

**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: November 30, 2021

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
Sacramento, California

November 30, 2021 at 1:00 p.m.

1. [21-22719](#)-B-13 ANTHONY MONTOYA MOTION TO DISMISS CASE
[RDG](#)-2 Charles L. Hastings 11-10-21 [[37](#)]

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 if the Debtor does not file, set and serve a motion to confirm the amended plan by 5:00 p.m. on December 3, 2021.

First, the Debtor is delinquent \$2,304.84 as of November 10, 2021. The Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

Second, the court entered an order denying confirmation of Debtor's plan on October 18, 2021. The Debtor has failed to file, set, and serve an amended plan. This failure by the Debtor is an unreasonable delay that is prejudicial to creditors since they are delayed in receiving payments pursuant to 11 U.S.C. § 1307(c)(1).

However, the Debtor filed a response and an amended plan on November 24, 2021. Debtor stated that a motion to confirm the amended plan will be filed by December 3, 2021. If a motion to confirm the amended plan is not filed, set, and served by 5:00 p.m. on December 3, 2021, the Chapter 13 Trustee's motion to dismiss case will be granted and the case will be dismissed.

The motion is conditionally granted.

The court will issue an order.

November 30, 2021 at 1:00 p.m.

2. [21-22565](#)-B-13 MICHAEL/TANIKA ZUNIGA MOTION TO DISMISS CASE
[RDG-2](#) Michael K. Moore 11-10-21 [[26](#)]

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 matter to December 7, 2021, at 1:00 p.m.**

The court entered an order denying confirmation of Debtors' plan on October 9, 2021. The Debtors have failed to file, set, and serve an amended plan. This failure by the Debtors is an unreasonable delay that is prejudicial to creditors since they are delayed in receiving payments pursuant to 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, December 3, 2021, 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 December 7, 2021, 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 December 7, 2021, at 1:00 p.m.

The court will issue an order.

3. [21-20770](#)-B-13 ANGELAS ASHLEY
[RDG](#)-2 Jennifer G. Lee

MOTION TO DISMISS CASE
11-10-21 [[57](#)]

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 matter to December 7, 2021, at 1:00 p.m.**

The court entered an order denying confirmation of Debtor's plan on October 20, 2021. The Debtor has failed to file, set, and serve an amended plan. This failure by the Debtor is an unreasonable delay that is prejudicial to creditors since they are delayed in receiving payments pursuant to 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, December 3, 2021, 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 December 7, 2021, 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 December 7, 2021, at 1:00 p.m.

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 dismiss case and continue the matter to December 7, 2021, at 1:00 p.m.**

First, the Debtor is delinquent \$4,780.00 as of November 4, 2021. The last payment was received on August 25, 2021. The Debtor does not appear to be able to make plan payments proposed and has not carried the burden of showing that the plan complies with 11 U.S.C. § 1325(a)(6).

Second, the court entered an order sustaining objections and denying confirmation of Debtor's plan on October 9, 2021. The Debtor has failed to file, set, and serve an amended plan. This failure by the Debtor is an unreasonable delay that is prejudicial to creditors since they are delayed in receiving payments pursuant to 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, December 3, 2021, 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 December 7, 2021, 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 December 7, 2021, at 1:00 p.m.

The court will issue an order.