UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

January 30, 2018 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 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. 17-27504-D-13 LILLIAN GLEASON — MOTION TO CONFIRM PLAN
RLG-1 — 12-13-17 [18]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the plan proposes to reduce the secured claim of HSBC Mortgage to $0 based on the value of its collateral, whereas the debtor has failed to seek or obtain an order valuing the collateral, as required by LBR 3015-1(i); and (2) the moving party failed to serve the Franchise Tax Board at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(b).

For the reasons stated, the motion will be denied and the court need not address the other issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

2. 12-28517-D-13 DAVID WHIPPLE — MOTION FOR SUMMARY JUDGMENT
17-2120 USA-1 — 12-19-17 [18]
WHIPPLE V. UNITED STATES OF AMERICA, INTERNAL REVENUE

Tentative ruling:

This is the motion of the defendant, named in the plaintiff's complaint as the United States of America, Internal Revenue Service,[1] for summary judgment against the plaintiff, who is also the debtor in the underlying chapter 13 case (the "debtor"). The debtor has filed opposition and the United States has filed a reply. For the following reasons, the motion will be granted.

Summary judgment is appropriate when there exists "no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The parties agree there are no genuine factual disputes in play here; the only issues are legal. Thus, the question is, under applicable law as applied to the undisputed facts, which party is entitled to judgment?

By his complaint, the debtor alleges the IRS has sought to collect taxes and interest from him following the entry of his chapter 13 discharge in violation of the discharge order. He frames the issue as follows: "whether defendant . . . can participate in the underlying Chapter 13, file a proof of claim, receive [notice of] a deadline to file such an objection, not object to a Debtor's discharge, and yet, have the debt not discharged after the completion of the plan. If the deadline did not matter the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines would not contain such language." Plaintiff's Opp., DN 27, at 2:7-14.

The United States' phrasing of the issues is more precise:

> **1. A discharge in chapter 13 does not apply to debts for taxes owed in connection with a return that was filed late within two years of the bankruptcy petition. See 11 U.S.C. §§ 1328(a) and 523(a)(1)(B)(ii). Whipple's 2008 income-tax return was due on April 15, 2009, but he filed it late, on August 18, 2010. This late filing was within two years of his bankruptcy petition: May 1, 2012. Are Whipple's 2008 income-tax liabilities excepted from discharge?**
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> **2. A chapter 13 discharge does not cover interest that accrues postpetition on a nondischargeable debt. Whipple's 2008 income taxes are excepted from discharge under 11 U.S.C. § 523(a)(1)(B)(ii). Is the postpetition interest that accrued on that debt excepted from Whipple's discharge?**

United States' Memo. of P. & A., DN 25, at 2:4-12.

The debtor does not dispute that he filed his 2008 tax return late and within the two-year period prior to the filing of his chapter 13 [2] Thus, his 2008 taxes constitute a debt of the kind specified in § 523(a)(1)(B)(ii) of the Code and are not covered by his chapter 13 discharge. § 1328(a)(2). The debtor argues that, these statutes notwithstanding, the United States, in order to preserve the 2008 tax debt as nondischargeable, was required to file a complaint to determine nondischargeability by the deadline set in the notice of the chapter 13 case,

August 20, 2012, but did not do so. Therefore, in the debtor's view, the debt was discharged. He argues, "Defendant had the term of the bankruptcy to notice Plaintiff and give him an opportunity to oppose the non-dischargeabilty of the claim. Instead, the discharge was entered, and action was taken after the completion of the plan[;] any collection thereafter is in violation of the discharge." Opp. at 4:1-5.

