

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

January 7, 2020 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled 'Amended Civil Minute 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 Lindsey Peratis, the Courtroom Deputy, at (916) 930-4473 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. <u>19-27105</u> -C-13 STEPHANIE MUZZI
<u>AP-1</u> | MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
12-5-19 [<u>21</u>] |
| WELLS FARGO BANK, N.A. VS. | |

January 7, 2020 at 10:00 a.m.

2. [19-26508](#)-C-13 CYNTHIA BATIESTE
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-9-19 [[37](#)]

Final ruling:

This is the trustee's objection to confirmation of the debtor's proposed chapter 13 plan. On January 2, 2020, the debtor filed an amended plan and a motion to confirm it. As a result of the filing of the amended plan, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

3. [19-26420](#)-B-13 ALEX FORMOE
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-6-19 [[17](#)]

4. [18-25722](#)-B-13 MOSES/APRIL GONZALES
[GSJ](#)-4

MOTION TO MODIFY PLAN
11-25-19 [[58](#)]

Final ruling:

The relief requested in the motion is supported by the record and no timely opposition to the motion has been filed. Accordingly, the court will grant the motion by minute order and no appearance is necessary. The moving party is to lodge an order confirming the plan, amended plan, or modification to plan, and shall use the form of order which is referenced in LBR 3015-1(e). The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

5. [19-27623](#)-B-13 JACKIE EVANS
[JCK](#)-1

MOTION TO EXTEND AUTOMATIC STAY
12-11-19 [[8](#)]

6. [19-20233](#)-B-13 ALFONSO PULIDO CONTINUED OBJECTION TO CLAIM OF
[GMW](#)-4 U.S. BANK, N.A., CLAIM NUMBER 6
10-11-19 [[83](#)]
7. [19-26641](#)-C-13 AMELIA PUERTAS SAMARA OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
12-9-19 [[15](#)]
8. [19-24745](#)-B-13 AMANDA LOPEZ CONTINUED MOTION TO CONFIRM
[MKM](#)-1 PLAN
10-24-19 [[17](#)]
9. [19-26647](#)-C-13 ROBERT BISHOP OBJECTION TO CONFIRMATION OF
[PP-1](#) PLAN BY GREEN TRUCK FINANCIAL,
LLC
12-12-19 [[56](#)]

10. [19-26647](#)-C-13 ROBERT BISHOP
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-9-19 [[52](#)]

11. [19-26552](#)-C-7 SAMUEL UGSANG
[RDG](#)-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
12-9-19 [[24](#)]

CASE CONVERTED TO CHAPTER 7
ON 12/16/2019

Final ruling:

This case was converted to a case under Chapter 7 on December 16, 2019. As a result this objection to debtor's claim of exemptions is continued to January 22, 2020 at 10:00 a.m. to be heard in Courtroom 35. No appearance is necessary on January 7, 2020.

12. [19-27353](#)-B-13 MAZEN HAWASH
[JCK](#)-1

MOTION TO AVOID LIEN OF
PORTFOLIO RECOVERY ASSOCIATES,
LLC
12-2-19 [[9](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The court finds the judicial lien described in the motion impairs an exemption to which the debtor is entitled. As a result, the court will grant the debtor's motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

13. [19-27353](#)-B-13 MAZEN HAWASH
[JCK](#)-2

MOTION TO VALUE COLLATERAL OF
ALLY FINANCIAL
12-2-19 [[14](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

14. [19-26555](#)-C-13 JERRY HINTON
[RDG](#)-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-9-19 [[21](#)]

Final ruling:

This case was dismissed on December 19, 2019. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

15. [18-25756](#)-B-13 DAVID SIMS
[PGM](#)-4

CONTINUED MOTION TO CONFIRM
PLAN
10-15-19 [[119](#)]

Final ruling:

Per the moving party's request the hearing on this motion is continued to February 4, 2020 at 10:00 a.m. No appearance is necessary on January 7, 2020.

16. [19-26557](#)-B-13 IGNACIO EROSA
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
12-9-19 [[29](#)]

Final ruling:

The debtor filed an amended plan on December 19, 2020. As a result the court will overrule the objection by minute order as moot. No appearance is necessary.

17. [15-27658](#)-B-13 MONICA BURTON
[MDL](#)-4

MOTION FOR HARDSHIP DISCHARGE
12-3-19 [[103](#)]

18. [19-25962](#)-B-13 GARY RICAFFRENTE
[AP](#)-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY U.S.
BANK TRUST NATIONAL ASSOCIATION
11-7-19 [[20](#)]

Final ruling:

This objection has been resolved by stipulated order entered on January 3, 2020. As a result the objection is removed from calendar. No appearance is necessary.

