

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Jane Dickson McKeag
Bankruptcy Judge
Sacramento, California

October 5, 2004 at 1:30 p.m.

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.

1.	04-24301-B-13J YOLANDA LASSITER PGM #1	HEARING - MOTION TO CONFIRM DEBTORS' SECOND AMENDED PLAN 8-27-04 [39]
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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.

2.	04-26803-B-13J EDDIE/NANCY RANGEL TJS #1	HEARING - OBJECTION TO CONFIRMATION OF THE DEBTORS' CHAPTER 13 PLAN AND MOTION TO VALUE COLLATERAL OF CAPITAL ONE AUTO FINANCE 9-2-04 [20]
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Resolved by stipulation. No appearance is necessary.

3. 03-27104-B-13J VIRGINIA ALVARADO HEAIRNG - MOTION TO
PGM #3 MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
8-26-04 [73]

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

4. 04-26704-B-13J ANDREW/VIRGINIA MONTERO HEARING - OBJECTION
REA #1 TO DEBTORS' PROPOSED PLAN
BY FRANCHISE TAX BOARD
9-2-04 [17]

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

5. 01-31606-B-13J JOAN KENDALL HEARING - THIRD MOTION
MWB #7 FOR APPROVAL OF ATTORNEYS FEES
AND COSTS PAYABLE (\$1,170.00
FEES; \$41.20 COSTS)
8-20-04 [62]

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

6. 04-23709-B-13J VITO/ADELAIDE ACCARDI HEARING - DEBTOR'S
SDB #1 MOTION FOR ORDER VALUING
COLLATERAL OF WFS FINANCIAL
8-24-04 [23]

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

7. 04-24811-B-13J DONIMGO/MARLA VICTORIO HEARING - MOTION FOR
SDB #2 ORDER CONFIRMING FIRST
AMENDED CHAPTER 13 PLAN
8-25-04 [23]

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

8. 02-32915-B-13J EDGAR/PAMELA DICKENS HEARING - MOTION TO
PL #2 MODIFY CHAPTER 13 PLAN AFTER
CONFIRMATION
7-7-04 [43]

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

9. 03-32816-B-13J ROBERTO URIARTE CONT. HEARING - MOTION FOR
MPD #2 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC 8-18-04 [105]
REGISTRATION SYSTEMS, INC., VS.

10. 03-32816-B-13J ROBERTO URIARTE CONT. HEARING - MOTION FOR
MPD #3 RELIEF FROM AUTOMATIC STAY
MORTGAGE ELECTRONIC 8-18-04 [111]
REGISTRATION SYSTEMS, INC., VS.

11. 03-31418-B-13J CALVIN/KAREN PERKINS HEARING - SECOND MOTION
MWB #5 FOR APPROVAL OF ATTORNEYS FEES
AND COSTS PAYABLE (\$1,482.00
FEES; \$41.20 COSTS)
9-7-04 [38]

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

12. 04-24818-B-13J RICHARD/CHERYL REED HEARING - MOTION FOR
TJS #1 RELIEF FROM AUTOMATIC STAY
CAPITAL ONE AUTO 9-7-04 [23]
FINANCE, VS.

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

13. 03-23519-B-13J EDLENA MAXWELL HEARING - MOTION
PGM #6 FOR MODIFICATION OF PLAN
8-26-04 [98]

14. 02-32121-B-13J KEITH/LISA OWENS HEARING - MOTION
DKC #6 TO CONFIRM DEBTORS' THIRD
MODIFIED PLAN
8-27-04 [48]

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

15. 02-23126-B-13J STACY/BILLIE HEATHCOCK HEARING - MOTION FOR
JAT #2 APPROVAL OF ATTORNEY
JOHN A. TOSNEY'S ATTORNEY'S
FEES (\$410.00)
8-20-04 [18]

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

16. 04-28926-B-13J DARIUS/SHARON THURMAN HEARING - MOTION FOR
TJH #1 RELIEF FROM AUTOMATIC STAY
LITTON LOAN SERVICING, VS. 9-7-04 [5]

17. 02-27034-B-13J JOCELLY HERIALES HEARING - MOTION FOR
MPD #1 RELIEF FROM AUTOMATIC STAY
KAUFMAN AND BROAD 9-8-04 [60]
MORTGAGE CO., VS.

