

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

March 6, 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.

1.	17-90808-D-13	LYNN/DONNA PORTER	MOTION TO CONFIRM PLAN
	DCJ-1		1-20-18 [29]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied because the plan proposes to pay the secured claims of the USDA Farm Service Agency at less than the full amounts of the claims, based on the alleged values of the collateral securing the claims, whereas the debtors have failed to file motions to value the collateral, as required by LBR 3015-1(i).

For this reason, the motion will be denied by minute order. No appearance is necessary.

2. 17-90812-D-13 PAMELA LOOPER MOTION TO CONFIRM PLAN
PGM-1 1-22-18 [36]

3. 17-90727-D-13 EILEEN SPEER MOTION TO CONFIRM PLAN
PBG-1 1-18-18 [44]

Tentative ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion was noticed pursuant to LBR 9014-1(f)(1) and no opposition has been filed. However, the court is not prepared to grant the motion because the proof of service gives the service date and the signature date as June 18, 2018. If a corrected proof of service is on file by the time of the hearing, the motion will be granted. If not, the court will, upon request, continue the hearing to permit the filing of a corrected proof of service.

The court will hear the matter.

4. 17-90731-D-13 CHARLOTTE LOCKARD MOTION TO CONFIRM PLAN
MCC-9 1-18-18 [51]

Final ruling:

This is the debtor's motion to confirm a second amended chapter 13 plan. On February 16, 2018, the debtor filed a third amended plan and a motion to confirm it. As a result of the filing of the third amended plan, this motion is moot. The motion will be denied as moot by minute order. No appearance is necessary.

5. 13-91241-D-13 OSCAR DE LA O AND KATRINA MOTION TO MODIFY PLAN
JCK-6 RODRIGUEZ 1-18-18 [81]

6. 17-90554-D-13 JASPAL SINGH MOTION TO CONFIRM PLAN
TOG-6 1-12-18 [90]
7. 17-90956-D-13 JOSE/OLIVIA VALENCIA MOTION TO CONFIRM PLAN
TOG-2 1-12-18 [32]
8. 17-90959-D-13 ERIC BURKE CONTINUED MOTION TO DISMISS
RDG-1 CASE
1-9-18 [21]
9. 17-90959-D-13 ERIC BURKE MOTION TO CONFIRM PLAN
TOG-1 1-16-18 [28]

Tentative ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b). On January 30, 2018, after the motion was filed and served, Unifund CCR filed a proof of claim for \$7,224.54 based on a state court judgment against the debtor. The claim was timely filed. Because the debtor did not schedule this creditor, the debtor, in using the PACER matrix for service of this motion, failed to serve this creditor. The rule, however, requires that all creditors be served.

The court will hear the matter.

10. 17-90963-D-13 ERICK AVILA CONTINUED OBJECTION TO
APN-1 CONFIRMATION OF PLAN BY TOYOTA
MOTOR CREDIT CORPORATION
12-20-17 [21]
11. 17-90963-D-13 ERICK AVILA CONTINUED MOTION TO VALUE
JAD-1 COLLATERAL OF TOYOTA MOTOR
CREDIT CORPORATION
11-30-17 [10]
12. 16-91066-D-13 ALEJANDRO YANEZ AND MOTION TO MODIFY PLAN
TOG-1 CLAUDIA ALVARADO 1-18-18 [18]
13. 17-90466-D-13 DAVID/DEANNA ROLLER MOTION TO CONFIRM PLAN
GEL-3 1-19-18 [79]

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.

14. 14-90068-D-13 MARIA CARLOS CONTINUED MOTION TO MODIFY PLAN
JAD-2 12-15-17 [52]

15. 17-90471-D-13 HERBERT LONG MOTION TO CONFIRM PLAN
BSH-2 1-19-18 [56]

Final ruling:

This case was dismissed on November 1, 2017. As a result the motion will be denied by minute order as moot. No appearance is necessary.

16. 14-90477-D-13 BONI CORDOVA-GRIMALDI MOTION FOR COMPENSATION BY THE
MJD-2 LAW OFFICE OF SAGARIA LAW, P.C.
FOR MATTHEW J. DECAMINADA,
DEBTOR'S ATTORNEY(S)
2-6-18 [105]

Tentative ruling:

This the motion of Sagaria Law, P.C. for compensation in this Chapter 13 case (the "Motion"). The Motion and supporting declaration simply indicate that based on the number of hours put into the case multiplied by the firm's hourly billing rate (\$300 per hour), the fees exceed the \$4,000 fixed fee agreed to in this case. As this is a case where the attorney and the debtor have agreed to the \$4,000 fixed fee pursuant to Local Rule 2016-1(c), the fact that the fees based on an hourly rate exceeds the \$4,000 fixed fee is not a basis for allowing additional compensation. The Motion and supporting declaration are silent, and fail to discuss, the factors the court is to consider under LBR 2016-1(c)(3) for allowing additional compensation. For this reason the court intends to deny the motion. The court will hear the matter.

17. 17-90783-D-13 TERRY KRONHOLM MOTION TO CONFIRM PLAN
RKW-2 1-18-18 [68]

18. 17-90484-D-13 MAURICE/SHARRON HARDY MOTION TO CONFIRM PLAN
MJD-3 1-10-18 [62]

Final ruling:

This case was dismissed on January 16, 2018. As a result the motion will be denied by minute order as moot. No appearance is necessary.

19. 17-90986-D-13 HERBERT LONG MOTION TO CONFIRM PLAN
BSH-2 1-22-18 [29]

20. 17-91002-D-13 HUMBERTO/MARIA MENDOZA OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
2-12-18 [27]

21. 17-91007-D-13 JOANN LOPES OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
2-12-18 [29]

22. 17-90808-D-13 LYNN/DONNA PORTER OBJECTION TO CONFIRMATION OF
DCJ-1 PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
2-16-18 [46]

Final ruling:

This is the objection of Deutsche Bank National Trust Company to confirmation of the debtors' first amended chapter 13 plan. The amended plan is the subject of the debtors' motion to confirm it, Item 1 on this calendar. Because the court will deny that motion, this objection will be overruled as moot. The Bank's counsel is cautioned that the appropriate procedural mechanism for objecting to the amended plan was an opposition to the debtors' motion to confirm. Use of an objection to confirmation, with a separate notice of hearing, as the Bank filed here, is appropriate only in response to an original plan, not an amended one. See LBR 3015-1(c)(4).

The objection will be overruled as moot by minute order. No appearance is necessary.

23. 17-90713-D-13 BRANDY DURKEE CONTINUED MOTION TO CONFIRM
RS-2 PLAN
12-18-17 [41]

24. 17-90823-D-13 JOSEPH/LISA ROBERTSON MOTION FOR CONSENT TO ENTER
PLG-4 INTO LOAN MODIFICATION
AGREEMENT
2-20-18 [48]

25. 14-91544-D-13 REID LANTRIP MOTION TO INCUR DEBT
PLG-3 2-13-18 [53]

26. 14-91544-D-13 REID LANTRIP CONTINUED MOTION TO MODIFY PLAN
PLG-2 1-12-18 [41]
27. 17-90554-D-13 JASPAL SINGH MOTION FOR MODIFICATION OF THE
TOG-7 CONDITIONAL ORDER DISMISSING
THIS CASE IF A PLAN IS NOT
CONFIRMED
2-20-18 [103]
28. 18-90083-D-13 MERCEDES HOLLOWAY MOTION TO IMPOSE AUTOMATIC STAY
DCJ-1 2-19-18 [6]