

**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

DAY: TUESDAY

DATE: June 25, 2019

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 25, 2019 at 1:00 p.m.

1. [19-20300](#)-B-13 LORRIE MOORE
Marc A. Caraska

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-23-19 [[25](#)]

DEBTOR DISMISSED: 06/05/2019

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 ruling appended to the minutes.

The court will enter a minute order.

June 25, 2019 at 1:00 p.m.

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2. [18-26311](#)-B-13 MELISSA STRUYF MOTION TO DISMISS CASE
 [JPJ](#)-2 Michael O'Dowd Hays 5-15-19 [[49](#)]

No Ruling

3. [19-21313](#)-B-13 VASILIOS TSIGARIS
Marc A. Caraska

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-7-19 [[48](#)]

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 June 3, 2019. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes and the case is DISMISSED.

The court will enter a minute order.

4. [19-22213](#)-B-13 MONICA AVALOS
[JPJ](#)-1 Thomas O. Gillis

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY JAN P.
JOHNSON AND/OR MOTION TO
DISMISS CASE
5-22-19 [[14](#)]

Tentative Ruling

The objection and motion were properly filed at least 14 days prior to the hearing on the motion to confirm a plan. See Local Bankruptcy Rules 3015-1(c)(4) & (d)(1) and 9014-1(f)(2). Parties in interest may, at least 7 days prior to the date of the hearing, serve and file with the court a written reply to any written opposition. Local Bankruptcy Rule 9014-1(f)(1)(C). No written reply has been filed to the objection.

The court's decision is to sustain the objection and conditionally deny the motion to dismiss.

This matter was continued from June 11, 2019, to give the Debtor additional time to provide proof to the Chapter 13 Trustee that her 2018 tax return was signed and filed. The Debtor has not submitted any evidence in the form of a declaration or exhibit to substantiate that the 2018 tax return was signed and filed. The Debtor has not complied with 11 U.S.C. § 521(e)(2)(A)(1).

The plan filed April 9, 2019, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained, the motion to dismiss is conditionally denied, and the plan is not confirmed.

Because the plan is not confirmable, the Debtor will be given a further opportunity to confirm a plan. But, if the Debtor is unable to confirm a plan within a reasonable period of time, the court concludes that the prejudice to creditors will be substantial and that there will then be cause for dismissal. If the Debtor has not confirmed a plan within 60 days, the case will be dismissed on the Trustee's ex parte application.

The objection is ORDERED SUSTAINED and the motion is ORDERED CONDITIONALLY DENIED for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

5. [19-21815](#)-B-13 KEITH JOHNSON
[JPJ](#)-2 Ronald R. Roundy

MOTION TO DISMISS CASE
5-14-19 [[17](#)]

No Ruling

6. [15-24316](#)-B-13 JOSE BENITEZ
[JPJ](#)-2 Peter G. Macaluso

MOTION TO DISMISS CASE
5-15-19 [[43](#)]

No Ruling

7. [16-20118](#)-B-13 LESTHER GASTELUM AND ALMA MOTION TO DISMISS CASE
 [JPJ](#)-3 SAQUELARES 5-16-19 [[125](#)]
 Peter G. Macaluso

No Ruling

8. [16-25118](#)-B-13 RICHARD CHASTAIN
David P. Ritzinger

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-30-19 [[112](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause. The fee of \$25.00 to file a motion to convert case from Chapter 13 to Chapter 7 was paid on June 7, 2019.

The order to show cause is ORDERED DISCHARGED for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

BALBOA, LLC VS.
DEBTOR DISMISSED: 05/20/2019

Tentative Ruling

Because less than 28 days' notice of the hearing was given, the motion is deemed brought pursuant to Local Bankruptcy Rule 9014-1(f)(2). Consequently, parties in interest were not required to file a written response or opposition. 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. If no opposition is offered at the hearing, the court will take up the merits of the motion.

The court's decision is to grant the motion to terminate the stay retroactively to the petition date of this case and grant relief under 11 U.S.C. § 362(d)(4).

This matter was continued from June 11, 2019. Balboa, LLC ("Movant") seeks retroactive relief from the automatic stay with respect to real property commonly known as 1367 Rowena Way, Sacramento, California (the "Property"). Movant has provided the Declaration of Jack Cohen to introduce into evidence the documents upon which it bases the claim and the obligation secured by the Property.

The Cohen Declaration states that Movant accelerated its loan to Debtor Steven Fontaine ("Debtor") after the Debtor defaulted multiple times and failed to make the necessary monthly payments. Pursuant to the loan agreement and Movant's acceleration of the loan, the entire balance of the loan became fully due and payable upon these events of default.

