

**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 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
Sacramento, California

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

1. [21-23801](#)-B-13 ROBERT MOLINA MOTION TO DISMISS CASE
 [RDG-2](#) Nicholas Wajda 8-11-22 [[100](#)]

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 11, 2022, plan payments under the plan are delinquent in the sum of \$1,033.48. The last payment was received on July 29, 2022. 11 U.S.C. § 1307(c)(4). The failure of Debtor to perform his 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 May 24, 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.
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2. [22-21205](#)-B-13 XAVIER ATES
[RDG-2](#) Pro Se

MOTION TO DISMISS CASE
8-11-22 [[34](#)]

CONTINUED TO 9/6/22 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 8/31/22.

Final Ruling

No appearance at the August 30, 2022, hearing is required. The court will issue an order.

3. [22-21609](#)-B-13 FRANCISCO/MARIA PADILLA ORDER TO SHOW CAUSE - FAILURE
Peter G. Macaluso TO PAY FEES
8-3-22 [[15](#)]

Final Ruling

The court's decision is to sustain the Order to Show Cause and order the case dismissed.

The Order to Show Cause was issued due to Debtors' failure to pay \$79.00 due July 29, 2022. 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 minutes and the case is DISMISSED.

The court will issue an order.

4. [21-22917](#)-B-13 STEVEN/EMELDA CLYMER
[RDG-2](#) G. Michael Williams

MOTION TO DISMISS CASE
8-15-22 [[99](#)]

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, Debtors are delinquent in plan payments. As of August 15, 2022, plan payments under the plan are delinquent in the sum of \$1,800.00. The last payment was received on May 31, 2022. 11 U.S.C. § 1307(c)(4). 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).

Second, Debtors' motion to confirm was held on June 7, and confirmation was denied. Debtors have 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.

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.**

Debtor has failed to file, set, and serve an amended plan to date. The Debtor had requested and was granted removal of a confirmation hearing from the court's calendar in May 2022 and an objection to confirmation was heard and sustained in December 2021. No plan has been confirmed to date in this case. The failure of Debtor to perform his 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.

6. [20-24821](#)-B-13 ALEISHA CORREA
Kathleen H. Crist

ORDER TO SHOW CAUSE - FAILURE
TO TENDER FEE FOR FILING
TRANSFER OF CLAIM
7-27-22 [[51](#)]

Final Ruling

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

The Order to Show Cause was issued due to Guaranteed Rate, Inc.'s failure to pay \$26.00 for filing a transfer of claim. The court's docket reflects that the default was cured on July 28, 2022.

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

The court will issue an order.

7. [22-20924](#)-B-13 MEAGAN MONAGHAN
[RDG](#)-3 Pro Se

MOTION TO DISMISS CASE
8-11-22 [[68](#)]

Add on #12 & 13

CONTINUED TO 9/6/22 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 9/1/22.

Final Ruling

No appearance at the August 30, 2022, hearing is required. 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). 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 11, 2022, plan payments under the plan are delinquent in the sum of \$8,532.00. The last payment was received on July 5, 2022. 11 U.S.C. § 1307(c)(4). The failure of Debtor to perform his duties is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Second, objections to confirmation were heard and sustained on May 3, 2022. 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.

9. [22-21556](#)-B-13 STEVEN SEVERIN
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
7-7-22 [[12](#)]

DEBTOR DISMISSED: 7/11/22

Final Ruling

This case was dismissed on July 11, 2022. The order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT 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). 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.**

Debtor's motion to confirm was held on June 7, 2022, and confirmation was denied. Debtor has failed to file, set, and serve an amended plan to date. 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).

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.

11. [22-20582](#)-B-13 HECTOR SOTO
[RDG-2](#) Eric L. Seyvertsen

MOTION TO DISMISS CASE
8-11-22 [[27](#)]

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 deny the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that the Debtor has failed to file, set, and serve an amended plan after the Trustee's objection to confirmation was heard and sustained on May 24, 2022. The Debtor has since filed an amended plan on August 22, 2022. The confirmation hearing, however, must still be set.

Nonetheless, since an amended plan has been filed, cause does not exist to dismiss this case. The motion denied.

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

The court will issue an order.

12. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO
[RDG](#)-1 Pro Se CONFIRMATION OF PLAN BY RUSSELL
Thru #13 D. GREER
See Also #7 6-1-22 [[16](#)]

CONTINUED TO 9/6/22 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 9/1/22.

Final Ruling

No appearance at the August 30, 2022, hearing is required. The court will issue an order.

13. [22-20924](#)-B-13 MEAGAN MONAGHAN CONTINUED OBJECTION TO
[DWE](#)-1 Pro Se CONFIRMATION OF PLAN BY FREEDOM
MORTGAGE CORPORATION
6-1-22 [[24](#)]

CONTINUED TO 9/6/22 AT 1:00 P.M. TO BE HEARD AFTER THE CONTINUED MEETING OF CREDITORS SET FOR 9/1/22.

Final Ruling

No appearance at the August 30, 2022, hearing is required. The court will issue an order.