

**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: August 30, 2022**

**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

**August 30, 2022 at 1:00 p.m.**

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1. [21-90408](#)-B-13 SILVIA HERNANDEZ MOTION TO DISMISS CASE  
[RDG](#)-5 Chinonye Ugorji 8-15-22 [[79](#)]

**Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 conditionally grant the motion to dismiss case and the matter will be continued to September 6, 2022, at 1:00 p.m.

First, Debtor is delinquent in plan payments. As of August 15, 2022, plan payments under the plan are delinquent in the sum of \$3,149.23. The last payment was received on July 5, 2022. 11 U.S.C. § 1307(c)(4). The failure of Debtor to perform her duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Second, Debtor's motion to confirm was held on June 21, 2022, and confirmation was denied. Debtor has failed to file, set, and serve an amended plan to date.

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

**Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, September 2, 2022, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 6, 2022, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on September 6, 2022, at 1:00 p.m.

**August 30, 2022 at 1:00 p.m.**

2. [22-90017](#)-B-13 IVAN/JANET AGASSI  
[RDG-2](#) David C. Johnston

MOTION TO DISMISS CASE  
8-15-22 [[37](#)]

### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 conditionally grant the motion to dismiss case and the matter will be continued to September 6, 2022, at 1:00 p.m.

Debtors' motion to confirm was held on June 14, 2022, and confirmation was denied. Debtors have failed to file, set, and serve an amended plan to date. The failure of Debtors to perform their duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

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

### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, September 2, 2022, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 6, 2022, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on September 6, 2022, at 1:00 p.m.

3. [21-90579](#)-B-13 MATTHEW/CELESTE JAMISON MOTION TO DISMISS CASE  
[RDG-3](#) Jessica A. Dorn 8-15-22 [[55](#)]

### **Final Ruling**

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). Parties in interest were not required to file a written response or opposition.

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 conditionally grant the motion to dismiss case and the matter will be continued to September 6, 2022, at 1:00 p.m.

Debtors' motion to confirm was held on June 7, 2022, and confirmation was denied. Debtors have failed to file, set, and serve an amended plan to date. The failure of Debtors to perform their duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

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

### **Conditional Nature of this Ruling**

Because the motion has been filed, set, and served under Local Bankruptcy Rule 9014-1(f)(2), any party in interest shall have until 5:00 p.m. on Friday, September 2, 2022, to file and serve an opposition or other response to the motion. See Local Bankr. R. 9014-1(f)(2)(C). Any opposition or response shall be served on the Chapter 13 Trustee and the United States trustee by facsimile or email.

If no opposition or response is timely filed and served, the motion will be deemed granted for the reasons stated hereinabove, this ruling will no longer be conditional and will become the court's final decision, and the continued hearing on September 6, 2022, at 1:00 p.m. will be vacated.

If an opposition or response is timely filed and served, the court will hear the motion on September 6, 2022, at 1:00 p.m.

4. [22-90183](#)-B-13 SHAWN SALINAS  
[RDG](#)-1 David C. Johnston

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
7-21-22 [[18](#)]

### **Final Ruling**

This matter was continued from August 16, 2022, to allow debtor Shawn Salinas ("Debtor") to upload by August 19, 2022, an appropriate dismissal order granting the Debtor's motion to dismiss case. An order was not uploaded by the Debtor. Therefore, the court deems Debtor's motion to dismiss as abandoned and will hear the Chapter 13 Trustee's objection to confirmation.

Because the plan is not confirmable and the objection is not one that may be resolved in the confirmation order, further briefing is not necessary. See Local Bankr. R. 9014-1(f)(2)(C). The court has also determined that oral argument will not assist in the decision-making process or resolution of the objection. 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 sustain the objection and deny confirmation of the plan.

Debtor testified at the meeting of creditors that he will begin new employment on July 22, 2022, and will have a housing expense of \$400.00 per month beginning August 2022. Debtor's current Schedules I and J do not reflect these changes. No amended schedules have been filed. Therefore, it cannot be determined whether the plan is feasible. 11 U.S.C. § 1325(a)(6).

The plan filed June 9, 2022, does not comply with 11 U.S.C. §§ 1322 and 1325(a). The objection is sustained and the plan is not confirmed.

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

The court will issue an order.