

**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Honorable Christopher D. Jaime
1200 I Street, Suite 200
Modesto, California

PRE-HEARING DISPOSITIONS COVER SHEET

DAY: TUESDAY

DATE: December 20, 2022

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
Modesto, California

December 20, 2022 at 1:00 p.m.

1. [19-90303](#)-B-13 SONIA PALACIOS MOTION TO DISMISS CASE
[RDG](#)-1 Brian S. Haddix 12-6-22 [[76](#)]

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 3, 2023, at 1:00 p.m.**

First, payments to Chapter 13 Trustee are not current under the confirmed plan. As of December 6, 2022, plan payments under the plan are delinquent in the sum of \$16,014.25. The last payment was received on December 6, 2022. 11 U.S.C. § 1307(c)(6).

Second, Debtor's plan is overextended and will take approximately 69 months to complete. Cause exists to dismiss the case pursuant to 11 U.S.C. § 1307(c).

Third, Debtor has failed to confirm a modified plan. The Debtor filed a total of four modified plans, all of which were denied.

Debtor's failure to perform her duties is an unreasonable delay that is prejudicial to creditors. 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 23, 2022, 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 3, 2023, 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 3, 2023, at 1:00 p.m.

December 20, 2022 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 3, 2023, at 1:00 p.m.**

The filed Chapter 13 plan is blank. It fails to list a plan term, a plan payment, a percentage to general unsecured creditors, and is unsigned by the Debtor. Cause exists to dismiss this case pursuant to 11 U.S.C. § 1307(c).

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 23, 2022, 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 3, 2023, 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 3, 2023, at 1:00 p.m.

3. [22-90017](#)-B-13 IVAN/JANET AGASSI
[RDG-3](#) David C. Johnston

MOTION TO DISMISS CASE
12-6-22 [[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 January 3, 2023, at 1:00 p.m.**

First, payments to Chapter 13 Trustee are not current under the confirmed plan. As of December 6, 2022, plan payments under the plan are delinquent in the sum of \$400.00. The last payment was received on November 21, 2022. 11 U.S.C. § 1307(c)(6).

Second, Debtors do not have a pending plan and motion to confirm after their prior plan was heard and denied confirmation on October 18, 2022. The Debtors' duty to perform is an unreasonable delay that is prejudicial to creditors. 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 23, 2022, 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 3, 2023, 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 3, 2023, at 1:00 p.m.

4. [22-90224](#)-B-13 SCOTT SALA CONTINUED OBJECTION TO
[RDG](#)-1 Marc Voisenat CONFIRMATION OF PLAN BY RUSSELL
Thru #5 D. GREER
9-1-22 [[20](#)]

CONTINUED TO 1/03/23 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 12/28/22.

Final Ruling

No appearance at the December 20, 2022, hearing is required. The court will issue an
order.

5. [22-90224](#)-B-13 SCOTT SALA CONTINUED MOTION TO DISMISS
[RDG](#)-2 Marc Voisenat CASE
10-7-22 [[26](#)]

CONTINUED TO 1/03/23 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 12/28/22.

Final Ruling

No appearance at the December 20, 2022, hearing is required. The court will issue an
order.

6. [22-90378](#)-B-13 ROBERT HARDING CONTINUED OBJECTION TO
[ETW](#)-1 Charles L. Hastings CONFIRMATION OF PLAN BY TIMOTHY
G. HANAGAN
10-31-22 [[9](#)]

CONTINUED TO 1/10/23 AT 1:00 P.M. AS REQUESTED IN DEBTOR'S RESPONSE TO THE
OBJECTION TO CONFIRMATION.

Final Ruling

No appearance at the December 20, 2022, hearing is required. The court will issue an
order.

7. [22-90093](#)-B-13 JAMES RIDDLE MOTION TO DISMISS CASE
 [RDG](#)-2 Jason N. Vogelpohl 12-6-22 [[81](#)]

Final Ruling

The Chapter 13 Trustee has filed a motion to dismiss its pending motion, and it is consistent with the Debtor's opposition filed to the motion. The motion is therefore dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and Federal Rule of Bankruptcy Procedure 9014 and 7041. The case will proceed in this court.

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

8. [22-90353](#)-B-13 KELLY SEARS CONTINUED OBJECTION TO
[RDG](#)-1 David C. Johnston CONFIRMATION OF PLAN BY RUSSELL
D. GREER
11-21-22 [[18](#)]

CONTINUED TO 1/03/23 AT 1:00 P.M. AT MODESTO COURTROOM TO BE HEARD AFTER THE
CONTINUED MEETING OF CREDITORS SET FOR 12/28/22.

Final Ruling

No appearance at the December 20, 2022, hearing is required. The court will issue an
order.