On April 17, 2019, just six days after Movant recorded its Notice of Trustee's Sale, Debtor filed his first Chapter 13 case (no. 19-22373). See Declaration of Amy Martinez, p. 2, ¶ 3. Debtor did not file any schedules, proposed Chapter 13 Plan, or any other required case commencement documents with the petition. The petition also listed the Property as Debtor's primary residence, despite the fact that Debtor does not live at the Property and uses it solely as an investment. Martinez Decl., p. 2, ¶ 4; see also Dkt. 17, Ex. 3 (non-owner occupied property business purposes loan agreement). The first Chapter 13 case was dismissed on April 29, 2019, for failure to timely file necessary documents.

On May 7, 2019, a little more than one week after the first case was dismissed and two days before Movant's May 9, 2019, trustee's sale of the Property, Debtor filed the instant (second) Chapter 13 case (no. 19-22920). The Debtor filed an inaccurate and misleading petition in that he omitted any disclosure of his prior bankruptcy case from it. Movant states it was unaware that Debtor had filed another bankruptcy and had not received notice that a petition was filed. Therefore, Movant held its trustee's sale on May 9, 2019. This second case was dismissed on May 20, 2019, again, for failure to timely file necessary documents. Dkt. 9. Movant filed the present motion requesting retroactive relief from the automatic stay to validate its trustee's sale and also requesting relief under § 362(d)(4) on May 23, 2019, and, thus, after the case was dismissed. Dkt. 13. Nevertheless, the court retains jurisdiction to hear and determine the motion. *Burcena v. Bank One (In re Cabuloy)*, 339 Fed.Appx. 814, 815 (9th Cir. 2009) (citing *Aheong v. Mellon Mortgage Co. (In re Aheong)*, 276 B.R. 233, 239-40 & n. 8 (9th BAP 2002)).

Meanwhile, while the second Chapter 13 case was still open, on June 11, 2019, the Debtor filed a third Chapter 13 case (no. 19-23714). Debtor states in his response that he filed a motion to impose the automatic stay in that third Chapter 13 case and that the motion is set for hearing on June 25, 2019. Dkt. 22, 2:23-24. Debtor's statement is not quite accurate. Although the Debtor has filed a motion to impose the stay in his third Chapter 13 case, the Debtor only recently filed that motion on June 21, 2019, and it is set for hearing on July 16, 2019. See Case No. 19-23714, Dkt. 15.

Debtor states in his response that the prior two bankruptcy cases were filed pro se. He also states that he did not deliberately fail to notify the Movant of the second bankruptcy prior to the trustee's sale on May 9, 2019, but rather he could not find a facsimile number until after he retained counsel Matthew DeCaminada, who was only able to reach a representative that provided a facsimile number on May 15, 2019. Again, the Debtor's statement is not quite accurate and, in any case, the court does not believe the Debtor. On April 24, 2019, in the Debtor's first Chapter 13 case, Movant's counsel Geraci Law Firm filed a request to be notified of electronic filings in the case that included the law firm's facsimile number. See case no. 19-23373, dkt. 10. Although there is no indication the document was formally served on the Debtor, the Debtor nevertheless bears some responsibility for reviewing the docket in a prior case in an effort to ascertain contact information for his secured (and foreclosing) lender identified as a party in interest in his first and second Chapter 13 cases, especially knowing that there is a pending foreclosure sale. See generally, *McKaskle v. Wiggins*, 465 U.S. 168, 183-184 (1984) (noting that pro se criminal defendants have some obligation to perform duties that would normally be attended to by trained counsel); accord *Martinez v. Court of Appeal of Cal., Fourth Appellate Dist.*, 528 U.S. 152, 162 (2000). The point is, at least two weeks before the Debtor filed his second Chapter 13 case and Movant foreclosed on the Property, the Debtor had access to a facsimile number and an attorney whom he could have contacted to notify of his second Chapter 13 case and stop Movant's trustee's sale before it occurred. The Debtor made no effort to do that.

Debtor contends that the motion for relief from automatic stay should be denied because Movant is adequately protected. The only adequate protection identified by the Debtor is potential equity in the Property. Even assuming adequate protection can purge a bad faith filing, equity alone falls far short of any redemption. See *In re Victory Const. Co.*, 37 B.R. 222, 228 (9th Cir. BAP 1984) (noting that bankruptcy court concluded that debtor apparently purged bad faith filing with adequate protection by paying creditor current, providing creditor with a 50% interest rate increase, and by providing creditor with a solvent guarantor).

