

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

October 20, 2020 at 2:00 p.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions)

1.	20-23824 -C-13	RANDY/SAMANTHA SHUKER Justin Kuney	ORDER TO SHOW CAUSE - FAILURE TO PAY FEES 9-9-20 [31]
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Final Ruling: No appearance at the October 20, 2020 hearing is required.

The court issued this Order to Show Cause because debtor had not paid a filing fee installment payment due on September 4, 2020. Dckt. 31.

A review of the docket shows that the installment has now been paid. Therefore, the Order to Show Cause is discharged.

The court shall issue a minute 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 Order to Show Cause 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 Order to Show Cause is discharged, no sanctions ordered, and the bankruptcy case shall proceed in this court.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dckt. 80.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not attended the July 16, August 13, August 27, or September 24, 2020, 341 Meetings.

The Motion also argues debtor is \$30.00 delinquent in plan payments, which is supported by declaration. Dckt. 79.

DISCUSSION

The debtor has not attended the continued 341 Meetings held pursuant to 11 U.S.C. § 341. ^{FN.1.} Attendance is mandatory. 11 U.S.C. § 343. Failure to appear at the Meeting of Creditors is unreasonable delay that is prejudicial to creditors and is cause to dismiss the case.

FN.1. The Trustee's Report from the first Meeting held July 16, 2020, states "Debtor Appeared; Debtor(s) is/are Pro Se." The Declaration supporting the Motion represents otherwise. Dkt. 79.

Furthermore, failure to maintain plan payments constitute unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

The court shall issue a minute 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 13 case filed by the Chapter 13 Trustee, Russell Greer ("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 Motion to Dismiss is granted,
and the case is dismissed.

Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 15 days' notice was provided. Dkt. 30.

The Motion to Dismiss is granted, and the case is dismissed.

The Chapter 13 Trustee filed this Motion To Dismiss arguing that cause for dismissal exists because the debtor has not filed an amended plan since the court denied confirmation of the Chapter 13 plan on July 30, 2020.

A review of the docket confirms the plan was denied confirmation, and no amended plan has been filed and set for confirmation hearing. Dkt. 26.

The Motion also argues debtor is \$680.00 delinquent in plan payments, which is supported by declaration. Dkt. 29.

Failure to confirm a plan and maintain plan payments constitute unreasonable delay by the debtor that is prejudicial to creditors.

Based on the foregoing, cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c)(1). The Motion is granted, and the case is dismissed.

The court shall issue a minute 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 13 case filed by the Chapter 13 Trustee, Russell Greer ("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 Motion to Dismiss is granted, and the case is dismissed.

No Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 14 days' notice was provided. Dckt. 77.

The Motion to Dismiss is XXXXXX

The Chapter 13 Trustee filed this Motion To Dismiss arguing the debtor has caused unreasonable delay by failing to file an amended plan after the first amended plan was denied confirmation on March 14, 2020.

The Motion also argues debtor is \$7,099.00 delinquent in plan payments, which is supported by declaration. Dckt. 76.

Debtor's counsel filed an Opposition on July 13, 2020, noting that Adversary Proceeding, No. 20-02013 is near settlement, which will allow debtor to focus on confirming a plan. Debtor's counsel requests a continuance to allow him to meet with debtor and prepare an amended plan. Dckt. 78.

Discussion

The debtor was delinquent in plan payments at the prior hearing. The court continued the hearing to allow debtor to cure the delinquency. Dkt. 81.

At the hearing, the parties reported xxxxxxxxxxxxxxxx

The court shall issue a minute 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 13 case filed by the Chapter 13 Trustee, Russell Greer ("Trustee"), pursuant to 11 U.S.C. § 1307(c)(1), 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 Motion is xxxxxxxx