

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Honorable Christopher D. Jaime
Robert T. Matsui U.S. Courthouse
501 I Street, Sixth Floor
Sacramento, 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.

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

The court will issue an order.

3. [24-20702](#)-B-13 CRAIG GILMORE MOTION TO DISMISS CASE
[LGT-1](#) G. Michael Williams 8-19-24 [[48](#)]

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that Debtor failed to file an amended plan and set it for hearing, that Debtor has failed to commence making plan payments, and that there are issues with the filed Disclosure of Compensation of Attorney for Debtor(s) (Form 2030) and schedules.

Debtor filed a third amended plan on October 17, 2024, and amended forms and schedules. Therefore, the issues raised by the Trustee are resolved at this time.

Cause does not exist to dismiss this case. The motion is denied and the case will not be not dismissed.

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

The court will issue an order.

4. [24-23806](#)-B-13 JEREMY WYGAL
[MS-2](#) Mark Shmorgon

EVIDENTIARY HEARING RE: MOTION
TO VALUE COLLATERAL OF CONSUMER
PORTFOLIO SERVICES
8-30-24 [[15](#)]

Final Ruling

REMOVED FROM CALENDAR PER ORDER APPROVING STIPULATION. DKT. 39.

5. [24-21512](#)-B-13 MARZETTA THOMPSON
[LGT-1](#) Peter G. Macaluso

MOTION TO DISMISS CASE
9-4-24 [[34](#)]

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that Debtor failed to file required documents and accurately file statements.

Debtor filed a response stating that an amended plan was filed. A review of the court's docket also shows that amended schedules were filed. Therefore, the issues raised by the Trustee are resolved at this time.

Cause does not exist to dismiss this case. The motion is denied and the case will not be not dismissed.

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

The court will issue an order.

6. [24-23014](#)-B-13 SENGPHET/SYPHONG ORDER TO SHOW CAUSE - FAILURE
PHIMMASENE TO PAY FEES
Matthew J. DeCaminada 9-16-24 [[31](#)]

Final Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$78.00 installment when due on September 9, 2024. While the delinquent installment was paid on September 18, 2024, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

7. [24-21920](#)-B-13 RICARDO/SAMANTHA MOTION TO DISMISS CASE
[LGT](#)-3 RODRIGUEZ 10-8-24 [[48](#)]
Charles L. Hastings

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that Debtors failed to file an amended plan after the Trustee's objection to confirmation was sustained. This would be an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Debtors filed an opposition stating that an amended plan was filed on October 23, 2024, with a confirmation hearing set for December 3, 2024. Therefore, the issues raised by the Trustee are resolved at this time.

Cause does not exist to dismiss this case. The motion is denied and the case will not be not dismissed.

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

The court will issue an order.

8. [24-23230](#)-B-13 MALIANA KALONI
[LGT-1](#) Pro Se
DEBTOR DISMISSED: 09/24/24

MOTION TO DISMISS CASE
9-6-24 [[20](#)]

Final Ruling

The case having been dismissed on September 24, 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.

9. [24-23842](#)-B-13 DANIEL HARTSELL
Gary Ray Fraley

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-3-24 [[18](#)]

Final Ruling

The court's decision is to discharge the Order to Show Cause and the case will remain pending.

The Order to Show Cause was issued due to Debtor's failure to pay \$79.00 due September 30, 2024. The court's docket reflects that the default was cured on October 4, 2024. The payment constituted the final installment.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

The court will issue an order.

10. [24-23745](#)-B-13 DENON/LAQUANA MARYLAND
Candace Y. Brooks

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-27-24 [[15](#)]

Final Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtors to pay the filing fee in installments.

The court granted the Debtors permission to pay the filing fee in installments. The Debtors failed to pay the \$79.00 installment when due on September 23, 2024. While the delinquent installment was paid on October 3, 2024, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

11. [24-23050](#)-B-13 NERY LIMON
[LGT-1](#) G. Michael Williams
WITHDRAWN BY M.P.

MOTION TO DISMISS CASE
9-27-24 [[40](#)]

Final Ruling

The Chapter 13 Trustee having filed a notice of withdrawal of its motion, the motion is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and Federal Rules of Bankruptcy Procedure 9014 and 7041. The matter is removed from the calendar.

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

The court will issue an order.

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 dismiss case.

First, John Keifer ("Debtor") failed to appear at the first meeting of creditors held August 22, 2024, and subsequent continued meetings of creditors held September 6, 2024, and October 3, 2024. Given Debtor's history of nonappearance, the court finds it unlikely that Debtor will appear at the continued meeting of creditors set for October 31, 2024.

Second, Debtor failed to provide required documents to the Chapter 13 Trustee.

Third, Debtor failed to file a complete plan. The plan was filed blank.

Fourth, Debtor failed to accurately file schedules and statement pursuant to 11 U.S.C. § 521 and/or F.R.B.P 1007. Liquidation cannot be determined in this case.

