Bankruptcy Judge
Sacramento, California

June 24, 2015 at 10:00 a.m.

1. [14-20003](#)-B-13 JOHN RANDALL MOTION TO DISMISS CASE
 JPJ-2 Scott J. Sagaria 6-8-15 [[35](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to deny the motion to dismiss, subject to the Chapter 13 Trustee receiving the requested documents.

The Debtor asserts that he can provide to the Trustee copies of his 2014 state and federal income tax returns, 2014 W-2 statements, and copies of pay advices for January through March 2015 as requested by the Trustee. Debtor asserts that these documents will be provided prior to the hearing on this motion.

The motion is denied and the case is not dismissed, provided the Debtor timely produces the requested documents.

The court shall enter an appropriate civil minute order consistent with this ruling.

June 24, 2015 at 10:00 a.m.

Page 1 of 16

2. [15-22805](#)-B-13 AHMED CHARTAEV
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-12-15 [[25](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case converted to one under Chapter 7.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due on May 17, 2015. The court's docket reflects that the default has not been cured.

Additionally, given that the Objection to Debtor's Claim of Exemptions, heard on June 17, 2015, was sustained, the Debtor's total value of non-exempt assets in this case will be \$8,486.15. Rather than dismissing the case, conversion to a Chapter 7 proceeding is in the best interest of creditors and the estate pursuant to 11 U.S.C. § 1303(c).

The court shall enter an appropriate civil minute order consistent with this ruling.

3. [13-35509](#)-B-13 JEFFERY/PATRICIA COTA MOTION TO DISMISS CASE
JPJ-1 Jared B. Gaynor 6-4-15 [[37](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtors, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

On May 20, 2015, the Trustee sent an email reiterating its request for the Debtors' 2014 state tax return, pay advices from January through March 2015, and bank statements from January through March 2015. The Debtors have not provided these documents to the Trustee. There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

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

The court shall enter an appropriate civil minute order consistent with this ruling.

4. [15-23015](#)-B-7 ISIDORA CERALDE
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-19-15 [[19](#)]

CASE CONVERTED TO CHAPTER 7
ON 5/21/15

Final Ruling: No appearance at the June 24, 2015 hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on May 19, 2015.

The court's decision is to discharge the Order to Show Cause, and the case shall proceed in this court as one under Chapter 7.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due on May 14, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$80.00 on May 29, 2015, and \$76.00 on June 11, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

5. [15-21317](#)-B-13 EDUARDO MORALES
Michael Benavides

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-26-15 [[40](#)]

Final Ruling: No appearance at the June 24, 2015 hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on May 26, 2015.

The court's decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due on May 21, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$150.00 on June 10, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

6. [15-21418](#)-B-13 ANNE-MARIE FLORES
C. Anthony Hughes

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-1-15 [[37](#)]

Final Ruling: No appearance at the June 24, 2015 hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on June 1, 2015.

The court's decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtor's failure to pay \$73.00 due on May 26, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$150.00 on June 5, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

7. [13-33928](#)-B-13 DAVID NEWBERRY
Rabin J. Pournazarian

ORDER TO SHOW CAUSE - FAILURE
TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
5-14-15 [[73](#)]

Final Ruling: No appearance at the June 24, 2015 hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on June 1, 2015.

The court's decision is to discharge the Order to Show Cause.

The Order to Show Cause was issued due to the failure to Old Republic Insurance Company's failure to pay the \$25.00 fee for filing a transfer of claim. The court's docket reflects that the default has been cured, the Old Republic Insurance Company having paid \$25.00 on May 14, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

8. [15-20132](#)-B-13 ANGELLITA DRAYTON
Justin K. Kuney

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-14-15 [[26](#)]

Final Ruling: No appearance at the June 24, 2015 hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on May 14, 2015.

The court's decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due on May 11, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$77.00 on May 26, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

9. [15-21840](#)-B-13 CATHERINE CRUZ AND JACK MOTION TO DISMISS CASE
JPJ-1 LAM 6-1-15 [[29](#)]
Pro Se

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtors, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

First, the Debtors did not appear at the duly noticed first meeting of creditors set for April 16, 2015, as required pursuant to 11 U.S.C. § 343.

Second, the Debtors have not filed certificates of completion from an approving nonprofit budget and credit counseling agency. The Debtors have not complied with 11 U.S.C. § 521(b)(1) and are not eligible for relief under United States Bankruptcy Code pursuant to 11 U.S.C. § 109(h).

Third, the Debtors did not make their first plan payment to the Trustee on April 25, 2015, pursuant to LBR 3015-1(1)(1), and have not made any plan payments to the Trustee since the filing of the petition. The Trustee is unable to determine the amount that was due on April 25, 2015, as the plan filed April 6, 2015, does not specify a plan payment amount.