18. 03-27335-B-13J EDDA FORD HEARING - MOTION
PGM #3 FOR MODIFICATION OF PLAN
8-24-04 [58]

Withdrawn by the moving party.

19. 04-26735-B-13J CHRISTOPHER/ANNA MARIANO HEARING - OBJECTION
JDC #1 TO PROPOSED CHAPTER 13 PLAN
BY CAMPBELL SOUP FEDERAL C.U.
9-2-04 [21]

20. 03-31536-B-13J JEFFREY/DOTTIE BOUTZ HEARING - MOTION
JAT #2 TO MODIFY CHAPTER 13 PLAN
8-20-04 [22]

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

21. 04-25239-B-13J KRIS NOLAN HEARING - MOTION
AJP #2 TO VALUE COLLATERAL OF
FIRESIDE THRIFT
8-27-04 [18]

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

22. 02-30551-B-13J JASON ALEXANDER HEARING - MOTION
JAT #4 FOR APPROVAL OF ATTORNEY
JOHN A. TOSNEY'S ATTORNEY'S
FEES (\$250.00)
8-20-04 [38]

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

23. 04-20151-B-13J DONALD CLUFF HEARING - SECOND
MWB #6 MOTION FOR APPROVAL OF
ATTORNEYS FEES AND COSTS
PAYABLE (\$2,710.50)
9-2-04 [57]

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

24. 04-24651-B-13J SCOTT/SUSAN PORTER HEARING - MOTION
SDH #2 TO CONFIRM SECOND
AMENDED PLAN
8-24-04 [43]

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

25. 02-27652-B-13J DUANE/MONIQUE JOHNSON HEARING - MOTION FOR
SML #1 RELIEF FROM THE AUTOMATIC STAY
CHASE MANHATTAN OR IN THE ALTERNATIVE, FOR
MORTGAGE CORP., VS. ADEQUATE PROTECTION
9-7-04 [21]

26. 03-27052-B-13J PATRICIA LAKIE HEARING - MOTION
SML #1 FOR RELIEF FROM THE AUTOMATIC
CHASE MANHATTAN STAY OR IN THE ALTERNATIVE,
MORTGAGE CORP, VS. FOR ADEQUATE PROTECTION
9-2-04 [46]

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

27. 04-22857-B-13J DONALD MOSLEY JR.
MWB #5

HEARING - MOTION FOR
ORDER PARTIALLY DISALLOWING
CLAIM OF SHINGEL SHAKE CO.
8-20-04 [43]

28. 04-27258-B-13J RANDY/ALAINA BECKER
DF #1

HEARING - MOTION TO
VALUE COLLATERAL OF TRANSOUTH
9-7-04 [9]

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

29. 04-27258-B-13J RANDY/ALAINA BECKER
DF #2

HEARING - MOTION TO
VALUE COLLATERAL OF TRIAD
FINANCIAL
9-7-04 [13]

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

30. 04-26261-B-13J JAMES/TAMMY WILLIAMS
PVT #1

HEAIRNG - MOTION
TO CONFIRM AMENDED PLAN
8-25-04 [21]

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

31. 03-21163-B-13J DEBORAH LAKE HEARING - MOTION
CRR #3 FOR ADDITIONAL ATTORNEY
FEES (\$1,160.00)
8-31-04 [54]

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

32. 04-27463-B-13J MANIJHE SHAHVARAN HEARING - OBJECTION
TO DEBTOR'S CHAPTER 13 PLAN
BY LLP MORTGAGE, LTD.
9-16-04 [11]

Although the Objection was timely filed (i.e., within 14 days following the first meeting of creditor), inadequate notice was provided of the hearing under LBR 9014-1(f)(1) and General Order 03-03, ¶3(c). The court will treat the hearing as a scheduling conference for an evidentiary hearing on valuation issues.

33. 03-23664-B-13J JOSEPH MCGRATH HEARING - MOTION
SDB #1 TO MODIFY CHAPTER 13 PLAN
AFTER CONFIRMATION
8-25-04 [18]

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

34. 04-26366-B-13J JEANETTE MATHER CONT. HEARING - MOTION FOR
CRR #1 SANCTIONS FOR CREDITOR FUTURE
FORD'S WILLFUL VIOLATION OF
THE AUTOMATIC STAY
8-30-04 [25]

Withdrawn by the moving party. No appearance is necessary.