Subsection 1328(a)(2) is self-executing – neither the statute itself nor any rule requires a tax creditor holding an allegedly nondischargeable claim to file a complaint to determine whether the debt is or is not dischargeable. Generally, the only debts for which a creditor must file a complaint to determine nondischargeability are those alleged to fall within the scope of § 523(a)(2), (4), or (6). See § 523(c)(1); Fed. R. Bankr. P. 4007(c). Thus, the deadline referred to in the notice of chapter 13 bankruptcy case, relied on by the debtor, was a deadline only for creditors owed such debts. The debtor's argument that the United States should have given him "an opportunity to oppose the non-dischargeabilty of the claim" fails because the debtor has at all times had the right to file his own complaint to determine the debt to be dischargeable. See Fed. R. Bankr. P. 4007(a). The debtor, although unsophisticated as he claims, had the ability, either personally or through his attorney, to determine when he filed his 2008 tax return, and thus, to assess the dischargeability of the debt under § 523(a)(1)(B)(ii).

The debtor cites Espinosa v. United Student Aid Funds, Inc., 553 F.3d 1193 (9th Cir. 2008). Because the debtor did not provide a pin cite, the court had difficulty finding and, ultimately, did not find the language quoted by the debtor in that decision, but rather, in the Supreme Court's decision in United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260 (2010). The language appears at p. 274, n.11, where the Court analyzes a particular statutory phrase in response to an argument raised by the United States as amicus curiae. The language is not dispositive here and this court need not further address it.

The court assumes, however, that the debtor is relying on the Supreme Court's decision, in which the Court held that a debtor's chapter 13 discharge operated to discharge student loan debt – debt ordinarily dischargeable only if its repayment would cause the debtor undue hardship – where the confirmed plan provided the debt would be discharged and the student loan creditor had notice of the plan but did not object to it and did not appeal from the confirmation order. 559 U.S. at 275. The Court held the debt was covered by the discharge despite the fact that the debtor never sought or obtained an undue hardship determination. Id.

The case is distinguishable from the present one because in Espinosa, the plan specifically provided for the student loan debt, proposing to repay the principal amount only and stating the interest would be discharged when the principal had been repaid. The Court held, first, that the order confirming the plan was a final judgment and that it was not void because the bankruptcy court's failure to make the necessary finding of undue hardship before confirming the plan, although a legal error (559 U.S. at 275), was not a jurisdictional one. Id. at 271-72. Second, the Court held the student loan creditor received adequate notice of the debtor's proposed discharge of the debt, despite the debtor's failure to serve a summons and adversary complaint for an undue hardship determination, and thus, the creditor received due process. Id. at 272. In contrast, in this case, the debtor's plan did not specifically list the debtor's 2008 tax debt and neither the plan nor the motion to confirm it informed the United States the debt would be discharged despite the mandate of § 1328(a)(2) that it not be. Thus, the order confirming the plan bound the parties to no such provision.

In Nomellini v. United States IRS (In re Nomellini), 2017 U.S. Dist. LEXIS 145230 (N.D. Cal. 2017), the debtor's plan provided for the IRS's claim at $10,000 secured, based on the value of the debtor's personal property, as his schedules disclosed no equity in his real property,[3] and the balance as a general unsecured claim. On that basis, the IRS filed a proof of claim for only $10,000 secured and the balance as general unsecured. The plan provided the debtor would avoid two judicial liens, but made no mention of the IRS's lien and did not state the lien would be avoided. The plan was confirmed. The debtor obtained orders voiding the two judicial liens but never sought to avoid the IRS's lien. Roughly two years later, the debtor filed a motion to sell the real property for $2,175,000, more than double what he had scheduled it at, of which he was to receive over $1 million. The court approved the sale, with the IRS lien to attach to the proceeds. The IRS filed an amended proof of claim, for $214,552 secured and the debtor filed an adversary proceeding to determine the amount secured by the IRS's lien to be $10,000, contending the confirmed plan bound the IRS to that amount.

The court stated, that

> a bankruptcy plan "should clearly state its intended effect on a given issue. Where it fails to do so it may have no res judicata effect for a variety of reasons: any ambiguity is interpreted against the debtor, any ambiguity may also reflect that the court that originally confirmed the plan did not make any final determination of the matter at issue, and claim preclusion generally does not apply to a 'claim' that was not within the parties' expectations of what was being litigated, nor where it would be plainly inconsistent with the fair and equitable implementation of a statutory or constitutional scheme."

