

**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 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.

## Eastern District of California

**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.**

First, payments to Chapter 13 Trustee are not current under the plan confirmed by Debtor. As of December 6, 2022, plan payments under the plan are delinquent in the sum of \$1,035.00. The last payment was received on December 5, 2022. 11 U.S.C. § 1307(c)(6).

Second, the Trustee filed the Notice of Filed Claims on October 27, 2020, which includes allowed claims that will prevent Debtor's plan from being completed timely. Debtor has failed to object to the claim or modify her plan as required by Local Bankr. R. 3007-1(d)(3) and (5).

Third, Debtor failed to adjust the plan payments according to a Notice of Mortgage Payment Change that was filed on February 18, 2022, stating the mortgage payment will decrease from \$1,579.75 to \$1,541.78 beginning June 1, 2022.

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.

3.     [20-21970](#)-B-13     JEFFREY/MIGHELA COCHRAN     MOTION TO DISMISS CASE  
          [RDG](#)-3             Peter G. Macaluso             12-6-22 [[85](#)]

**Final Ruling**

The Chapter 13 Trustee has filed a motion to dismiss its pending motion, and it is consistent with the Debtors' 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.

4. [19-23100](#)-B-13 REVOYDA STARLING  
[GEL](#)-2 Gabriel E. Liberman

CONTINUED MOTION FOR  
COMPENSATION FOR GABRIEL E.  
LIBERMAN, DEBTORS ATTORNEY(S)  
11-16-22 [[52](#)]

**Final Ruling**

This matter was continued from December 13, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, December 16, 2022. Nothing was filed. Therefore, the court's conditional ruling at dkt. 58, granting the motion to dismiss case, shall become the court's final decision. The continued hearing on December 20, 2022, at 1:00 p.m. is vacated.

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

The court will issue an order.

5. [19-24371](#)-B-13 SHAWNTE/MONIQUE CONTINUED MOTION TO INCUR DEBT  
[WLG](#)-5 LIVINGSTON 11-7-22 [[90](#)]  
Nicholas Wajda

**Final Ruling**

This matter was continued from December 13, 2022, to allow any party in interest to file an opposition or response by 5:00 p.m. Friday, December 16, 2022. The Chapter 13 Trustee filed a response stating that no estimated closing statement was submitted and it cannot be determined whether there are sufficient proceeds to pay the Debtors' case in full and what liens are to be paid through escrow.

Debtors shall file an estimated closing statement by Friday, December 23, 2022, at 5:00 p.m. The Trustee shall file a response by Friday, December 30, 2022, at 5:00 p.m.

The motion to incur debt is continued to Tuesday, January 3, 2023, at 1:00 p.m.

The motion is ORDERED CONTINUED to January 3, 2023 at 1:00 p.m. for reasons stated in the minutes.

The court will issue an order.