35. 02-22567-B-13J BEVERLY SHERMAN HEARING - MOTION FOR
ASW #1 RELIEF FROM AUTOMATIC STAY
BANK ONE NATIONAL 9-2-04 [23]
ASSOCIATION, VS.
36. 04-22267-B-13J MARVIN/PAMELA SCHEEL HEARING - MOTION TO
FEC #3 CONFIRM AMENDED CHAPTER 13 PLAN
8-26-04 [44]

Withdrawn by the moving party. No appearance is necessary.

37. 02-22770-B-13J MICHAEL KIRBY HEARING - DEBTORS'
AJP #6 MOTION FOR MODIFICATION OF
CONFIRMED AMENDED CHAPTER 13
PLAN BY THIRD AMENDED PLAN
DATED 7/13/04
8-27-04 [93]
38. 04-28672-B-13J ROSE WILTZ HEARING - OBJECTION TO
MB #1 CONFIRMATION OF CHAPTER 13
PLAN BY UNIFIED MORTGAGE
SERVICE, INC.
9-16-04 [12]

Case dismissed 9/30/04. No appearance is necessary.

39. 01-30774-B-13J EDWARD/ISOLDE MACK HEARING - TRUSTEE'S
JPJ #2 OBJECTION TO ALLOWANCE OF
CLAIM NO. 13 BY DINERS CLUB
8-20-04 [37]

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

40. 02-23776-B-13J RICHARD/CHRISTINE WALTER HEARING - DEBTORS'
JKU #2 MOTION TO ALLOW DEBTORS TO
BORROW MONEY AND TO CONFIRM
SECOND AMENDED CHAPTER 13 PLAN
9-13-04 [24]

The motion is denied without prejudice. The Debtors failed to give the notice required by General Order 03-03, ¶8(b).

41. 01-27278-B-13J GORDON/RITA GIRARDIN HEARING - TRUSTEE'S
JPJ #1 OBJECTION TO ALLOWANCE
OF CLAIM NO. 10 OF
MARSHALL HOSPITAL
8-20-04 [39]

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

42. 01-27278-B-13J GORDON/RITA GIRARDIN HEARING - TRUSTEE'S
JPJ #2 OBJECTION TO ALLOWANCE
OF CLAIM NO. 7 BY CA
STUDENT AID/ECMC
8-20-04 [43]

The hearing is continued to 11/17/04 at 9:00 a.m. The objection was served at a different address than that shown on the Notice of Assignment of Claim filed on 8/17/01. The objecting party shall re-serve the Objection at the address shown in the Assignment.

43. 01-27278-B-13J GORDON/RITA GIRARDIN HEARING - TRUSTEE'S
JPJ #3 OBJECTION TO ALLOWNCE
OF CLAIM NO. 8 OF CA
STUDENT AID/ECMC
8-20-04 [47]

The hearing is continued to 11/17/04 at 9:00 a.m. The objection was served at a different address than that shown on the Notice of Assignment of Claim filed on 8/17/01. The objecting party shall re-serve the Objection at the address shown in the Assignment.

44. 02-33181-B-13J GEORGE SADLER HEARING - MOTION TO
JAT #1 MODIFY CHAPTER 13 PLAN
8-31-04 [15]

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

45. 01-34583-B-13J JORGE/WENDI HERNANDEZ HEARING - MOTION FOR
JAT #3 APPROVAL OF ATTORNEY JOHN A.
TOSNEY'S ATTORNEY'S FEES
(\$4,150.90)
8-31-04 [55]

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

46. 03-33085-B-13J GEORGE/LINDSY STUBBLEFIELD HEARING - MOTION FOR
DKS #1 RELIEF FROM AUTOMATIC STAY
SPORT AUTOMOBILE 9-1-04 [22]
BROKERAGE CORP., VS.

The motion is denied without prejudice. The court will not accept "form" pleadings. Further, the notice fails to reference whether the motion is under LBR 9014-1(f)(1) or (f)(2).