Nomellini, 2017 U.S. Dist. LEXIS 145230, at *10, quoting County of Ventura v. Brawders (In re Brawders), 325 B.R. 405, 411 (9th Cir. BAP 2005). The court cited Espinosa's definition of constitutionally adequate notice (2017 U.S. LEXIS 145230, at *11) and noted that the debtor's plan

> contained no explicit reference to the IRS lien. Nor did the Plan give any indication that the Real Property served as collateral for the IRS tax debt. Instead, the Plan listed the IRS as a secure[d] claim holder with collateral valued at $10,000, which was the value of Debtor's personal property. Therefore, the Plan did not provide clear notice that Debtor intended to modify the IRS's lien rights against the Real Property.

Id.; see also Enewally v. Wash. Mut. Bank (In re Enewally), 368 F.3d 1165, 1173 (9th Cir. 2004) ["Although confirmed plans are res judicata to issues therein, the confirmed plan has no preclusive effect on issues that . . . were not sufficiently evidenced in a plan to provide adequate notice to the creditor."].

Here, the debtor's plan did not in any way inform the United States the debtor intended to alter the impact of § 1328(a)(2) on his 2008 tax debt; thus, the order confirming the plan has no preclusive effect on this issue and the debt has not been discharged.

Finally, the debtor's complaint alleges the interest charged by the IRS on the 2008 tax debt is "post-petition interest on the IRS claim that was paid in full through the Chapter 13 plan" (Compl., ¶ 39) and that the IRS's "internal procedures waive[] any interest accumulated for these such claims after completing a Chapter 13

bankruptcy." Id., ¶ 54. The first statement is inaccurate. The court takes judicial notice of the trustee's final report and account, which evidences that the trustee paid the IRS $418 on its claim of $10,848. The second statement is unsupported, either by further allegations in the complaint or by argument or evidence in opposition to the motion. The United States correctly contends, on the other hand, that post-petition interest on a nondischargeable debt is also nondischargeable. Bruning v. United States, 376 U.S. 358, 363 (1964); Foster v. Bradbury (In re Foster), 319 F.3d 495, 497-98 (9th Cir. 2003) [addressing interest on child support debt but by analogy to cases concerning post-petition interest on nondischargeable tax debts]; Ward v. Board of Equalization (In re Artisan Woodworkers), 204 F.3d 888, 891-92 (9th Cir. 2000) [addressing interest on tax debt in chapter 11 and chapter 12 cases].

The debtor's attempt to distinguish Bruning as not a tax case is simply inaccurate – it was a tax case – and his attempt to distinguish Ward as not a chapter 13 case fails because he offers no suggestion as to why the distinction makes a difference. As the court held in Ward, "post-petition interest is an 'integral part' of [a nondischargeable tax] debt and therefore nondischargeable under 11 U.S.C. § 523(a)(1)(A)." Ward, 204 F.3d at 889. As for the debtor's claim in his complaint that the IRS's attempts to collect post-petition interest are impairing his discharge, the Ninth Circuit had this to say:

> Nor is petitioner aided by the now-familiar principle that one main purpose of Bankruptcy Act is to let the honest debtor begin his financial life anew . . . . § 17 is not a compassionate section for debtors. Rather, it demonstrates congressional judgment that certain problems - e. g., those of financing government - override the value of giving the debtor a wholly fresh start. Congress clearly intended that personal liability for unpaid tax debts survive bankruptcy. The general humanitarian purpose of the Bankruptcy Act provides no reason to believe that Congress had a different intention with regard to personal liability for the interest on such debts.

Ward, 204 F.3d at 892. Given this authority, the court concludes the post-petition interest that has accrued and will continue to accrue on the debtor's 2008 nondischargeable tax debt is also nondischargeable. Accordingly, the motion will be granted and judgment will be entered in favor of the United States and against the debtor.

The court will hear the matter.

