

#### UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Christopher M. Klein Bankruptcy Judge Sacramento, California

November 25, 2025 at 11:15 a.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 or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. <a href="mailto:one-business day">one-business day</a> prior to the hearing. Information regarding how to sign up can be found on the Remote Appearances page of our website at <a href="https://www.caeb.uscourts.gov/Calendar/CourtAppearances">https://www.caeb.uscourts.gov/Calendar/CourtAppearances</a>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

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

- 1. Review the <u>Pre-Hearing Dispositions</u> prior to appearing at the hearing.
- 2. Parties appearing via CourtCall are encouraged to review the CourtCall Appearance Information.

If you are appearing by ZoomGov phone or video, 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 medica 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

November 25, 2025 at 11:15 a.m.

1. <u>25-23808</u>-C-13 TIMOTHY REILLY Peter G. Macaluso

MOTION TO DISMISS CASE 10-15-25 [26]

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 41 days' notice was provided. Dkt. 29.

## The Motion to Dismiss is denied without prejudice as moot.

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 July 11.

A review of the docket shows the debtor filed a notice of conversion, and the case was converted to Chapter 7 on November 19, 2025 Dkts. 35 & 39.

Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. Fed. R. Bankr. P. 1017(f)(3); In re Bullock, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); In re McFadden, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor's case was converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on November 19, 2025. McFadden, 37 B.R. at 521.

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, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 136.

No opposition has been filed. Therefore, the court enters the defaults of the non-responding parties in interest, finds there are no disputed material factual issues, and determines the matter will be resolved without oral argument. *Cf. Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995); *Law Offices of David A. Boone v. Derham-Burk (In re Eliapo)*, 468 F.3d 592, 602 (9th Cir. 2006).

## 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 is \$919.74 delinquent in plan payments, which is supported by declaration. Dkt. 133.

Failure to maintain plan payments 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.  $\S$  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, David P. Cusick, 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.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 53 days' notice was provided. Dkt. 109.

## 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 is \$28,089.49 delinquent in plan payments, which is supported by declaration. Dkt. 108.

Debtor filed an opposition (Dkt. 110) on November 11, 2025, asserting that debtor will be current on or before the hearing.

Failure to maintain plan payments 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, David P. Cusick, 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.

The court issued this Order to Show Cause because debtor had not paid the filing fee installment payment on the due date of October 14, 2025. Dkt. 22.

A review of the docket shows the payment has still not been made. Additionally, the fee installment payment has come due and was not made. Dkt. 28.

Therefore, the Order to Show Cause is sustained, 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 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 sustained, and the case is dismissed.

ORDER TO SHOW CAUSE - FAILURE TO TENDER FEE FOR FILING TRANSFER OF CLAIM 10-23-25 [25]

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The court issued this Order to Show Cause because the fee for the Assignment of Claim from Coastal Community Bank to LVNV Funding LLC was not paid. Dkt. 25.

A review of the docket shows that the fee 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:

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.

## 6. <u>24-25041</u>-E-13 RODERICK FRAZIER Candace Brooks

#### Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 54.

# 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 is \$992.00 delinquent in plan payments, which is supported by declaration. Dkt. 51.

Debtor filed an opposition (Dkt. 55) on November 4, 2025, asserting that debtor has cured the default in plan payments.

Failure to maintain plan payments 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, David P. Cusick, 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.

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES 10-28-25 [11]

DEBTOR DISMISSED: 11/03/25

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The above captioned case was dismissed on November 3, 2025. Dkt. 18. 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,

8. <u>25-21942</u>-C-13 ITELDIA DAVIS DPC-1 Candace Brooks

#### Tentative Ruling:

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 39 days' notice was provided. Dkt. 20.

### 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 is \$7,720.70 delinquent in plan payments, which is supported by declaration. Dkt. 19.

A review of the docket shows the debtor filed a modified plan and corresponding Motion to Confirm on November 10, 2025. Dkts. 22 & 24.

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, Lilian Tsang, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

 ${\bf IT} \ {\bf IS} \ {\bf ORDERED}$  that the Motion to Dismiss is denied without prejudice.

CASE CONVERTED: 11/10/25

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 89.

## The Motion to Dismiss is denied without prejudice as moot.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$4,000.00 delinquent in plan payments, which is supported by declaration. Dkt. 84.

A review of the docket shows the debtor filed a notice of conversion, and the case was converted to Chapter 7 on November 12, 2025 Dkts. 91 & 94.

Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. Fed. R. Bankr. P. 1017(f)(3); In re Bullock, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); In re McFadden, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor's case was converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on November 10, 2025. McFadden, 37 B.R. at 521.

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, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES 10-17-25 [11]

DEBTOR DISMISSED: 10/21/25

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The above captioned case was dismissed on October 21, 2025. Dkt. 13. Therefore, the Order to Show Cause is dismissed 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,

ORDER TO SHOW CAUSE - FAILURE TO TENDER FEE FOR FILING TRANSFER OF CLAIM 10-23-25 [33]

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The court issued this Order to Show Cause because the fee for the Transfer of Claim from Resurgent Capital Services to LVNV Funding LLC was not paid. Dkt. 33.

A review of the docket shows that the fee 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.

ORDER TO SHOW CAUSE - FAILURE TO TENDER FEE FOR FILING TRANSFER OF CLAIM 10-23-25 [21]

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The court issued this Order to Show Cause because the fee for the Transfer of Claim from Coastal Community Bank to LVNV Funding LLC was not paid. Dkt. 21.

A review of the docket shows that the fee 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:

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.

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 41 days' notice was provided. Dkt. 51.

## 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 August 20, 2025.

A review of the docket confirms the plan was denied confirmation. Dkts. 40-42.

A review of the docket shows the debtor filed a first amended plan and corresponding Motion to Confirm on November 12, 2025. Dkts. 60 & 61.

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, David P. Cusick, 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.

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 72.

## The Motion to Dismiss is denied without prejudice as moot.

The Chapter 13 Trustee filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor is \$3,400.00 delinquent in plan payments, which is supported by declaration. Dkt. 71.

A review of the docket shows the debtor filed a notice of conversion, and the case was converted to Chapter 7 on November 17, 20235 Dkts. 94 & 96.

Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. Fed. R. Bankr. P. 1017(f)(3); In re Bullock, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); In re McFadden, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor's case was converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on November 17, 2025. McFadden, 37 B.R. at 521.

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, David P. Cusick, 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 as moot.

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 29 days' notice was provided. Dkt. 72.

## The Motion to Dismiss is denied without prejudice as moot.

Creditor Thomas Lambie filed this Motion to Dismiss arguing that cause for dismissal exists because the debtor has no income, is unable to confirm a plan, and made misrepresentations about debtors' financial information.

A review of the docket shows the debtor filed a notice of conversion, and the case was converted to Chapter 7 on November 17, 20235 Dkts. 94 & 96.

Debtor may convert a Chapter 13 case to a Chapter 7 case at any time. 11 U.S.C. § 1307(a). The right is nearly absolute, and the conversion is automatic and immediate. Fed. R. Bankr. P. 1017(f)(3); In re Bullock, 41 B.R. 637, 638 (Bankr. E.D. Penn. 1984); In re McFadden, 37 B.R. 520, 521 (Bankr. M.D. Penn. 1984). Debtor's case was converted to a proceeding under Chapter 7 by operation of law once the Notice of Conversion was filed on November 17, 2025. McFadden, 37 B.R. at 521.

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 Creditor, Thomas Lambie, 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 as moot.

The Motion has been set on Local Rule 9014-1(f)(1) procedure which requires 28 days' notice. The Proof of Service shows that 40 days' notice was provided. Dkt. 40.

## 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 is \$8,872.15 delinquent in plan payments, which is supported by declaration. Dkt. 37.

Debtor filed a response (Dkt. 41) on November 12, 2025, asserting that debtor has no grounds to oppose the dismissal.

Failure to maintain plan payments 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, David P. Cusick, 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.

The Motion has been set on Local Rule 9014-1(f)(1) notice which requires 28 days' notice. The Proof of Service shows that 53 days' notice was provided. Dkt. 25.

### 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 is \$5,052.01 delinquent in plan payments, which is supported by declaration. Dkt. 24.

A review of the docket shows the debtor filed a modified plan and corresponding Motion to Confirm on October 23, 2025. Dkts. 27 & 31.

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, David P. Cusick, having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

 ${\bf IT} \ {\bf IS} \ {\bf ORDERED}$  that the Motion to Dismiss is denied without prejudice.

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES 10-8-25 [12]

DEBTOR DISMISSED: 10/15/25

Final Ruling: No appearance at the November 25, 2025 hearing is required.

The above captioned case was dismissed on October 15, 2025. Dkt. 14. Therefore, the Order to Show Cause is dismissed 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,