47. 02-24286-B-13J KEVIN/LUCY KELLY
SDB #6

HEARING - APPLICATION
FOR ADDITIONAL ATTORNEY FEES
AND EXPENSES IN CHAPTER 13
(\$760.00)
8-31-04 [75]

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

48. 04-24288-B-13J STEPHANIE REED
PGM #2

HEARING - MOTION TO
CONFIRM DEBTORS' FIRST AMENDED
PLAN FILED ON AUGUST 12, 2004
8-24-04 [23]

49. 03-20790-B-13J JOHN/CHARLEEN STROCK
PGM #3

HEARING - MOTION TO
CONFIRM DEBTORS' FIRST
MODIFIED PLAN
8-31-04 [134]

The motion is denied without prejudice. The moving party initially failed to notice all creditors (see proof of service filed 8/3/04). The amended notice did not give adequate notice of the hearing as required by LBR 9014-1(f)(1) and General Order 03-03, ¶8(b).

50. 03-20491-B-13J CARLAYNE CAIN
KK #1
GREEN TREE SERVICING, VS.

HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
9-8-04 [59]

51. 02-33293-B-13J WILLIAM HARRISON HEARING - MOTION
PGM #1 FOR MODIFICATION OF PLAN
8-19-04 [20]

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

52. 03-33095-B-13J JOSEPH/CHARON MAXWELL HEARING - SECOND MOTION
MWB #3 FOR APPROVAL OF ATTORNEYS FEES
AND COSTS PAYABLE (\$1,209.00)
9-7-04 [26]

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

53. 03-31398-B-13J DAVID/PATRICIA LOWE HEARING - MOTION TO
JAT #2 MODIFY CHAPTER 13 PLAN
8-31-04 [25]

54. 04-27602-B-13J MITCHELL/PATRICIA BECHTOLD HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
9-16-04 [24]

55. 03-33206-B-13J ROSEMARY/JOE ROSS
DGN #1
FORD MOTOR CREDIT CO., VS. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
9-21-04 [44]
56. 04-28121-B-13J DARRIN/KELLY DEVEAUX
HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
9-16-04 [15]
57. 04-27622-B-13J TAMBRA LOWE
WAJ #1
JUAN/MARIA RUIZ, VS. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
9-17-04 [25]
58. 04-27333-B-13J THEOPHILUS/NGOZI NKWOPARA
JMO #1
HERITAGE COMMUNITY
CREDIT UNION, VS. CONT. HEARING - MOTION FOR
RELIEF FROM AUTOMATIC STAY
8-16-04 [17]

59. 04-27333-B-13J THEOPHILUS/NGOZI NKWOPARA CONT. HEARING - OBJECTION
JMO #2 TO CONFIRMATION OF AMENDED
CHAPTER 13 PLAN BY HERITAGE
COMMUNITY CREDIT UNION
8-16-04 [13]

60. 02-27034-B-13J JOCELLY HERIALES HEARING - MOTION TO
04-2145 PJR #1 APPOINT SUSAN SMITH AS
ELISA CASTRONUEVO, VS. PARTITION REFEREE TO SELL
JOCELLY HERIALES REAL PROPERTY
9-22-04 [12]

The motion is denied without prejudice for failure to serve answering defendant Joanne Heriales properly. If the moving party re-files this motion, she shall provide a memorandum of points and authorities that addresses: 1) the ability of the bankruptcy court to use the state court partition remedy; and 2) the apparent requirement in Cal. CCP § 872.710 of a trial (as opposed to a motion) to determine the right to a partition. No appearance is necessary.

61. 04-29269-B-13J WILLIAM MORELLO HEARING - MOTION TO
MBB #1 ANNUL THE STAY, OR IN THE
COUNTRYWIDE HOME ALTERNATIVE, FOR RELIEF
LOANS, INC., VS. FROM AUTOMATIC STAY
9-20-04 [9]

62. 01-30378-B-13J STEVEN/KATHRYN DEROCHIE HEARING - RESTORED
SW #1 MOTION FOR RELIEF FROM
GMAC, VS. AUTOMATIC STAY
9-21-04 [119]

63. 04-27090-B-13J BILLY DICKENS

HEARING - ORDER
TO SHOW CAUSE RE DISMISSAL
OF CASE OR IMPOSITION OF
SANCTIONS
9-16-04 [47]

64. 03-24593-B-13J DIANNE MORALES
WW #2

CONT. HEARING - MOTION TO
APPROVE ATTORNEY FEES PURSUANT
TO PAYMENT OF ATTORNEY FEES IN
CHAPTER 13 CASES (\$1,500.00)
8-10-04 [45]