

**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: December 19, 2023

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

December 19, 2023 at 1:00 p.m.

1. [23-23118](#)-B-13 BRIAN HEATH CONTINUED OBJECTION TO
[LGT](#)-1 Pro Se CONFIRMATION OF PLAN BY LILIAN
Thru #2 G. TSANG
11-8-23 [[29](#)]

Final Ruling

Continued to January 9, 2024, at 1:00 p.m. based on the court's decision on LGT-2.

The objection is CONTINUED for reasons stated in the minutes.

The court will issue an order.

2. [23-23118](#)-B-13 BRIAN HEATH MOTION TO DISMISS CASE
[LGT](#)-2 Pro Se 12-1-23 [[39](#)]

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 January 9, 2024, at 1:00 p.m.**

First, the Debtor is delinquent in the sum of \$2,000.00. No payments have been received in this case. This is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. §§ 1307(c)(1) and (4).

Second, the Debtor has failed to appear at multiple meetings of creditors held on November 1, November 29, and December 13, 2023.

Third, the Debtor has failed to provide the Chapter 13 Trustee with copies of payment advices as required by 11 U.S.C. § 521(a)(1)(B)(iv) and Local Bankr. R. 1007-1 and, accordingly, breached duties imposed by 11 U.S.C. §§ 521(a)(3) and (4).

Fourth, a review of Debtor's Schedules A/B, C and D shows that Debtor has non-exempt equity in personal property.

Fifth, the Debtor has filed successive bankruptcies. Debtor filed a second chapter 13 case, case no. 23-24129, on November 17, 2023, which is after the filing of the petition in this case. Case no. 23-24129 was dismissed on December 5, 2023, for failure to timely file documents.

December 19, 2023 at 1:00 p.m.

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 22, 2023, 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 January 9, 2024, 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 January 9, 2024, at 1:00 p.m.

3. 23-22920-B-13 MARK JOHNSON MOTION TO DISMISS CASE
 LGT-1 Eric John Schwab 12-1-23 [[46](#)]

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 deny the motion to dismiss case.

The reasons raised by the Chapter 13 Trustee to dismiss this case are resolved at this time. The Debtor filed a first amended plan, the confirmation hearing of which is set for February 6, 2024.

Cause does not exist to dismiss this case. The motion is denied without prejudice.

The motion is ORDERED DENIED WITHOUT PREJUDICE for reasons stated in the minutes.

The court will issue an order.

4. [23-24122](#)-B-13 MARIA BARROSO
Eric John Schwab

ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
12-1-23 [[12](#)]

CASE DISMISSED: 12/5/23

Final Ruling

The case having been dismissed on December 5, 2023, the order to show cause is discharged as moot.

The order to show cause is ORDERED DISCHARGED AS MOOT for reasons stated in the minutes.

The court will issue an order.

5. [23-22530](#)-B-13 SHA SHAVONDILA PIERSON CONTINUED OBJECTION TO
[LGT](#)-1 Pro Se CONFIRMATION OF PLAN BY LILIAN
Thru #6 G. TSANG
9-27-23 [[24](#)]

Final Ruling

Continued to January 9, 2024, at 1:00 p.m. based on the court's decision on LGT-2.

The objection is CONTINUED for reasons stated in the minutes.

The court will issue an order.

6. [23-22530](#)-B-13 SHA SHAVONDILA PIERSON MOTION TO DISMISS CASE
[LGT](#)-2 Pro Se 12-1-23 [[65](#)]

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 January 9, 2024, at 1:00 p.m.**

First, the Debtor is delinquent in the sum of \$4,464.00. No payments have been received in this case. This is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. §§ 1307(c)(1) and (4).

Second, the Debtor has failed to appear at multiple meetings of creditors held on September 20, October 4, October 18, November 15, November 29, and December 13, 2023.

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 22, 2023, 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 January 9, 2024, 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 January 9, 2024, at 1:00 p.m.

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 January 9, 2024, at 1:00 p.m.**

Although the Debtor filed a first amended plan, she has failed to set a confirmation hearing date. This issue was raised in the court's prior civil minutes dated November 7, 2023. This is an unreasonable delay that is prejudicial to creditors who are delayed in receiving payments. 11 U.S.C. §§ 1307(c)(1) and (4).

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 22, 2023, 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 January 9, 2024, 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 January 9, 2024, at 1:00 p.m.

8. [23-23459](#)-B-13 HOWARD BINDER
[HWW](#)-3 Hank W. Walth

CONTINUED MOTION TO AVOID LIEN
OF CITY OF STOCKTON
11-27-23 [[33](#)]

Final Ruling

This matter was continued from December 12, 2023, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, December 15, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 38, granting the motion to avoid judicial lien, shall become the court's final decision. The continued hearing on December 19, 2023, at 1:00 p.m. is vacated.

The motion is ORDERED GRANTED for reasons stated in the minutes.

The court will issue an order.

9. [23-23485](#)-B-13 ESTELLE YANCEY CONTINUED OBJECTION TO
[LGT](#)-1 Pro Se CONFIRMATION OF PLAN BY LILIAN
G. TSANG
11-22-23 [[24](#)]

Final Ruling

This matter was continued from December 12, 2023, to allow any party in interest to file a response by 5:00 p.m. Friday, December 15, 2023. Nothing was filed. Therefore, the court's conditional ruling at dkt. 28, sustaining the objection to confirmation, shall become the court's final decision. The continued hearing on December 19, 2023, at 1:00 p.m. is vacated.

The objection is ORDERED SUSTAINED for reasons stated in the minutes.

The court will issue an order.