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1 The defendant states in its memorandum that the Internal Revenue Service ("IRS") is a federal agency and may not be sued in its own name, and thus, that the only proper party to this proceeding is the United States. The court will follow the defendant's lead and refer to it as the United States, referring to the IRS only where referring to the agency's actions.

2 The debtor alleged in his complaint that "[t]he IRS claims in this case are not subject to 11 U.S.C. § 523(a)(1)(B)(ii)" and "are not subject to 11 U.S.C. § 1328(a)(2)." Debtor's Compl., DN 1, ¶¶ 42, 43. However, in opposition to this motion, the debtor does not assert that he filed his

2008 tax return on time or that he filed it more than two years before the date he filed his petition.

3 The debtor scheduled the value of the real property at $950,000 and scheduled a mortgage lien for $980,190.

3. 15-22818-D-13 SURINDER SINGH — MOTION TO SELL
PGM-4 — 12-28-17 [125]

4. 15-29426-D-13 DANIEL/NORA OMALZA — MOTION TO MODIFY PLAN
TBK-3 — 12-15-17 [72]

5. 15-27628-D-13 RAUL/PAZ RODRIGUEZ — MOTION FOR RELIEF FROM AUTOMATIC STAY
APN-1 — 12-21-17 [54]
TOYOTA MOTOR CREDIT CORPORATION VS.

Final ruling:

Creditor, Toyota Motor Credit Corporation, is scheduled as a Class 4 creditor to be paid outside the plan, and an order confirming the plan has been entered in this case. The plan contains the language "Entry of the confirmation order shall constitute an order modifying the automatic stay to allow the holder of a Class 4 secured claim to exercise its rights against its collateral in the event of a default under the terms of its loan or security documentation provided this case is pending under Chapter 13." If the debtors have defaulted under the plan, the stay has already been modified to allow this creditor to proceed with its rights against its collateral under the terms of the underlying loan and security documentation. Accordingly, the motion will be denied by minute order as unnecessary. No appearance is necessary.

6. 17-22229-D-13 DENNIS/SHERRY CRUZ — MOTION TO MODIFY PLAN
TBK-2 — 12-15-17 [61]

Final ruling:

This is the debtors' motion to confirm a modified chapter 13 plan. The motion will be denied because the notice of hearing is for a different case. It lists other debtors' names in the caption, first sentence, and below the attorney's signature line; the names of the debtors in this case do not appear at all. Further, the notice of hearing includes the case number for a different case. A second notice of hearing, not labeled "amended" or "corrected," was filed January 10, 2018 with the correct debtors' names; however, (1) there is no evidence it was served on anyone; and (2) it was filed only 20 days prior to the hearing date.

As a result of this notice defect, the motion will be denied and the court need not consider the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

7. 17-27534-D-13 VICTOR QUINTANA AND MARIA LUCIO — OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER
RDG-2 — 12-29-17 [13]

8. 17-27444-D-13 LARRY SWANSON — OBJECTION TO CONFIRMATION OF PLAN BY DEUTSCHE BANK NATIONAL TRUST COMPANY
PPR-1 — 11-27-17 [17]

9. 17-27444-D-13 LARRY SWANSON — OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D, GREER
RDG-2 — 12-29-17 [29]

10. 17-27452-D-13 VIRGINIA URBAN — OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER
RDG-1 — 12-29-17 [20]

11. 16-25055-D-13 HANK WALTH — MOTION TO CONFIRM PLAN
HWW-9 — 11-3-17 [109]

Final ruling:

Per moving party's request the hearing on this motion is continued to February 27, 2018 at 10:00 a.m. No appearance is necessary on January 30, 2018.

12. 17-25256-D-13 DANIEL HERNANDEZ AND LUZ DE LA HOYA-HERNANDEZ — MOTION TO CONFIRM PLAN
GSJ-1 — 12-18-17 [39]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties failed to use the current form of the chapter 13 plan, required in this district by General Order 17-03; (2) the notice of hearing does not include the cautionary language required by LBR 9014-1(d)(3)(B)(ii) or the language required by LBR 9014-1(d)(3)(B)(iii).

