

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus  
Bankruptcy Judge  
Sacramento, California

December 14, 2015 at 2:00 p.m.

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1. 15-27442-A-13 PATTI MINH-PHUONG TRAN MOTION TO  
JPJ-2 DISMISS CASE  
11-4-15 [38]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be denied provided the debtor has produced her last filed tax return, payment advices, and Class 1 checklist.

It appears from the docket that the debtor appeared at the meeting of creditors, was questioned by the trustee and then the meeting was adjourned. Although the debtor did not appear at the initial meeting, given that the meeting was continued and the debtor's appearance at the continued meeting, there is no cause for dismissal unless the debtor failed to produce her last filed tax return, payment advices, and Class 1 checklist.

The case will not be dismissed solely because the debtor failed to extend the automatic stay pursuant to 11 U.S.C. § 362(c)(3). The motion was denied because the debtor failed to rebut the presumption that the case was filed in bad faith. See 11 U.S.C. § 362(c)(3)(C). There is no such presumption in 11 U.S.C. § 1325(a). In fact, good faith is presumed if there is no objection. See Fed. R. Bankr. P. 3015(f).

2. 14-25147-A-13 MATTHEW KELLOGG AND MOTION TO  
JPJ-3 VERONICA SANCHEZ DISMISS CASE  
11-3-15 [56]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be denied.

In breach of section 5.02 of the plan, the debtor failed to cooperate timely with the trustee and produce financial records relating to the debtor's post petition taxes and wages/income. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1), (c)(6). However, after the deadline set by the court, the documents were produced. No prejudice has been demonstrated due to the late production.

December 14, 2015 at 2:00 p.m.

3. 15-22548-A-13 MARGARET CLARK  
JPJ-2

MOTION TO  
DISMISS CASE  
11-3-15 [55]

- ☐ Telephone Appearance
- ☐ Trustee Agrees with Ruling

**Tentative Ruling:** The motion will be denied.

In breach of section 5.02 of the plan, the debtor failed to cooperate timely with the trustee and produce financial records relating to the debtor's post petition taxes and wages/income. This is cause for dismissal. See 11 U.S.C. § 1307(c)(1), (c)(6). However, after the deadline set by the court, the documents were produced. No prejudice has been demonstrated due to the late production.