

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Bankruptcy Judge
Sacramento, California

October 5, 2023 at 10:30 a.m.

FINAL RULINGS

1. <u>23-21632-E-7</u>	CYNTHIA CANNON	CONTINUED TRUSTEE'S MOTION TO
<u>NF-1</u>	Pro Se	DISMISS
		6-14-23 [<u>12</u>]

Final Ruling: No appearance at the October 5, 2023 Hearing is required.

Local Rule 9014-1(f)(1) Motion—No Opposition Filed.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor (*pro se*), creditors, and Office of the United States Trustee on June 14, 2023. By the court's calculation, 36 days' notice was provided. 28 days' notice is required.

The Motion to Dismiss has been set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). Debtor (*pro se*) has not filed opposition. If the *pro se* Debtor appears at the hearing, the court shall consider the arguments presented and determine if further proceedings for this Motion are appropriate.

<p>The hearing on the Motion to Dismiss is continued to 10:30 a.m. on November 2, 2023.</p>

The Chapter 7 Trustee, Nikki B. Farris ("Trustee"), seeks dismissal of the case on the grounds that Cynthia Cannon ("Debtor") did not appear at the Meeting of Creditors held pursuant to 11 U.S.C. § 341. If Debtor fails to appear at the continued Meeting of Creditors, Trustee requests that the case be dismissed without further hearing.

DISCUSSION

Debtor filed this bankruptcy case on May 19, 2023. On August 25, 2023, the court entered an Order Dismissing this Chapter 7 Bankruptcy Case pursuant to a Motion to Dismiss filed by the Chapter 7

Trustee. Order; Dckt. 18. The Debtor did not file an opposition to the Motion and the court's Docket for this Case reflected that the Debtor did not attend the continued Meeting of Creditors (341 Meeting) on August 24, 2023.

On September 5, 2023, the Debtor filed an *Ex Parte* Motion (Dckt. 21) to vacate the order dismissing this case. In the *Ex Parte* Motion, Debtor addresses some health issues, her efforts to appear at the August 11, 2023 scheduled Meeting of Creditors (and it having to be continued), and her efforts to prosecute this case in pro se (without an attorney).

Debtor has presented the court with "real world" reasons for the failure to get the Meeting of Creditors conducted and that vacating the dismissal is not unwarranted. However, in doing so and the Meeting of Creditors not being concluded in the five months that this Bankruptcy Case has been pending, the court determines it proper to extend the deadlines for actions to: [a] determine that Debtor should be denied a discharge pursuant to 11 U.S.C. § 727(a)(2) through (4), [b] to have a debt excepted from discharge pursuant to 11 U.S.C. § 423(a)(2) through (7), or [c] the Debtor should be denied a discharge pursuant to 11 U.S.C. § 727(a)(8) or (9), and each of them, is extended retroactively through and including October 16, 2023. Retroactive extension of the deadlines is proper in light of no Meeting of Creditors having yet been conducted and the Trustee's Motion (with such extension provided for in the Notice and Motion to Dismiss; Dckt. 12). Debtor has also now paid the filing fee in full.

October 5, 2023 Hearing

On September 27, 2023, Nikki Farris, the Chapter 7 Trustee, filed a Status Report. Dckt. 28. The Chapter 7 Trustee reports that the 341 Meeting of Creditors has been rescheduled for October 26, 2023.

The court continues the hearing on the Motion to Dismiss to allow Debtor the opportunity to prosecute the Case and the rescheduled 341 Meeting of Creditors to be conducted.

The court shall issue an order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Motion to Dismiss the Chapter 7 case filed by the Chapter 7 Trustee, Nikki B. Farris ("Trustee"), having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the hearing on the Motion to Dismiss is continued to **10:30 a.m. on November 2, 2023.**

IT IS FURTHER ORDERED that the deadline to file an action to: [a] determine that Debtor should be denied a discharge pursuant to 11 U.S.C. § 727(a)(2) through (4), [b] to have a debt excepted from discharge pursuant to 11 U.S.C. § 423(a)(2) through (7), or [c] the Debtor should be denied a discharge pursuant to 11 U.S.C. § 727(a)(8) or (9), and each of them, is extended through and including December 1, 2023. These deadlines may be extended by further order of the court.