For the reasons stated, the motion will be denied and the court need not address the other issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

13. 17-27457-D-13 KAREEM SYKES — OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER
RDG-3 — 12-29-17 [30]

14. 17-24065-D-13 MARY CRUZ
TOG-1

MOTION TO CONFIRM PLAN
12-11-17 [64]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

15. 16-26671-D-13 JOHN/HASINA HELMANDI
RM-5

CONTINUED OBJECTION TO CLAIM OF RICHARD G. HYPPA, CLAIM NUMBER 4
5-17-17 [132]

Final ruling:

The hearing on this objection to claim is continued to May 8, 2018 at 10:00 a.m. No appearance is necessary on January 30, 2018.

16. 17-25772-D-13 MIGUEL JUNIZ AND CELINA AGUINIGA
TOG-3

MOTION TO CONFIRM PLAN
12-7-17 [48]

17. 17-27473-D-13 SANDRA MACANAS
BSH-2

AMENDED MOTION TO CONFIRM PLAN
1-10-18 [41]

Final ruling:

This is the debtor's "amended" motion to confirm a chapter 13 plan. The "original" motion stated that the debtor was moving to confirm a plan filed December 11, 2017. The plan filed that day was not on the current form of the chapter 13 plan, required in this district as of December 1, 2017 by General Order 17-03. The trustee included this point among six points of objection in his opposition filed January 8, 2018. In response, on January 10, 2018, the moving party filed the "amended" motion purporting to seek confirmation of a plan filed January 10, 2018. The plan filed that day was on the correct form. Along with that plan and the amended motion, the moving party filed a "Notice of Filing of the Same Chapter 13 Plan on Updated Form 12/17," stating, "On January 10, 2018, I filed the same Chapter 13 Plan I filed on December 11, 2017, on the updated Chapter 13 Model Plan 12/17. No other changes have been made."

That is an inaccurate statement for two reasons. First, the current plan form is itself different from the earlier form; thus, the plan filed January 10, 2018 is perforce not the same plan as the one filed December 11, 2017. Even a cursory comparison reveals changes. Second, the first plan provided for a dividend of $240 per month to go to administrative expenses, including the debtor's attorney's fees, whereas the second plan provides for a dividend of $0 toward those expenses. There may be other differences unique to this case that the court has not caught; the point is that use of the current form became mandatory December 1, 2017, whereas here, the moving party did not comply and did not file a plan on the current form until just 20 days prior to the hearing date, giving creditors far fewer than the required 42 days' notice.

In addition, the moving party failed to serve the major creditor, Wells Fargo Home Mortgage ("Wells Fargo"), at the correct address. Pursuant to Fed. R. Bankr. P. 2002(g)(2), a creditor that has not filed a proof of claim or otherwise filed a request designating a particular address for service must be served at the address on the list of creditors or schedule of liabilities, whichever is filed later. Here, the moving party served Wells Fargo, which had not filed a proof of claim or request for notice, at an address different from the one on her master address list and Schedule D.

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

18.	16-27974-D-13 JCK-1	JUAN/BARBARA ROYBAL	MOTION TO SUBSTITUTE BARBARA EVA ROYBAL AS THE REPRESENTATIVE FOR JUAN EUGENE ROYBAL AND/OR MOTION TO EXCUSE DEBTOR FROM COMPLETING 11 U.S.C 1328 CERTIFICATE OR CERTIFICATE OF CHAPTER 13 DEBTOR RE: 11 U.S.C. 522 (Q) EXEMPTIONS 1-3-18 [26]

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 to substitute Barbara Eva Roybal as the representative for Juan Eugene Roybal and motion to excuse debtor from completing 11 U.S.C. § 1328 Certificate or Certificate of Chapter 13 debtor re 11 U.S.C. § 522(q) exemptions (the "Motion") is supported by the record. As such the court will grant the Motion. Moving party is to submit an appropriate order. No appearance is necessary.

