

**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: August 27, 2024

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

August 27, 2024 at 1:00 p.m.

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- | | | |
|---|-------------------|--|
| 1. 24-21512 -B-13 MARZETTA THOMPSON | Peter G. Macaluso | ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-17-24 [27] |
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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 \$78.00 due July 11, 2024. The court's docket reflects that the default was cured on July 23, 2024. This constituted the final installment payment.

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.

August 27, 2024 at 1:00 p.m.

2. [24-20216](#)-B-13 JOSEPH POTPROCKY MOTION TO DISMISS CASE
 [LGT](#)-2 Colby D. LaVelle 7-12-24 [[27](#)]

Final Ruling

The court granted the Debtor's motion to dismiss case on August 14, 2024. Therefore, the Chapter 13 Trustee's motion is dismissed as moot.

The motion is ORDERED DISMISSED AS MOOT for reasons stated in the minutes.

The court will issue an order.

3. [19-23718](#)-B-13 JAMES SHROPSHIRE
[LGT](#)-1 Gregory J. Smith

MOTION TO DISMISS CASE
7-12-24 [[137](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Opposition was filed.

The court has 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). This matter will therefore be decided on the papers.

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

The Chapter 13 Trustee moves to dismiss case on grounds that the Debtor is delinquent in the amount of \$6,500.00.

Debtor filed a response stating that he will cure the delinquency, the amount of which will complete the 60-month chapter 13 plan. The Trustee's office confirmed that there is a pending payment of \$6,500.00 in the TFS Bill Pay that the Debtor scheduled on August 24, 2024.

For the aforementioned reasons, cause does not exist to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

4. [23-23440](#)-B-13 CHRISTINA/RICHARD LOPEZ MOTION TO DISMISS CASE
[LGT](#)-2 Michael K. Moore 7-11-24 [[31](#)]

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

The court's decision is to grant the motion to convert case to a chapter 7.

Debtors are delinquent in the amount of \$16,725.00. In addition to this amount, Debtors must also make the plan payment of \$5,575.00 per month for July and August 2024. 11 U.S.C. § 1307(c)(1) and (c)(4).

A review of Debtor's Schedules A/B and D shows that Debtors' real and personal property are encumbered. Debtors claims a homestead exemption in the real property. Should the Debtors choose to amend Schedule C exemptions, there would remain non-exempt equity that may be available for the benefit of unsecured creditors. Therefore, it appears that conversion rather than dismissal is in the best interest of creditors of the estate.

Cause exists to convert this case to a chapter 7. The motion is granted and the case will be converted.

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

The court will issue an order.

5. [24-22548](#)-B-13 ANAIYA WILLIAMS
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-16-24 [[32](#)]

DEBTOR DISMISSED: 07/29/24

Final Ruling

The case was dismissed on July 29, 2024, upon the Debtor's motion for voluntary dismissal of chapter 13 case. The Order to Show Cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT.

The court will issue an order.

6. [22-20050](#)-B-13 SERENA TURCHIE MOTION TO DISMISS CASE
 [LGT](#)-1 Peter G. Macaluso 7-11-24 [[109](#)]

Final Ruling

The Chapter 13 Trustee has filed a motion to dismiss its pending motion, and it is consistent with the Debtor's opposition filed to the motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

7. [24-22492](#)-B-13 SHANA BRADLEY
Peter G. Macaluso

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-11-24 [[21](#)]

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 \$79.00 due July 8, 2024. The court's docket reflects that the default was cured on July 17, 2024. A final installment payment was made on August 7, 2024.

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. [23-23601](#)-B-13 NATALIE SMITH
[HWW](#)-4 Hank W. Walth

CONTINUED OBJECTION TO CLAIM OF
UNCLE CREDIT UNION, CLAIM
NUMBER 5
7-20-24 [[46](#)]

Final Ruling

This matter was continued from August 20, 2024, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, August 23, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 54, sustaining the objection to claim, shall become the court's final decision. The continued hearing on August 27, 2024, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.

9. [24-22285](#)-B-13 MARIO/NANCY CASILLAS CONTINUED OBJECTION TO
[LGT](#)-1 Keith R. Wood CONFIRMATION OF PLAN BY LILIAN
G. TSANG
7-19-24 [[18](#)]

Final Ruling

This matter was continued from August 20, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, August 23, 2024. Nothing was filed.

However, the Chapter 13 Trustee has filed a notice of dismissal of its objection. Therefore, the objection 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.

There being no other objection to confirmation, the plan filed May 25, 2024, will be confirmed.

The objection is ORDERED DISMISSED WITHOUT PREJUDICE for reasons stated in the minutes.

IT IS FURTHER ORDERED that the plan is CONFIRMED for reasons stated in the minutes. The Chapter 13 Trustee shall prepare an appropriate order confirming the Chapter 13 plan and submit the proposed order to the court.

The court will issue an order.