Fifth, Debtor is ineligible to be a debtor in a chapter 13 since he has failed to provide a Credit Counseling Certificate. 11 U.S.C. § 109(h).

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

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

The court will issue an order.

13. [24-21452](#)-B-13 JUAN ABARCA AND THERESA MOTION TO DISMISS CASE
[LGT-2](#) DOMINGUEZ-ABARCA 9-27-24 [[53](#)]
Lars Fuller

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that Debtors failed to confirm a chapter 13 plan. This would be an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Debtors filed an opposition stating that an amended plan would be filed. A review of the court's docket shows that an amended plan was filed on October 23, 2024, with a confirmation hearing set for December 10, 2024. Therefore, the issues raised by the Trustee are resolved at this time.

Cause does not exist to dismiss this case. The motion is denied and the case will not be not dismissed.

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

The court will issue an order.

14. [24-20853](#)-B-13 MELANIE/SHANE BRITT
[PGM](#)-5 Peter G. Macaluso

CONTINUED MOTION TO CONFIRM
PLAN
9-10-24 [[89](#)]

Final Ruling

This matter was continued from October 15, 2024. Opposition was filed was filed by the Chapter 13 Trustee ("Trustee"), a reply was filed by debtors Melanie Britt and Shane Britt ("Debtors"), and a supplemental response was filed by the Trustee. 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 not confirm the first amended plan.

First, Debtors are \$10,500.00 delinquent in plan payments. This amount includes the scheduled payment of \$5,250.00 that was due October 25, 2024. The case was filed on March 1, 2024. The Debtors have not made a payment since July 2, 2024.

Second, Debtors failed to file the amended schedules requested by the Trustee and have failed to provided business documents for their business.

The amended plan does not comply with 11 U.S.C. §§ 1322, 1323, and 1325(a) and is not confirmed.

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

The court will issue an order.

15. [24-20254](#)-B-13 MARLON MAYO CONTINUED MOTION TO DISMISS
[EAM](#)-3 Peter G. Macaluso CASE
Thru #16 7-2-24 [[67](#)]

CONTINUED TO 12/03/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM.

Final Ruling

No appearance at the October 29, 2024, hearing is required. The court will issue an order.

16. [24-20254](#)-B-13 MARLON MAYO MOTION TO DISMISS CASE
[LGT](#)-2 Peter G. Macaluso 8-27-24 [[80](#)]

CONTINUED TO 12/03/24 AT 1:00 P.M. AT SACRAMENTO COURTROOM.

Final Ruling

No appearance at the October 29, 2024, hearing is required. The court will issue an order.

17. [24-22960](#)-B-13 BEE DAVIS
[LGT-1](#) Pro Se

MOTION TO DISMISS CASE
9-4-24 [[18](#)]

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 dismiss case.

First, Bee Davis ("Debtor") failed to appear at the first meeting of creditors held August 22, 2024, and subsequent continued meetings of creditors held September 6, 2024, and October 3, 2024. Given Debtor's history of nonappearance, the court finds it unlikely that Debtor will appear at the continued meeting of creditors set for November 14, 2024.

Second, Debtor failed to provide required documents to the Chapter 13 Trustee.

Third, Debtor failed to file a correct form for the chapter 13 plan as provided by the Local Rule 3015-1(a) Official Local Form EDC 3-080 (rev. 11/9/18) and General Order GO. 18-03 Order Adopting Attached Chapter 13 Plan as Official Local Form EDC 3-080.

Fourth, Debtor failed to accurately file schedules and statement pursuant to 11 U.S.C. § 521 and/or F.R.B.P 1007. Liquidation cannot be determined in this case.

Fifth, Debtor has filed inaccurate and incomplete schedules. Therefore, liquidation analysis cannot be determined in this case.

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

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

The court will issue an order.

18. [24-21561](#)-B-13 RONALD PERRIN AND YUVETTA MOTION TO DISMISS CASE
[LGT-1](#) PRYOR 8-27-24 [[58](#)]

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.

Debtors are delinquent in the amount of \$9,200.00. Additional payments of \$2,300.00 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 Debtors' 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.

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 convert case and continue the hearing to November 5, 2024 at 1:00 p.m.**

Debtors have failed to file a modified plan and set it for hearing with notice to creditors, and they are delinquent in the amount of \$15,705.00 with an additional plan payment of \$5,235.00 due October 25, 2024. This is an unreasonable delay that is prejudicial to creditors. 11 U.S.C. § 1307(c)(1), (c)(4).

Based on Debtors' 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.

The motion is conditionally granted and the case will be converted to one under chapter 7.

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.

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 **conditionally grant the motion to convert case and continue the hearing to November 5, 2024 at 1:00 p.m.**

Debtor is delinquent in the amount of \$6,725.00. An additional payment of \$1,345.00 was due 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.

The motion is conditionally granted and the case will be converted to one under chapter 7.

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.

