

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Jane Dickson McKeag  
Bankruptcy Judge  
Sacramento, California

**September 28, 2004 at 1:30 p.m.**

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**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

**1. Matters resolved without oral argument:**

The court will not prepare civil minute orders on chapter 13 matters. Following the hearing, the court's ruling will appear in the civil minutes for the matter. The prevailing party, if any, must submit a proposed order.

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

- 2. The court will not continue any short cause evidentiary hearings scheduled below.**
- 3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.**
- 4. If no disposition is set forth below, the matter will be heard as scheduled.**

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1.	04-25400-B-13J J. GREGORY GAISER RPB #1	HEARING - MOTION TO CONFIRM FIRST AMENDED CHAPTER 13 PLAN 8-13-04 [29]
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**Withdrawn by the moving party. No appearance is necessary.**

2.	01-24502-B-13J JOSEPH VEGAS, JR. DKC #2	HEARING - MOTION TO CONFIRM MODIFIED PLAN 8-25-04 [36]
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**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

3. 01-24502-B-13J JOSEPH VEGAS, JR. HEARING - APPLICATION  
DKC #3 FOR ATTORNEY FEES AND EXPENSES  
IN CHAPTER 13 CASES  
(\$908.00 FEES; \$92.00 EXP.)  
8-25-04 [31]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

4. 01-24502-B-13J JOSEPH VEGAS, JR. HEARING - MOTION FOR  
DKC #4 ORDER APPROVING REFINANCE OF  
DEBTORS' REAL PROPERTY  
8-31-04 [46]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

5. 00-28803-B-13J LEO/KATHERINE CARR HEARING - APPLICATION  
FF #4 RE: FEES AND EXPENSES IN  
CHAPTER 13 CASE (\$520.00)  
8-30-04 [68]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

6. 04-20805-B-13J ANATOLI RAFAILOV CONT. HEARING - APPLICATION  
NR #4 BY NAKAGAWA & RICO FOR  
ALLOWANCE OF ATTORNEYS FEES  
AND REIMBURSEMENT OF EXPENSES  
AS AN ADMINISTRATIVE CLAIM  
7-9-04 [66]

7. 04-20805-B-13J ANATOLI RAFAILOV  
NR #5  
CONT. HEARING - APPLICATION  
BY CHAPTER 7 TRUSTEE FOR  
APPROVAL AND PAYMENT OF  
ADMINISTRATIVE CLAIM  
7-9-04 [73]
8. 03-33207-B-13J THEODORE MUELRATH  
CRR #1  
HEARING - MOTION TO  
MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
8-20-04 [30]
9. 00-28216-B-13J MICHAEL/THERESA NORDBERG  
AMH #2  
HEARING - MOTION  
TO REOPEN CASE  
8-31-04 [37]
10. 04-25720-B-13J RODOLFO MATA, JR., VS.  
GG #1  
PRISCILLA MATA  
HEARING - DEBTOR'S  
MOTION TO AVOID LIEN  
8-11-04 [17]

**The motion is denied without prejudice. The Debtor has not provided any evidence of the lien amount, the home value, other liens against the property and the claimed exemption. Additionally, the court has no evidence regarding the judicial lien in question. Accordingly, the court cannot perform the calculation required by 11 U.S.C. § 522(f)(2). No appearance is necessary.**

11. 04-25720-B-13J RODOLFO MATA, JR.  
GG #2

HEARING - DEBTOR'S  
OBJECTION TO CLAIM OF  
CULLUM & SENA  
8-11-04 [21]

**The motion is objection is overruled without prejudice. The Debtor has not provided any evidence, other than a conclusory statement, to support the conclusion that the subject lien is wholly unsecured. No appearance is necessary.**

12. 00-30922-B-13J JOE BLAIR  
WSS #4

HEARING - MOTION FOR  
MODIFICATION OF PLAN AND  
TO VALUE COLLATERAL  
9-10-04 [67]

**The motion is denied without prejudice. The moving party has not provided the notice required by General Order 03-03, ¶ 8(b). No appearance is necessary.**

13. 03-31324-B-13J HOLLY CLARK  
LKM #1

HEARING - MOTION  
TO MODIFY FIRST AMENDED  
CHAPTER 13 PLAN  
8-24-04 [22]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

14. 03-32327-B-13J VICTOR/DEANA SMART  
WW #1

HEARING - MOTION  
TO CONFIRM FIRST MODIFIED  
CHAPTER 13 PLAN  
8-23-04 [36]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

15. 03-22929-B-13J EMMANUEL/DANIELLE DOUGLAS HEARING - MOTION  
MET #1 TO MODIFY PLAN  
8-20-04 [55]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.

16. 00-28632-B-13J ERIN MOORE HEARING - MOTION TO  
SDB #3 MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
8-25-04 [42]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.

17. 04-24539-B-13J JAMES/LORRAINE MACVANE HEARING - MOTION TO  
MEH #1 CONFIRM CHAPTER 13 PLAN AND  
MOTION TO VALUE COLLATERAL  
OF WFS FINANCIAL  
8-17-04 [26]

The motion is denied without prejudice. The moving party has not served the motion to value collateral on a person authorized to receive notice under **FEDERAL RULE OF BANKRUPTCY PROCEDURE** 7004(b) (3). No appearance is necessary.

18. 03-30946-B-13J MICHAEL/KATHLEEN KATZ HEARING - MOTION  
LKM #1 TO MODIFY FIRST AMENDED  
CHAPTER 13 PLAN  
8-9-04 [19]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.

