

**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: 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  
Sacramento, California

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

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1. [20-20610](#)-B-13 JOSHUA/AMANDA GOMEZ MOTION TO DISMISS CASE  
[RDG-1](#) Kathleen H. Crist 7-14-20 [[18](#)]

**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 grant the motion to dismiss case.

When the motion was filed, payments to Trustee were not current under the Debtors' proposed plan and they had failed to commence making timely payments under that plan. 11 U.S.C. § 1307(c)(4). Although the Debtors are current according to the Trustee's Notice of Withdrawal filed on July 23, 2020, dkt. 22, the bigger problem is § 1324(b). The notice of the commencement of this case set a confirmation hearing for April 7, 2020, at 10:00 a.m. According to the docket, it appears that no such hearing was held. There is also no hearing in this case on the April 7, 2020, 10:00 a.m. calendar posted under the archived Pre-Hearing Dispositions link on the court's website. That being the case, the court is unable to confirm a plan in this case and this case will be dismissed.

Section 1324(b) states:

The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date.

11 U.S.C. § 1324(b). The time for a confirmation hearing may be shortened but may not be extended. *In re Butcher*, 459 B.R. 115, 119 (Bankr. D. Colo. 2011) ("11 U.S.C. § 1324(b) requires chapter 13 confirmation hearings to be held between 20 and 45 days after the § 341 meeting date. It gives the Court discretion to hold the confirmation hearing sooner but not later."). Dismissal or conversion is appropriate if a confirmation hearing is not timely-held under § 1324(b). See *In re Donnell*, 2012 WL 8255546 at \*2 (Bankr. E.D. Cal. 2012).

The § 341 meeting of creditors was noticed for and held on March 11, 2020. Dkt. 10; Trustee Docket Entry, March 12, 2020. Forty-five days from that date is April 25, 2020, or, because that day was a Saturday, Monday, April 27, 2020. That date having now long passed, a timely confirmation hearing is not possible in this case. The case is dismissed without prejudice in order to provide the Debtors an opportunity to

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

re-file, which is warranted and in the best interest of creditors and the estate.  
The motion is ORDERED GRANTED for reasons stated in the minutes.  
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).

Third, a hearing on confirmation of Debtor's plan was held on May 5, 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.

**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 he has failed to commence making timely payments under that plan. 11 U.S.C. § 1307(c)(4).

Third, a hearing on confirmation of Debtor's plan was held on April 21, 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.

### **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 grant the motion to dismiss case.

Payments to Trustee are not current under the Debtor's proposed plan and the Debtor has failed to commence making timely payments under that plan. 11 U.S.C. § 1307(c)(4). Even if Debtor is current, the bigger problem is § 1324(b). The notice of the commencement of this case set a confirmation hearing for June 2, 2020, at 10:00 a.m. According to the docket, it appears that no such hearing was held. There is also no hearing in this case on the June 2, 2020, 10:00 a.m. calendar posted under the archived Pre-Hearing Dispositions link on the court's website. That being the case, the court is unable to confirm a plan in this case and this case will be dismissed.

Section 1324(b) states:

The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date.

11 U.S.C. § 1324(b). The time for a confirmation hearing may be shortened but may not be extended. *In re Butcher*, 459 B.R. 115, 119 (Bankr. D. Colo. 2011) ("11 U.S.C. § 1324(b) requires chapter 13 confirmation hearings to be held between 20 and 45 days after the § 341 meeting date. It gives the Court discretion to hold the confirmation hearing sooner but not later."). Dismissal or conversion is appropriate if a confirmation hearing is not timely-held under § 1324(b). See *In re Donnell*, 2012 WL 8255546 at \*2 (Bankr. E.D. Cal. 2012).

The § 341 meeting of creditors was noticed for and held on April 29, 2020. Dkt. 12; Trustee Docket Entry, April 29, 2020. Forty-five days from that date is June 13, 2020, or, because that day was a Saturday, Monday, June 15, 2020. That date having now long passed, a timely confirmation hearing is not possible in this case. The case is dismissed without prejudice in order to provide the Debtors an opportunity to re-file, which is warranted and in the best interest of creditors and the estate.

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

The court will issue an order.

5. [20-22226](#)-B-13 DEREK NEWTON  
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
7-1-20 [[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 Debtors' failure to pay \$77.00 due June 26, 2020. The court's docket reflects that the default was cured on July 8, 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.

6. [20-21242](#)-B-13 ANTHONY/STEPHANIE  
[RDG-2](#) STRAZDINS  
Mary D. Anderson

MOTION TO DISMISS CASE  
7-14-20 [[27](#)]

### **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 Debtors have caused unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

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

Third, a hearing on confirmation of Debtors' plan was held on May 19, 2020, and confirmation was denied. The Debtors have 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 Debtors 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.



**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 Debtors have caused unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1).

Second, payments to Trustee are not current under the Debtors' proposed plan and they have 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 Debtors 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.

**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).

Third, a hearing on confirmation of Debtor's plan was held on April 10, 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.

9. [20-20558](#)-B-13 KAREEM SYKES ORDER TO SHOW CAUSE - FAILURE  
Thru #10 Peter G. Macaluso TO PAY FEES  
6-9-20 [[59](#)]

**Final Ruling**

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

The Order to Show Cause was issued due to Debtor's failure to pay \$9.00 due June 2, 2020. The court's docket reflects that the default was cured on June 24, 2020. The payment constituted the final installment.

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

The court will issue an order.

10. [20-20558](#)-B-13 KAREEM SYKES MOTION TO DISMISS CASE  
RDG-2 Peter G. Macaluso 7-14-20 [[68](#)]

**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 Debtors have 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.

11. [20-22587](#)-B-13 STEVEN BROWN  
[RDG](#)-1 Kathleen H. Crist

MOTION TO DISMISS CASE  
7-14-20 [[15](#)]

**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 he 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.