19.	17-24975-D-13 TBK-1	COURTNEY BATTEN AND JENNIFER LINCYCOMB	MOTION TO MODIFY PLAN 12-12-17 [22]

20. 17-24975-D-13 TBK-2 — COURTNEY BATTEN AND JENNIFER LINCYCOMB — MOTION TO INCUR DEBT 12-12-17 [26]

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 to incur debt is supported by the record. As such the court will grant the motion by minute order. No appearance is necessary.

21. 17-26179-D-13 JWS-1 — KERRY/ANGELA BEARDSLEY — MOTION TO CONFIRM PLAN 11-30-17 [18]

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.

22. 17-24880-D-13 RDG-2 — JESSE NIETO — OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 12-29-17 [95]

23. 17-23581-D-13 TBK-3 — EDGARDO HIRAM MORALES — MOTION TO MODIFY PLAN 12-15-17 [47]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied because the moving party failed to use the current form of the chapter 13 plan, required in this district as of December 1, 2017 by General Order 17-03. The motion will be denied by minute order. No appearance is necessary.

24. 17-23785-D-13 JASWINDER SINGH
MJH-4

MOTION TO CONFIRM PLAN
11-17-17 [66]

25. 17-27485-D-13 GERALDINE OSEI
RDG-2

OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER
12-29-17 [12]

26. 16-25588-D-13 DARREN BLAYLOCK
ALF-1

MOTION TO MODIFY PLAN
12-15-17 [23]

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.

27. 17-21791-D-13 PATRICIA BROWN
FI-3

MOTION TO CONFIRM PLAN
11-29-17 [80]

28. 17-26592-D-13 JAMES/CHRISTINE BLOCH
HWW-3

MOTION TO CONFIRM PLAN
12-18-17 [26]

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.

29. 17-27693-D-13 ANTHONY MOORE
PGM-1

CONTINUED MOTION TO IMPOSE AUTOMATIC STAY
11-22-17 [10]

30. 17-27495-D-13 ALEJANDRO PATINO
RDG-1

OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER
12-29-17 [13]

31. 13-20199-D-13 MICHAEL/MARY ROMAN
KMR-1
JPMORGAN CHASE BANK, N.A.
VS.

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION FOR RELIEF FROM CO-DEBTOR STAY
12-13-17 [137]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

32. 17-28208-D-13 ALFREDO/VERONICA LACESTE
RAP-1
GANN PROPERTIES, LP VS.

AMENDED MOTION FOR RELIEF FROM AUTOMATIC STAY
1-4-18 [22]

Final ruling:

The motion is denied for the following reasons: (1) the notice of hearing failed to state the address of where the hearing will be held as required by LBR 9014-1(d)(3); (2) the notice of hearing also failed to give the deadline for parties to file opposition to the motion as required by LBR 9014-1(d)(4); (3) moving party failed to file a separate notice of hearing as required by LBR 9014-1(d)(3); (4) moving party failed to file a separate Relief from Stay Summary Sheet (Form EDC 3-468) as required by LBR 9014-1; and (5) moving party failed to serve the debtors and the Chapter 13 Trustee. As a result of these procedural and service defects, the court will deny the motion by minute order. Counsel for moving party is encouraged to review the Local Bankruptcy Rules prior to filing any subsequent motions. No appearance is necessary.

33. 16-21940-D-13 JUAN/KIMBERLY MARTINEZ
PGM-2

CONTINUED MOTION TO MODIFY PLAN
10-31-17 [41]

34. 17-27246-D-13 JOSE ESPINOZA AND YAZMIN NAVARRO
RDG-1

CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER
12-18-17 [13]

35. 12-36847-D-13 CORDELL PENNIX AND HORTENSIA WATTS-PENNIX
JWS-1

CONTINUED MOTION TO DETERMINE FINAL CURE AND MORTGAGE PAYMENT RULE 3002.1
12-18-17 [92]

36.	17-27693-D-13 EGS-1	ANTHONY MOORE	MOTION TO DISMISS CASE 1-12-18 [39]