19. 00-29952-B-13J GILBERT/VICTORIA PROSSER HEARING - MOTION  
JLB #6 TO MODIFY AND CONFIRM THIRD  
AMENDED CHAPTER 13 PLAN  
8-19-04 [78]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

20. 04-26565-B-13J LEIGH JOHNSON HEARING - MOTION  
MG #1 TO CONFIRM FIRST MODIFIED  
CHAPTER 13 PLAN  
8-18-04 [22]

21. 04-26565-B-13J LEIGH JOHNSON HEARING - MOTION TO  
MG #2 VALUE COLLATERAL OF WELLS  
FARGO ACCEPTANCE  
8-18-04 [18]

22. 02-27471-B-13J GILBERT/SANDRA GARCIA HEARING - MOTION  
CRR #6 FOR ADDITIONAL ATTORNEYS  
FEES (\$1,500.00)  
8-20-04 [82]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

23. 03-22472-B-13J LUCIANO/MAGELIN VENTURA HEARING - MOTION FOR  
LJB #3 RELIEF FROM AUTOMATIC STAY  
CHASE MANHATTAN MORTGAGE AND FOR LEAVE TO EXERCISE  
CORPORATION, VS. POWER OF SALE IN DEED OF  
TRUST TO REAL PROPERTY; OR,  
ALTERNATIVELY, FOR ADEQUATE  
PROTECTION; ATTORNEY FEES  
8-23-04 [44]

24. 04-23072-B-13J THOMAS/SANDRA HELWIG HEARING - MOTION  
JPG #1 TO CONFIRM AMENDED  
CHAPTER 13 PLAN  
8-19-04 [19]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

25. 03-25173-B-13J JACK MCLEOD HEARING - MOTION  
PL #2 FOR MODIFICATION OF PLAN  
8-20-04 [27]

26. 03-22778-B-13J JERRY/ELWANDA MOORE HEARING - MOTION TO  
JLM #1 MODIFY CHAPTER 13 PLAN  
8-23-04 [20]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

27. 04-27880-B-13J HEIDI GWIAZDON HEARING - OBJECTION  
TJP #1 TO DEBTOR'S MOTION TO VALUE  
COLLATERAL; OBJECTION TO  
CONFIRMATION OF PLAN BY  
TRIAD FINANCIAL CORP.  
9-2-04 [9]

28. 04-22881-B-13J HENRY/HILDA SOLORIO HEARING - MOTION FOR  
CALIFORNIA FIDELITY, INC., VS. RELIEF FROM AUTOMATIC STAY  
9-1-04 [17]

**Withdrawn by moving party**

29. 03-25890-B-13J HEIDI HARTIG HEARING - DEBTORS'  
TJW #1 MOTION TO APPROVE FIRST  
AMENDED CHAPTER 13 PLAN  
8-16-04 [32]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

30. 02-32791-B-13J DEMETRIO/EVELYN LALUAN HEARING - MOTION FOR  
MPD #2 RELIEF FROM AUTOMATIC STAY  
INDYMAC BANK, VS. 8-31-04 [120]

31. 03-31991-B-13J HARRY/BEVERLY WILSON HEARING -MOTION TO  
SDB #3 MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
8-25-04 [36]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

32. 04-26391-B-13J MARK HIGGINBOTHAM HEARING - MOTION FOR  
SAC #1 RELIEF FROM AUTOMATIC STAY  
DAN DEWALD EQUIPMENT 8-31-04 [25]  
LEASING, VS.

33. 99-34898-B-13J VALERIE LABRADA HEARING - APPLICATION  
CYB #4 RE: ATTORNEYS FEES AND  
EXPENSES IN CHAPTER 13  
(\$1,107.75)  
8-31-04 [51]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

34. 02-26299-B-13J FRED/VIRGINIA GIORDANO HEARING - MOTION  
SDB #6 TO MODIFY CHAPTER 13 PLAN  
AFTER CONFIRMATION  
8-12-04 [127]

**The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. No appearance is necessary.**

35. 04-23804-B-13J GEORGE/ROBERTA NELSON HEARING - MOTION FOR  
DGN #1 RELIEF FROM AUTOMATIC STAY  
FORD MOTOR CREDIT 9-14-04 [19]  
COMPANY, VS.
36. 03-24421-B-13J R. GLENN/MELISSA HEARING - MOTION  
HLH #8 PEACOCK, VS. TO AVOID JUDICIAL LIEN  
SCOTT MILLIGAN 9-10-04 [122]
37. 00-31831-B-13J LINDA SOUTHARD HEARING - MOTION FOR  
WGM #3 RELIEF FROM AUTOMATIC STAY  
WASHINGTON MUTUAL BANK, VS. 9-14-04 [75]
38. 04-28555-B-13J KENNY LIMA HEARING - MOTION FOR  
EAT #1 RELIEF FROM AUTOMATIC STAY  
CENDANT MORTGAGE 9-14-05 [12]  
CORPORATION, VS.

39. 04-27968-B-13J ERIKA MARTIN

HEARING - ORDER  
TO SHOW CAUSE RE DISMISSAL  
OF CASE OR IMPOSITION OF  
SANCTIONS  
9-13-04 [30]

**The deficiency has been corrected. The order to show cause will be discharged.  
No appearance is necessary.**

40. 01-34797-B-13J ARTURO INFANTE  
WGM #1  
LONG BEACH MORTGAGE CO., VS.

HEARING - MOTION FOR  
RELIEF FROM AUTOMATIC STAY  
ON REAL PROPERTY (112 AMHERST  
AVENUE, VALLEJO, CA)  
9-14-04 [63]

41. 01-25705-B-13J JAMES BERRY  
WW #4

CONT. HEARING - APPLICATION RE:  
ADDITIONAL FEES AND EXPENSES IN  
CHAPTER 13 CASE

**The matter is resolved without oral argument. The court's records indicate  
that no timely opposition has been filed and the deficiency noted at the time of the  
original hearing has been corrected. No appearance is necessary.**