

**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: September 27, 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

September 27, 2022 at 1:00 p.m.

1. [22-90215](#)-B-13 TY RHONDA ELEY MOTION TO DISMISS CASE
[RDG-1](#) Pro Se 9-9-22 [[42](#)]

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 4, 2022, at 1:00 p.m.**

First, Debtor failed to appear at the first meeting of creditors held August 17, 2022, and two continued meetings of creditors held August 31 and September 14, 2022. Although the meeting of creditors is again continued to September 28, 2022, the court doubts that Debtor will appear given her history of nonappearances.

Second, Debtor failed to set a hearing on confirmation for a plan filed August 1, 2022.

Third, the plan is incompressible and blank.

Fourth, the Debtor failed to provide the Chapter 13 Trustee with a copy of Debtor's most recent Federal income tax return no later than seven days before the date first set for the first meeting of creditors, as required by 11 U.S.C. §521(e)(2). Accordingly, Debtor has breached the duties imposed by 11 U.S.C. §§521(a)(3) and (4) to cooperate with Trustee by failing to provide financial records.

Given Debtor's failure to perform her duties that is prejudicial to creditors pursuant to 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 30, 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 October 4, 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 October 4, 2022, at 1:00 p.m.

September 27, 2022 at 1:00 p.m.

2. [22-90239](#)-B-13 PEDRO BECERRA
[RDG](#)-1 David C. Johnston

MOTION TO DISMISS CASE
9-6-22 [[15](#)]

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 **continue the matter to October 18, 2022, at 1:00 p.m.**

The Debtor appeared at the continued meeting of creditors held on September 14, 2022, and the meeting was continued again to October 12, 2022. Given that Debtor has made an appearance, the court finds that Debtor has not acted in a way that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Therefore, the motion to dismiss case will be continued to October 18, 2022, at 1:00 p.m. However, prior to that date, Debtor is required to set a motion to confirm for the plan filed on August 7, 2022. If a motion to confirm is not filed, the court will deem the Debtor to have acted in a way that is prejudicial to creditors and will dismiss the case.

The court will issue an order.

3. [22-90166](#)-B-13 MICHELLE MOTION TO DISMISS CASE
 [RDG](#)-1 NIGHTENGALE-PERRY 9-13-22 [[29](#)]
 Kevin Tang

Final Ruling

The Chapter 13 Trustee has filed a motion to dismiss its pending 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.

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

4. [21-90585](#)-B-13 MICHELLE PIMENTEL-MONTEZ MOTION TO DISMISS CASE
[RDG-3](#) Kevin Tang 9-9-22 [[56](#)]

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 4, 2022, at 1:00 p.m..**

A confirmation hearing on the Debtor's plan was held on July 12, 2022, and the court denied confirmation. To date, the Debtor has failed to file, set, and serve a new plan.

Debtor's failure to perform her duties is prejudicial to creditors pursuant to 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 30, 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 October 4, 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 October 4, 2022, at 1:00 p.m.

5. [19-90275](#)-B-13 RICHARD/DOROTHY
[PLG](#)-1 GRUNDMEIER
Rabin Pournazarian

CONTINUED MOTION TO WAIVE
SECTION 1328 CERTIFICATE
REQUIREMENT, AND CERTIFICATE OF
CHAPTER 13 DEBTOR REGARDING 11
U.S.C. 522(Q) EXEMPTIONS AND
WAIVER OF THE REQUIREMENT FOR
DEBTOR TO FILE NOTICE OF DEATH
WITHIN SIXTY (60) DAYS OF DEATH
9-6-22 [[25](#)]

Final Ruling

This matter was continued from September 20, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, September 23, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 33, granting the motion, shall become the court's final decision. The continued hearing on September 27, 2022, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes at dkt. 33.

The court will issue an order.