

**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: July 28, 2020

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

July 28, 2020 at 1:00 p.m.

- | | | |
|----|---|--|
| 1. | <u>20-90001</u> -B-13 CARLA TURNER
Jessica A. Dorn | ORDER TO SHOW CAUSE - FAILURE
TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
7-9-20 [<u>79</u>] |
|----|---|--|

Final Ruling

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

The Order to Show Cause was issued due to Jefferson Capital Systems LLC's failure to pay \$25.00 for filing a transfer of claim from CARVANA, LLC to Jefferson Capital Systems LLC. The court's docket reflects that the default was cured on July 14, 2020.

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

The court will issue an order.

July 28, 2020 at 1:00 p.m.

2. [20-90104](#)-B-13 PAUL DYKES
David Foyil

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-11-20 [[59](#)]

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 June 8, 2020. The court's docket reflects that the default was cured on June 15, 2020. The payment constituted the final installment.

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

The court will issue an order.

3. [20-90207](#)-B-13 LARRY FOSTER
[RDG](#)-1 David C. Johnston

MOTION TO DISMISS CASE
7-14-20 [[51](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). The court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also 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).

The court's decision is to conditionally deny the motion to dismiss case.

First, the Debtor has caused unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Second, a hearing on confirmation of Debtor's plan was held on June 16, 2020, and confirmation was denied. The Debtor has failed to confirm a plan. Cause exists to dismiss this case pursuant to § 1307(c).

However, with the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall file, set, serve and be current under a new plan on or before August 18, 2020. Otherwise, the case may be dismissed on the Trustee's ex parte application.

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

The court will issue an order.

4. [18-90411](#)-B-13 ROGER/STORMIE SCHUMACHER ORDER TO SHOW CAUSE - FAILURE
 David Foyil TO TENDER FEE FOR FILING
 TRANSFER OF CLAIM
 6-23-20 [[166](#)]

Final Ruling

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

The Order to Show Cause was issued due to Ajax Mortgage Loan Trust 2020-A's failure to pay \$25.00 for filing a transfer of claim from Goldman Sachs Mortgage Company to Ajax Mortgage Loan Trust 2020-A. The court's docket reflects that the default was paid on May 12, 2020, and posted on the docket on June 25, 2020.

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

The court will issue an order.

5. [20-90322](#)-B-13 HECTOR BARRAZA
Brian S. Haddix

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-6-20 [[26](#)]

Final 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/s 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 \$77.00 installment when due on June 30, 2020. While the delinquent installment was paid on July 15, 2020, 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 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 issue an order.

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). The court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also 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).

The court's decision is to conditionally deny the motion to dismiss case.

First, the Debtor has caused unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Second, payments to Trustee are not current under the Debtor's proposed plan and she has failed to commence making timely payments under that plan. 11 U.S.C. § 1307(c)(4).

However, with the current local, state, and national emergency resulting from the COVID-19 pandemic and the consequences thereof, the Debtor shall file, set, serve and be current under a new plan on or before August 18, 2020. Otherwise, the case may be dismissed on the Trustee's ex parte application.

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

The court will issue an order.

7. [20-90248](#)-B-13 SHERYL MADEROS
Brian S. Haddix

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
6-5-20 [[16](#)]

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 June 1, 2020. The court's docket reflects that the default was cured on June 8, 2020. Final installments were paid on July 1, 2020.

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

The court will issue an order.

8. [19-90889](#)-B-13 RAMIRO SALGADO
[RDG](#)-4 Brian S. Haddix

MOTION TO DISMISS CASE
7-14-20 [[82](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its 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.