Debtor asserts that this third bankruptcy case was filed in good faith since the prior two were filed pro se, the Debtor has steady monthly rental income, and he has retained an attorney for this bankruptcy. The court is not persuaded. First, the court is aware that the Debtor filed his first and second bankruptcy cases pro se. Nevertheless, "pro se litigants are bound by the rules of procedure." *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) (citing *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987)). And at least in matters of procedure and compliance with applicable rules, they are not "treated more favorably than parties with attorneys of record." *Jacobsen v. Filler*, 790 F.2d 1362, 1364 (9th Cir. 1986). Second, as explained below, bad faith permeates all three of the Debtor's cases- even with an attorney.

The repeated filing of non-productive Chapter 13 cases filed in very close proximity to foreclosure events is indicative of abuse, filing for an improper purpose, and bad faith and therefore cause for relief from the automatic stay. *Phoenix Picadilly, Ltd. v. Life Ins. Co. of Virginia (In re Phoenix Picadilly, Ltd.)*, 849 F.2d 1393, 1394 (9th Cir. 1988) (automatic stay may be terminated for cause for bad faith filing); see also *In re Garza*, 2011 WL 10723283, *3 (Bankr. E.D. Cal. 2011). Moreover, the court notes that all three of the Debtor's bankruptcy cases appear to involve nothing more than a two-party dispute between the Debtor and a single secured creditor in which the Debtor seeks to use the bankruptcy court to avoid state law loan enforcement proceedings. See *Greenberg v. U.S. Trustee (In re Greenberg)*, 2017 WL 3816042, *4-*5 (9th Cir. BAP 2017) (listing such conduct as indicative of bad faith). The schedules filed in the Debtor's third Chapter 13 case weeks after this second case was dismissed (and therefore indicative of the state of affairs in the second case) also list only one piece of real property that has been foreclosed on, a junior lienholder on the Property, \$950.00 in personal property all of which is claimed as exempt, debt to one unsecured creditor in the amount of \$109.00, and secured property tax debt of \$1,581.17. See Case No. 19-23714, Dkt. 1, pgs. 1-28. And as to the one junior lienholder, it apparently is due no payment from the Debtor. Dkt. 22 at 4:5-6. So not only does this case possess many of the indicia of a bad faith filing, but, there really is nothing for a Chapter 13

trustee to administer. See *Phoenix Picadilly*, 849 F.2d at 1394-95.¹

Discussion

Relief Pursuant to § 362(d) (1)

The court maintains the right to grant relief from stay for cause when a debtor has not been diligent in carrying out his or her duties in the bankruptcy case, has not made required payments, or is using bankruptcy as a means to delay payment or foreclosure. *In re Harlan*, 783 F.2d 839 (9th Cir. BAP 1986); *In re Ellis*, 60 B.R. 432 (9th Cir. BAP 1985); see also *Dangcil v. JP Morgan Chase Bank, N.A. (In re Dangcil)*, 2017 WL 1075045, *8 (9th Cir. BAP 2017) (internal quotations and citations omitted). For the reasons explained above, relief for cause on this basis is warranted.

Relief Pursuant to § 362(d) (4)

Additionally, the court will grant relief under section 362(d) (4), which prescribes:

"On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay . . .

"with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, or defraud creditors that involved either-

"(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting such real property."

The Debtor has now filed three bankruptcy cases within a period of two months. All cases were timed to coincide with Movant's foreclosure events. The Debtors first two bankruptcy cases were filed either immediately after Movant recorded its Notice of Trustee's Sale or two days before Movant's trustee's sale. The second case (this case) was filed without any effort to notify Movant despite the apparent ability to do so. Under circumstances where there effectively is little if anything for a Chapter 13 trustee to administer, the Debtor's conduct in relation to the timing of events is significant.

It is also significant that the Debtor's first two bankruptcy cases were dismissed for failure to timely file necessary documents within two weeks of the bankruptcy petition. Viewed another way, the Debtor failed to appear in proper prosecution of his first and second Chapter 13 cases. And while it may be that dismissal of one bankruptcy case for failure to timely file documents is understandable, dismissal of a second bankruptcy case filed immediately on the heels of the dismissal of the first for the same reason is highly suspect. After the first Chapter 13 case was dismissed for failure to timely file documents the Debtor knew or should have known what documents he needed to file and when they needed to be filed in the second Chapter 13 case in order to properly

¹The Ninth Circuit noted in *Phoenix Picadilly* that several of the recurrent factors that often accompany bad faith bankruptcy filings include: (1) the debtor has one asset; (2) the debtor engaged in improper pre-petition conduct; (3) the debtor can identify only a few unsecured creditors; (4) the debtor's property has been posted for foreclosure, and the debtor has been unsuccessful in defending against the foreclosure; (5) the debtor and a single creditor proceeded to a standstill, and the debtor has lost; (6) the filing of the petition effectively allows the debtor to evade court orders; (7) the debtor has no ongoing business or employees; and (8) the lack of possibility of reorganization. *Id.*

prosecute the second case and prevent its dismissal.