21. [24-23167](#)-B-13 VALERY ALEXANDER-THOMAS MOTION TO DISMISS CASE
[LGT-1](#) Gregory J. Smith 10-7-24 [[24](#)]

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that Debtor failed to set a plan for hearing with notice to creditors. This would be an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

A review of the docket shows that Debtor filed a first amended plan on October 16, 2024, with a confirmation hearing set for November 19, 2024. Therefore, the issue raised by the Trustee is resolved at this time.

Cause does not exist to dismiss this case. The motion is denied and the case will not be not dismissed.

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

The court will issue an order.

22. [24-24168](#)-B-13 ERIC PREVRATIL
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-2-24 [[14](#)]

DEBTOR DISMISSED: 10/07/24

Final Ruling

The case having been dismissed on October 7, 2024, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

23. [23-24679](#)-B-13 ERIK LEWELLYN AND MOTION TO DISMISS CASE
[LGT](#)-2 GEONETTE WOODS 9-16-24 [[74](#)]
Le'Roy Roberson

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.

Debtors are delinquent in the amount of \$10,154.00. Additional payments of \$3,606.00 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 Debtors' 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.

24. [24-22684](#)-B-13 ANDREW GILTON
[LGT](#)-2 Steven A. Alpert

MOTION TO DISMISS CASE
10-4-24 [[33](#)]

Final Ruling

The case having been dismissed on October 27, 2024, 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.

25. [23-21890](#)-B-13 ESTHER CHAVEZ
[LGT](#)-5 James D Hornbuckle

MOTION TO DISMISS CASE
10-7-24 [[110](#)]

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that Debtor failed to file an third amended plan and set it for hearing. This would be an unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. § 1307(c)(1).

Debtor filed a third amended plan on October 22, 2024, with a confirmation hearing set for December 10, 2024. Therefore, the issue raised by the Trustee is resolved at this time.

Cause does not exist to dismiss this case. The motion is denied and the case will not be not dismissed.

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

The court will issue an order.

26. [24-22492](#)-B-13 SHANA BRADLEY
[LGT](#)-1 Peter G. Macaluso

MOTION TO DISMISS CASE
9-4-24 [[45](#)]

Final Ruling

The Chapter 13 Trustee filed a withdrawal of its pending motion, and it is consistent with the Debtor's opposition filed to the 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.

The court will issue an order.

27. [24-21893](#)-B-13 LUCINDA/HENRY COLEMAN MOTION TO DISMISS CASE
[LGT-2](#) Le'Roy Roberson 9-27-24 [[25](#)]

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 deny without prejudice the motion to dismiss case.

The Chapter 13 Trustee moves to dismiss the case on grounds that Debtors failed to confirm a chapter 13 plan. This would be an unreasonable delay that is prejudicial to creditors under 11 U.S.C. § 1307(c)(1).

Debtors filed a first amended plan on October 17, 2024, with a confirmation hearing set for November 19, 2024. Therefore, the issue raised by the Trustee is resolved at this time.

Cause does not exist to dismiss this case. The motion is denied and the case will not be not dismissed.

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

The court will issue an order.

28. [24-23494](#)-B-13 KRISTINA LINCOLN
Add on #31 Eric L. Seyvertsen

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
9-12-24 [[14](#)]

Final Ruling

The Order to Show Cause will be discharged and the case will remain pending but the court will modify the terms of its order permitting the Debtor to pay the filing fee in installments.

The court granted the Debtor permission to pay the filing fee in installments. The Debtor failed to pay the \$79.00 installment when due on September 9, 2024. While the delinquent installment was paid on October 21, 2024, the fact remains that the court was required to issue an order to show cause to compel the payment. Therefore, as a sanction for the late payment, the court will modify its prior order allowing installment payments to provide that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The order to show cause is ORDERED DISCHARGED for reasons stated in the minutes and the case SHALL REMAIN PENDING.

IT IS FURTHER ORDERED that if a future installment is not received by its due date, the case will be dismissed without further notice or hearing.

The court will issue an order.

29. [24-24231](#)-B-13 SHANNON FAIRLEY
Pro Se

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
10-1-24 [[11](#)]

OAKMONT PROPERTIES II, L.P.
VS.

Final Ruling

This matter was continued from October 22, 2024, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, October 25, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 21, granting the motion for relief from automatic stay, shall become the court's final decision. The continued hearing on October 29, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.

30. [24-23446](#)-B-13 JOHN/JOY CONKLIN
[LGT](#)-1 Colby D. LaVelle

CONTINUED OBJECTION TO
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, October 25, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 18, sustaining the objection, shall become the court's final decision. The continued hearing on October 29, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.

31. [24-23494](#)-B-13 KRISTINA LINCOLN
[LGT-1](#) Eric L. Seyvertsen
See Also #28

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY LILIAN
G. TSANG
9-23-24 [[16](#)]

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, October 25, 2024. Nothing was filed. Therefore, the court's conditional ruling at dkt. 21, sustaining the objection, shall become the court's final decision. The continued hearing on October 29, 2024, at 1:00 p.m. is vacated.

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

The court will issue an order.