



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

October 31, 2023 at 2:00 p.m.

Unless otherwise ordered, all matters before the Honorable Christopher M. Klein shall be simultaneously: (1) **In Person** at Sacramento Courtroom #35, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**.

You may choose any of these options unless otherwise ordered.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided:

Video web address:

<https://www.zoomgov.com/j/1618911483?pwd=WThLSks1WHJHRXFCdCsra25RVW8rQT09>

Meeting ID: 161 891 1483

Password: 716205

Zoom.Gov Telephone: (669) 254-5252 (Toll Free)

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. You are required to give the court 24 hours advance notice. Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
3. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including "screen shots" or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued medicaid credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

October 31, 2023 at 2:00 p.m.

1. [23-22706](#)-C-13 LORI FISHER MOTION TO DISMISS CASE
[LGT](#)-1 Pro Se 10-12-23 [[28](#)]

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 19 days' notice was provided. Dkt. 31.

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 a motion to confirm plan.

A review of the docket confirms the proposed Chapter 13 plan was filed on August 28, 2023, but is not set for confirmation hearing. Dkt. 17.

The Motion also argues debtor is \$1,250.00 delinquent in plan payments, which is supported by declaration. Dkt. 30.

Failure to confirm a plan and maintain plan payments constitute evidence of 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). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. 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, having been presented to the court, and upon review of the pleadings, evidence,

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arguments of counsel, and good cause
appearing,

IT IS ORDERED that the Motion to
Dismiss is granted, and the case is dismissed,
the court having found that dismissal, and not
conversion, is in the best interest of
creditors and the Estate.

2. [23-22233](#)-C-13 JASON SALAS
 Thomas Amberg

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-10-23 [[24](#)]

Final Ruling: No appearance at the October 31, 2023 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on October 10, 2023. Dkt. 24.

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.

3. [23-21837](#)-C-13 HEATHER VAN METER
Thomas Amberg

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-10-23 [[43](#)]

Final Ruling: No appearance at the October 31, 2023 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on October 4, 2023. Dkt. 43.

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.

4. [23-21837](#)-C-13 HEATHER VAN METER
Thomas Amberg

CONTINUED ORDER TO SHOW CAUSE -
FAILURE TO PAY FEES
9-11-23 [[37](#)]

Final Ruling: No appearance at the October 31, 2023 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on September 5, 2023. Dkt. 37.

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.

5. [23-22076](#)-C-13 GRANT HANEY
[LGT](#)-1 Eric Schwab

MOTION TO DISMISS CASE
10-12-23 [[34](#)]

Final Ruling: No appearance at the October 31, 2023 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(2) notice which requires 14 days' notice. The Proof of Service shows that 19 days' notice was provided. Dkt. 37.

The Motion to Dismiss is denied without prejudice.

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 plan on September 12, 2023.

A review of the docket confirms the plan was denied confirmation. Dkt. 31.

The Motion also argues debtor has failed to provide the Trustee with Debtor's most recent income tax returns. Dkt. 34.

A review of the docket shows the debtor filed an amended plan and corresponding Motion to Confirm on October 24, 2023. Dkts. 42, 46.

Because it appears debtor is actively prosecuting the case, the Motion is denied without prejudice.

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, 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 denied without prejudice.

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 19 days' notice was provided. Dkt. 77.

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 September 12, 2023

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 71.

The Motion also argues debtor is \$13,380.00 delinquent in plan payments, which is supported by declaration. Dkt. 76.

Failure to confirm a plan and maintain plan payments constitute evidence of 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). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. 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, 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, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.

7. [23-23396](#)-C-13 EDGARDO FELIX
Pro Se

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
10-12-23 [[12](#)]

Final Ruling: No appearance at the October 31, 2023 hearing is required.

The above captioned case was dismissed on October 16, 2023. Dkt.
14. Therefore, the Order to Show Cause is discharged as moot.

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 as moot.

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 19 days' notice was provided. Dkt. 31.

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 September 12, 2023.

A review of the docket confirms the proposed Chapter 13 plan was denied confirmation, and no plan is set for confirmation hearing. Dkt. 25.

Failure to confirm a plan constitutes evidence of 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). Furthermore, the court finds that dismissal, and not conversion, is in the best interest of creditors and the Estate. 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, 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, the court having found that dismissal, and not conversion, is in the best interest of creditors and the Estate.