

**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: September 26, 2023**

**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.

## Eastern District of California

Honorable Christopher D. Jaime  
Bankruptcy Judge  
**Sacramento, California**

**September 26, 2023 at 1:00 p.m.**

1. [23-21900](#)-B-13 TIMOTHY KRUPPE ORDER TO SHOW CAUSE - FAILURE  
Eric L. Seyvertsen TO PAY FEES  
8-14-23 [[15](#)]  
DEBTOR DISMISSED: 8/15/23

## Final Ruling

The case having been voluntarily dismissed by debtor Timothy Kruppe on August 15, 2023, the order to show cause for failure to pay fees is discharged as moot.

The order to show cause is DISCHARGED AS MOOT for reason 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 continue the matter to October 3, 2023, at 1:00 p.m.**

First, the Debtors are delinquent in the sum of \$636,560.00. Debtors' failure to pay is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1) and (c)(4).

Second, since this case was filed on June 29, 2022, the Debtors have failed to confirm a plan. Debtors' failure to fulfill their duty is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1).

Although the Debtors filed an opposition stating that they will file and set a hearing on an amended motion to confirm plan and a motion to sell property on or before the hearing on this matter, nothing has been filed as of September 25, 2023.

Therefore, 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 29, 2023, 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 October 3, 2023, 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 October 3, 2023, at 1:00 p.m.

3. [23-22530](#)-B-13 SHA SHAVONDILA PIERSON  
Pro Se

ORDER TO SHOW CAUSE - FAILURE  
TO PAY FEES  
9-5-23 [[20](#)]

**Final Ruling**

The Order to Show Cause was issued due to Debtor Sha S. Pierson's failure to pay \$79.00 due August 30, 2023. The court's docket reflects that the default has not been cured. However, the Debtor filed a response requesting additional time to pay the filing fee installment given that her disability payments were recently terminated and she is actively job searching.

The court will continue this matter to October 17, 2023, at 1:00 p.m. to provide the Debtor additional time to cure the default and any fee installments that are due by that time (\$79.00 that was due August 30, 2023, and \$78.00 that is due September 29, 2023). If the Debtor has not brought the filing fee installments current, the case will be dismissed.

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 continue the matter to October 3, 2023, at 1:00 p.m.

First, the Debtor is delinquent in the sum of \$900.00. The last payment was received in July 3, 2023. Another payment in the amount of \$450.00 was due September 25, 2023. Debtor's failure to pay is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. § 1307(c)(1) and (c)(4).

Second, the Chapter 13 Trustee's objection to confirmation of Debtor's plan was heard and sustained on July 11, 2023. To date, the Debtor has not filed, set, or served an amended plan. Debtor's failure to fulfill his duty 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 29, 2023, 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 October 3, 2023, 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 October 3, 2023, at 1:00 p.m.

5. [19-22891](#)-B-13 VERNON/RHONDA SMITH  
Mark A. Wolff

ORDER TO SHOW CAUSE - FAILURE  
TO TENDER FEE FOR FILING  
TRANSFER OF CLAIM  
8-17-23 [[137](#)]

**Final Ruling**

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

The Order to Show Cause was issued due to the filing of an assignment/transfer of claim from NewRez LLC to U.S. Bank Trust National Association without payment of the \$26.00 filing fee. The court's docket reflects that the default was cured on August 18, 2023.

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

The court will issue an order.

6. [22-21028](#)-B-13 DORIAN/CATHERINE ANNE CONTINUED MOTION TO SELL  
[MRI](#)-2 COLBERT 8-30-23 [[50](#)]  
Mikalah Liviakis

**Final Ruling**

This matter was continued from September 19, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, September 22, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 65, granting the motion to sell, shall become the court's final decision. The continued hearing on September 26, 2023, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED.

**Debtors' attorney shall submit an order consistent with the Trustee's standard sale order. The order shall be approved by the Trustee.**