19. [19-25962](#)-B-13 GARY RICAFFRENTE
[RDG](#)-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
11-8-19 [[23](#)]

Final ruling:

This objection has been resolved by stipulated order entered on January 3, 2020. As a result the objection is removed from calendar. No appearance is necessary.

20. [19-26274](#)-C-13 REIHANNON PRICE
[FF](#)-2

MOTION TO CONFIRM PLAN
11-4-19 [[22](#)]

Final ruling:

This is the debtor's motion to confirm an amended plan. The motion will be denied for the following reasons: (1) the moving party failed to serve the party who filed the request for special notice at docket no. 31 at the requested address; (2) the moving party failed to serve Aaron's Furniture and Why Not Lease It both listed as creditors on debtor's Sch. D; (3) the moving party failed to serve Evine Live listed as a creditors on debtor's Sch. E/F; and (4) the moving party failed to serve the Franchise Tax Board and U.S. Dept. of Education at their addresses on the Roster of Governmental Agencies, as required by LBR 2002-1(b).

As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

21. [19-26483](#)-B-13 ESTELLE YANCEY
[EAT](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY NATIONSTAR MORTGAGE LLC
12-9-19 [[25](#)]
22. [19-26483](#)-B-13 ESTELLE YANCEY
[RAS](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY WILMINGTON SAVINGS FUND
SOCIETY, FSB
11-27-19 [[19](#)]
23. [19-26483](#)-B-13 ESTELLE YANCEY
[RDG](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D GREER
12-9-19 [[22](#)]
24. [19-24585](#)-B-13 TRACI STEWART
[JCK](#)-2
CONTINUED MOTION TO INCUR DEBT
11-25-19 [[27](#)]

25. [19-26888](#)-B-13 ELIZABETH MEDINA
[JBR](#)-1

MOTION TO VALUE COLLATERAL OF
GOLDEN ONE CREDIT UNION
11-9-19 [[9](#)]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant the motion and, for purposes of this motion only, sets the creditor's secured claim in the amount set forth in the motion. Moving party is to submit an order which provides that the creditor's secured claim is in the amount set forth in the motion. No further relief is being afforded. No appearance is necessary.

26. [19-26689](#)-B-13 FLORENTINO GUERZO
[GSJ](#)-1

CONTINUED MOTION TO EXTEND
AUTOMATIC STAY
11-4-19 [[11](#)]

27. [19-26989](#)-B-13 MARGARET VIZINAU
[PR](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION TO
CONFIRM TERMINATION OR ABSENCE
OF STAY
12-12-19 [[27](#)]

ROBERT ORTIZ VS.

28. [19-23390](#)-B-13 KAREEM SYKES
[PGM](#)-2

MOTION TO CONFIRM PLAN
11-27-19 [[80](#)]

Final ruling:

This case was dismissed on December 3, 2019. As a result the motion will be denied by minute order as moot. No appearance is necessary.

29. [19-27594](#)-B-13 DONALD/SANDRA BOSSE MOTION TO EXTEND AUTOMATIC STAY
[JCK](#)-1 12-10-19 [[8](#)]

30. [17-23597](#)-B-13 STEVEN DE LA ROSA MOTION FOR RELIEF FROM
[RAS](#)-1 AUTOMATIC STAY
12-9-19 [[58](#)]

THE BANK OF NEW YORK MELLON
VS.

Final ruling:

This matter is resolved without oral argument. This is The Bank of New York Mellon's motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

31. [19-27753](#)-C-13 SERGIO AVILES MOTION TO EXTEND AUTOMATIC STAY
[MEV](#)-1 12-20-19 [[9](#)]

32. [17-25256](#)-B-13 DANIEL HERNANDEZ AND LUZ MOTION TO INCUR DEBT
[GSJ](#)-4 DE LA HOYA-HERNANDEZ 12-23-19 [[82](#)]

Final ruling:

Debtors filed this motion seeking authority to incur debt. However, the debtors concede in their supporting declaration they could not get written documentation showing an ability to get the proposed financing. Filing a copy of the agreement is required by Federal Rule of Bankruptcy Procedure 4001(c)(1)(A). Therefore, the motion is denied without prejudice.

33. [19-25556](#)-B-13 ZARAH GARCIA
[HRH](#)-2

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-23-19 [[33](#)]

TF LEASING CO. VS.