Fourth, the Debtors have not provided the Trustee with copies of their payment advices or other evidence of income received within the 60-day period prior to the filing of the petition. The Debtors have not complied with 11 U.S.C. § 521(a)(1)(B)(iv).

Fifth, the Debtors have not provided the Trustee with a copy of their tax return for the most recent tax year a return was filed. The Debtors have not complied with 11 U.S.C. § 521(e)(2)(A)(1).

Sixth, the Debtors have not filed, set for hearing, and served a motion to confirm the plan as required pursuant to LBR 3015-1(c)(3) and 3015-1(d)(1). Moreover, the deadline to hold a confirmation hearing as set by 11 U.S.C. § 1324 has expired on May 31, 2015, which was 45 days after the date of the meeting of creditors.

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

The court shall enter an appropriate civil minute order consistent with this ruling.

10. [14-25644](#)-B-13 ANDY/LAIL MARTINEZ
JPJ-2 Pauldeep Bains

MOTION TO DISMISS CASE
6-8-15 [[47](#)]

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtors, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to dismiss the case.

The Debtors have not provided the Trustee with copies of their 2014 income tax return, 2014 W-2 statements, and copies of payment advices for January through March 2015 pursuant to 11 U.S.C. § 521(f), LBR 3015-1(b)(5), and the duties imposed by Section 5.02 of the confirmed plan. There is cause to dismiss this case pursuant to 11 U.S.C. §§ 1307(c)(1) and (6).

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

The court shall enter an appropriate civil minute order consistent with this ruling.

11. [15-22361](#)-B-13 LISA THOMPSON
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-29-15 [[35](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$76.00 due on May 26, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.

12. [15-23262](#)-B-13 GEORGE ALLEN
Mohammad M. Mokarram

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-27-15 [[16](#)]

Final Ruling: No appearance at the June 24, 2015 hearing is required.

The Order to Show Cause was served by the Clerk of the Court on the Debtor, Trustee, and other such other parties in interest as stated on the Certificate of Service on May 27, 2015.

The court's decision is to discharge the Order to Show Cause, and the case shall proceed in this court.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due on May 22, 2015. The court's docket reflects that the default has been cured, the Debtor having paid \$80.00 on May 27, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

13. [14-26963](#)-B-13 NORTONIA CROSS MOTION TO DISMISS CASE
JPJ-2 Jasmin T. Nguyen 6-8-15 [[41](#)]

Final Ruling: No appearance at the June 24, 2015 hearing is required.

The Chapter 13 Trustee having filed a Notice of Withdrawal of Trustee's Motion to Dismiss Case, 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 court shall enter an appropriate civil minute order consistent with this ruling.

14. [12-20268](#)-B-13 JUSTINO TUAZON AND MARIA MOTION TO DISMISS CASE
JPJ-3 BELTRAN TUAZON 5-11-15 [[89](#)]
W. Scott de Bie

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtors, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to deny the motion as moot, the Debtors having filed a first modified plan on June 1, 2015, which is scheduled for hearing on July 8, 2015.

The court shall enter an appropriate civil minute order consistent with this ruling.

Tentative Ruling: Because less than 28 days' notice of the hearing was given, the Trustee's Motion to Dismiss Case is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, the Debtor, Creditors, the Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offers opposition to the motion, the court will set a briefing schedule and a final hearing unless there is no need to develop the record further.

The court's decision is to grant the motion to dismiss, unless the Debtor files and sets for hearing a first modified plan and motion to confirm said plan, as stated in Debtor's opposition filed June 10, 2015, by the date of the hearing on this motion to dismiss.

Pursuant to LBR 3007-1(d), which is applicable in cases filed on or after May 1, 2012, the Debtor was required to object to claims within 60 calendar days after service of the Notice of Filed Claims and/or file and serve a modified plan and motion to confirm it within 90 calendar days after service of the Notice of Filed Claims. The Debtor neither timely filed objections to claims nor timely filed a modified plan. The failure of the Debtor to timely file objections to claims or timely file a modified plan constitutes an unreasonable delay by the Debtor that is prejudicial to creditors. This is cause to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1).

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

The court shall enter an appropriate civil minute order consistent with this ruling.

16. [15-22684](#)-B-13 JORGE VASQUEZ
Mikalah R. Liviakis

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-5-15 [[33](#)]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter. If the court's tentative ruling becomes its final ruling, the court will make the following findings of fact and conclusions of law.

The court's tentative decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtor's failure to pay \$77.00 due on June 1, 2015. The court's docket reflects that the default has not been cured.

The court shall enter an appropriate civil minute order consistent with this ruling.