Viewed under the circumstances explained above, the court is persuaded that the Debtor's multiple non-productive bankruptcy filings affecting the Property were part of a scheme by the Debtor to delay, hinder, or defraud Movant in exercise of its rights against the Property. Relief under § 362(d) (4) is therefore warranted.

Retroactive Relief from the Stay

Finally, "section 362 gives the bankruptcy court wide latitude in crafting relief from the automatic stay, including the power to grant retroactive relief from the stay." *In re Schwartz*, 954 F.2d 569, 572 (9th Cir. 1992). Furthermore, "[i]f a creditor obtains retroactive relief under section 362(d), there is no violation of the automatic stay" *Id.* at 573.

"In deciding whether 'cause' exists to annul the stay, a bankruptcy court should examine the circumstances of the specific case and balance the equities of the parties' respective positions. Under this approach, the bankruptcy court considers (1) whether the creditor was aware of the bankruptcy petition and automatic stay and (2) whether the debtor engaged in unreasonable or inequitable conduct." *In re Cruz*, 516 B.R. 594, 603 (9th Cir. BAP 2014).

The court should examine the circumstances of the specific case and balance the equities of the parties' respective positions, using several factors, including: (1) The debtor's overall good faith; (2) Whether creditors knew of the stay but nonetheless took action, thus compounding the problem; (3) Whether, after learning of the bankruptcy, creditors proceeded to take steps in continued violation of the stay, or whether they moved expeditiously to gain relief; (4) Whether annulment of the stay will cause irreparable injury to the debtor; and (5) Whether stay relief will promote judicial economy or other efficiencies. *In re Gasprom, Inc.*, 500 B.R. 598, 607 (9th Cir. BAP 2013), adopting factors listed in *In re Fjeldsted*, 293 B.R. 12, 25 (9th Cir. BAP 2003); see also *Cruz*, 516 B.R. at 603.

Movant proceeded with holding the trustee's sale since it had no knowledge that Debtor had filed for bankruptcy. Movant would have been entitled to seek relief from the automatic stay had it known of the bankruptcy case. Movant was not informed of the bankruptcy until five days after the foreclosure sale had been conducted. A third party, Stutz Law Firm, allegedly sent a fax and left a voice mail with Alejandra Fregoso at Geraci Law Firm, but Ms. Fregoso stated that she never received any voice message from anyone regarding a bankruptcy filing by the Debtor and was unaware of the pending bankruptcy. Once Movant learned of the instant bankruptcy filing, Movant then immediately brought the instant Motion for Relief from Stay and Annulment of Stay. Movant has not taken any other steps to pursue a transfer of title to the Property, including recording the Trustee's Deed Upon Sale. Based on the totality of the circumstances, the court finds that the factors discussed are dispositive on whether to grant retroactive relief from stay. Retroactive stay relief will be granted to the date of the petition.

Conclusion

The court shall issue an order retroactively terminating and vacating the automatic stay to allow Movant, and its agents, representatives and successors, and all other creditors having lien rights against the Property, to conduct a nonjudicial foreclosure sale pursuant to applicable nonbankruptcy law and their contractual rights, and for any purchaser, or successor to a purchaser, at the nonjudicial foreclosure sale to obtain possession of the Property.

Since the Property is not the Debtor's residence, the 14-day stay of enforcement under Rule 4001(a) (3) is waived.

No other or additional relief is granted by the court.

The motion is ORDERED GRANTED for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

10. [19-21127](#)-B-13 GERALDINE DEGUZMAN
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-3-19 [[44](#)]

DEBTOR DISMISSED: 06/07/2019

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

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

The court will enter a minute order.

11. [19-21032](#)-B-13 FRANCES REID
Mohammad M. Mokarram

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-28-19 [[33](#)]

DEBTOR DISMISSED: 05/30/2019

Final Ruling

The case having previously been dismissed, the motion is dismissed as moot.

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

The court will enter a minute order.

12. [19-22035](#)-B-13 RAUL/MARTHA SOTO
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-6-19 [[26](#)]

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 Debtors' failure to pay \$77.00 due June 3, 2019. The court's docket reflects that the default was cured on June 14, 2019. The payment constituted the final installment.

