

**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: October 27, 2020

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

October 27, 2020 at 1:00 p.m.

1. [20-90518](#)-B-13 CRISTINE CRAM ORDER TO SHOW CAUSE - FAILURE
Thru #3 Pro Se TO PAY FEES
10-2-20 [[25](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). In light of court closures due to the COVID-19 pandemic, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also 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).

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 Debtor's failure to pay the filing fee installment of \$77.00 due September 28, 2020. The court's docket reflects that the default has not been cured.

Even if the filing fee installment is paid by the time of the hearing on this matter, the case is still dismissed for reasons stated at Item #3, RDG-2.

The court will issue an order.

2. [20-90518](#)-B-13 CRISTINE CRAM CONTINUED OBJECTION TO
[RDG-1](#) Pro Se CONFIRMATION OF PLAN BY RUSSELL
D. GREER
9-14-20 [[19](#)]

Final Ruling

The case is dismissed for reasons stated at Item #3, RDG-2. The objection to confirmation is therefore overruled as moot.

The motion is ORDERED OVERRULED AS MOOT for reasons stated in the minutes.

The court will issue an order.

October 27, 2020 at 1:00 p.m.

3. [20-90518](#)-B-13 CRISTINE CRAM
[RDG-2](#) Pro Se

MOTION TO DISMISS CASE
10-8-20 [[33](#)]

Final Ruling

The motion has been set for hearing on less than 28-days notice. Local Bankruptcy Rule 9014-1(f)(2). In light of court closures due to the COVID-19 pandemic, the court has determined this matter may be decided on the papers. See General Order No. 618 at p.3, ¶ 3 (E.D. Cal. May 13, 2020) (ordering courthouse closure "until further notice" due to the COVID-19 pandemic and further ordering that all civil matters are to be decided on the papers unless the presiding judge determines a hearing is necessary). The court has also 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).

The court's decision is to grant the motion to dismiss case.

Payments to the Chapter 13 Trustee are not current under the plan proposed by the Debtor. As of October 8, 2020, plan payments under the plan are delinquent in the sum of \$725.00. The last payment was received on August 26, 2020. The Debtor's failure to perform her duties is unreasonable delay that is prejudicial to creditors in receiving payments. 11 U.S.C. § 1307(c)(1).

Additionally, the Debtor failed to appear at the meeting of creditors set for September 20, 2020, the continued meeting of creditors set for October 7, 2020, and another continued meeting of creditors set for October 21, 2020, as required pursuant to 11 U.S.C. § 343. Although the meeting of creditors was continued a third time to November 4, 2020, the court finds that the Debtor has failed to perform her duties causing unreasonable delay that is prejudicial to creditors and is cause for dismissal. 11 U.S.C. § 1307(c)(1).

Cause exists to dismiss this case. The motion is granted and the case will be dismissed.

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

The court will issue an order.