

**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 29, 2024

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 29, 2024 at 1:00 p.m.

1. [24-90221](#)-B-13 HARLEY WATERS MOTION TO DISMISS CASE
[LGT](#)-2 David C. Johnston 9-16-24 [[39](#)]

Final Ruling

The court having entered an order on October 29, 2024, granting debtor Harley Waters' motion to dismiss case, the Chapter 13 Trustee's motion to dismiss case is denied as moot.

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

The court will issue an order.

2. [23-90537](#)-B-13 CHERYL PORTER MOTION TO DISMISS CASE
[LGT](#)-3 SCHIMMELFENNIG 9-16-24 [[75](#)]
Gordon G. Bones

Final Ruling

The motion has been set for hearing on 28-days notice. Local Bankruptcy Rule 9014-1(f)(1). The failure of the respondent and other parties in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014-1(f)(1)(B) is considered to be the equivalent of a statement of nonopposition. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). No opposition was filed. The matter will be resolved without oral argument. No appearance at the hearing is required.

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

Debtor is delinquent in the amount of \$15,920.00. Additional payments of \$3,980.00 were due for September and October 2024. This is an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1), (c)(4).

Based on Debtor's schedules, there appears to be non-exempt equity that may be available for the benefit of unsecured creditors. Therefore, conversion rather than dismissal is in the best interest of creditors of the estate.

Cause exists to convert this case. The motion is granted and the case is converted.

The motion is ORDERED GRANTED and the case is CONVERTED to one under chapter 7 for reasons stated in the minutes.

The court will issue an order.

3. [24-90238](#)-B-13 RICHARD GIVARGIS MOTION TO DISMISS CASE
[LGT-2](#) David C. Johnston 10-7-24 [[31](#)]

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 hearing to November 5, 2024 at 1:00 p.m.**

Debtor has failed to file a modified plan and set it for hearing with notice to creditors. This is an unreasonable delay that is prejudicial to creditors. 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, November 1, 2024, 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 November 5, 2024, 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 November 5, 2024, at 1:00 p.m.

4. [24-90472](#)-B-13 CHIQUITA STARK
[LGT](#)-1 Pro Se

MOTION TO DISMISS CASE
9-27-24 [[53](#)]

Final Ruling

Debtor appeared at the continued meeting of creditors held October 16, 2024, and the meeting was subsequently continued to October 30, 2024. The Chapter 13 Trustee shall file a supplemental declaration by 5:00 p.m. Friday, November 1, 2024, addressing whether issues raised in its motion to dismiss case have been resolved. The hearing on the **motion to dismiss case is continued to November 5, 2024, at 1:00 p.m.**

The court will issue an order.

5. [23-90576](#)-B-13 GURMAIL SINGH AND KULDEEP MOTION TO DISMISS CASE
[LGT](#)-2 KAUR 8-14-24 [[82](#)]
David C. Johnston
DEBTOR DISMISSED: 09/03/24

Final Ruling

The case having been dismissed on September 3, 2024, the motion to dismiss case is denied as moot.

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

The court will issue an order.

6. [24-90445](#)-B-13 GONZALO/LUCILA PALOMINOS CONTINUED OBJECTION TO
[LGT](#)-1 Ryan Keenan CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-23-24 [[15](#)]

Final Ruling

This matter was continued from October 22, 2024, to allow any party in interest to file a response by 5:00 p.m. Friday, January 28, 2024. Debtors filed a timely response stating that they have filed an amended plan, amended Disclosure of Compensation of Attorney for Debtors (Form 2030), and provided the Chapter 13 Trustee with copies of their 2023 state tax return and all of Co-Debtor's pay stubs.

Therefore, the court's conditional ruling at dkt. 23 and the continued hearing on October 29, 2024, at 1:00 p.m. are vacated. The objection to confirmation is overruled.

The objection is ORDERED OVERRULED for reasons stated in the minutes.

The court will issue an order.