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

The court will enter a minute order.

13. [19-21747](#)-B-13 ARACELY RIVAS
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-28-19 [[45](#)]

CASE DISMISSED 6/24/19

Tentative Ruling

The Order to Show Cause will be discharged as moot. The case was dismissed on June 24, 2019.

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

The court will enter a minute order.

14. [15-22149](#)-B-13 MATTHEW MCKEE
[JPJ](#)-1 Peter G. Macaluso

MOTION TO DISMISS CASE
5-23-19 [[94](#)]

No Ruling

15. [19-20849](#)-B-13 JESSICA MANALO
Muoi Chea

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-20-19 [[21](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$76.00 installment when due on May 14, 2019. While the delinquent installment was paid on May 20, 2019, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

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

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

16. [16-20557](#)-B-13 DELMAR/KAREN REYNOLDS MOTION TO DISMISS CASE
[JPJ](#)-8 Clark D. Nicholas 5-29-19 [[85](#)]

No Ruling

17. [15-25258](#)-B-13 KIMBERLY GALLEGOS
[JPJ](#)-2 Mikalah R. Liviakis
WITHDRAWN BY M.P.

MOTION TO DISMISS CASE
5-16-19 [[54](#)]

Final Ruling

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 motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

18. [19-21258](#)-B-13 TROY EMRY
Pauldeep Bains

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-4-19 [[43](#)]

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 \$77.00 due May 30, 2019. The court's docket reflects that the default was cured on June 4, 2019. The payment constituted the final installment.

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

The court will enter a minute order.

19. [19-22359](#)-B-13 JUAN/ESMERALDA PONCE
Steele Lanphier

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-22-19 [[28](#)]

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 Debtors' failure to pay \$79.00 due May 17, 2019. The court's docket reflects that the default was cured on June 21, 2019. The payment constituted the final installment.

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

The court will enter a minute order.

20. [18-20563](#)-B-13 GERALD/STATHIA SEARLES MOTION TO DISMISS CASE
[JPJ](#)-1 Mikalah R. Liviakis 5-16-19 [[19](#)]
WITHDRAWN BY M.P.

Final Ruling

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 motion is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the ruling appended to the minutes.

The court will enter a minute order.

21. [19-21864](#)-B-13 IMELDA DEL ROSARIO
[JPJ](#)-3 Dale A. Orthner

MOTION TO DISMISS CASE
5-15-19 [[28](#)]

No Ruling

22. [19-21082](#)-B-13 RONDELL DANIEL
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-31-19 [[32](#)]

Tentative Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$80.00 installment when due on May 28, 2019. While the delinquent installment was paid on June 14, 2019, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

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

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will enter a minute order.

23. [19-21984](#)-B-13 ALMA CARRILLO-FLORES
Kristy A. Hernandez

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-5-19 [[18](#)]

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 \$76.00 due May 31, 2019. The court's docket reflects that the default was cured on June 12, 2019. The payment constituted the final installment.

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

The court will enter a minute order.

24. [19-20185](#)-B-13 PATRICK/PAULA FIELDS MOTION TO DISMISS CASE
[JPJ](#)-2 Bruce Charles Dwiggin 6-4-19 [[57](#)]

No Ruling

25. [19-21692](#)-B-13 ATTACH GAYAL
Muoi Chea

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-24-19 [[34](#)]

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 May 20, 2019. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes and the case is DISMISSED.

The court will enter a minute order.

26. [19-22195](#)-B-13 JASON MARCO
Thru #27 Dale A. Orthner

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-14-19 [[16](#)]

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 \$79.00 due May 9, 2019. The court's docket reflects that the default has not been cured.

The order to show cause is ORDERED SUSTAINED for reasons stated in the ruling appended to the minutes and the case is DISMISSED.

The court will enter a minute order.

27. [19-22195](#)-B-13 JASON MARCO
[JPJ](#)-2 Dale A. Orthner

MOTION TO DISMISS CASE
5-31-19 [[28](#)]

No Ruling

28. [16-21599](#)-B-13 CHRISTOPHER/GLEE WOODLAND MOTION TO DISMISS CASE
[JPJ](#)-5 Scott D. Squeaker 5-16-19 [[222](#)]

No Ruling

29. [19-20299](#)-B-13 CHRIS LEANER
Marc A. Carpenter

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
5-23-19 [[27](#)]

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 \$77.00 due May 20, 2019. The court's docket reflects that the default was cured on June 7, 2019. The payment constituted the final installment.

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

The court will enter a minute order.