



UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Christopher M. Klein
Bankruptcy Judge
Sacramento, California

November 28, 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/1619980290?pwd=alhIakJFbFNUWndEaGk5NEkzS2diUT09>

Meeting ID: 161 998 0290

Password: 816011

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

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Honorable Christopher M. Klein

Bankruptcy Judge

Sacramento, California

November 28, 2023 at 2:00 p.m.

1. [23-23109](#)-C-13 GREGOIRE TONOUKOUIN MOTION TO DISMISS CASE
[LGT](#)-1 Pro Se 11-14-23 [[22](#)]

Final Ruling: No appearance at the November 28, 2023 hearing is required.

The Motion is dismissed without prejudice.

On November 21, 2023, the The Chapter 13 Trustee filed an Ex Parte Motion to Dismiss. Dckt. 41. Federal Rule of Civil Procedure 41(a)(2), incorporated by Federal Rules of Bankruptcy Procedure 9014 and 7041, allows dismissal after a responsive pleading has been filed on terms the court considers proper.

The court finds withdrawal is warranted here. The Motion is dismissed without prejudice, and the court removes this Motion from the calendar.

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 filed by the Chapter 13 Trustee having been presented to the court, the movant having requested that the Motion itself be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rules of Bankruptcy Procedure 9014 and 7041, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Motion is dismissed without prejudice.

November 28, 2023 at 1:30 p.m.

2. [23-22084](#)-C-13 BRIAN/STEPHANIE PACE MOTION TO DISMISS CASE
[LGT](#)-1 Eric Schwab 11-14-23 [[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 14 days' notice was provided. Dkt. 31.

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 15, 2023.

A review of the docket confirms the plan was denied confirmation September 12, 2023. Dkt. 23.

The Motion also argues debtor is \$2,779.00 delinquent in plan payments, which is supported by declaration. Dkt. 30.

A review of the docket shows the debtor filed an amended plan and corresponding Motion to Confirm on November 21, 2023. Dkts. 37, 40.

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,

IT IS ORDERED that the Motion to Dismiss is denied without prejudice.

3. [23-23294](#)-C-13 SENGPHET/SYPHONG ORDER TO SHOW CAUSE - FAILURE
 PHIMMASENE TO PAY FEES
 Matthew DeCaminada 10-27-23 [[15](#)]

Final Ruling: No appearance at the November 28, 2023 hearing is required.

The court issued this Order to Show Cause because debtor had not paid the fee installment payment due on October 23, 2023. Dkt. 15.

A review of the docket shows that the installment has now been paid other than \$1.00. 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.