

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

March 24, 2020 at 10:00 a.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

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.**

1.	15-29306 -B-13	ROSALIO/ROSA MENDOZA	CONTINUED MOTION TO MODIFY PLAN
	JCK -4		1-30-20 [77]

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2. [18-27407](#)-B-13 DONALD HANKS MOTION TO MODIFY PLAN
[LBG](#)-101 2-4-20 [[32](#)]

3. [20-20109](#)-C-13 KARLA SLADARIU OBJECTION TO CONFIRMATION OF
[EMM](#)-1 PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
3-5-20 [[27](#)]

4. [20-20109](#)-C-13 KARLA SLADARIU OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
3-2-20 [[21](#)]

5. [18-25611](#)-B-13 SHARIE DAVIS MOTION TO MODIFY PLAN
[BSH](#)-2 1-22-20 [[23](#)]

6. [19-27612](#)-C-13 DJENABA REYNOLDS MOTION TO CONFIRM PLAN
[SLH](#)-1 2-10-20 [[23](#)]

Final ruling:

The motion will be denied as moot. The debtor filed an amended plan on March 11, 2020, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.

7. [19-26915](#)-B-13 SHERYON HUTCHINS MOTION TO CONFIRM PLAN
[TBK](#)-2 1-28-20 [[26](#)]

Final ruling:

This is the debtor's motion to confirm a plan. The moving party failed to serve the Franchise Tax Board (Claim no. 20-1). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

8. [17-25225](#)-B-13 CHRIS NGUYEN AND AMANDA CONTINUED MOTION TO SELL
[MC-6](#) CHANG 2-18-20 [[93](#)]

9. [20-20228](#)-B-13 DALJEET BRAR OBJECTION TO CONFIRMATION OF
[CJK](#)-1 PLAN BY LOANCARE, LLC
3-4-20 [[21](#)]

10. [20-20228](#)-B-13 DALJEET BRAR
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-2-20 [[18](#)]

11. [20-21028](#)-C-13 MARILYN JOHNSON
[CYB](#)-1

MOTION TO EXTEND AUTOMATIC STAY
3-9-20 [[12](#)]

12. [19-20436](#)-B-13 EFREN GUZMAN
[JHK](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-13-20 [[42](#)]

MERCEDES-BENZ FINANCIAL
SERVICES USA LLC VS.

Final ruling:

This matter is resolved without oral argument. This is Mercedes-Benz Financial Services USA, LLC's motion for relief from automatic stay. The court's 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 creditor's interest in the property is not adequately protected. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

13. [19-24736](#)-B-13 JEAN CURUTCHET
[MKM](#)-1

MOTION TO CONFIRM PLAN
2-12-20 [[45](#)]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because there is no proof of service on file and it is too late for a proof of service to be filed. See LBR 9014-1(e) (2) (proof of service must be filed with the documents served or within three days thereafter).

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

14. [20-20236](#)-C-13 MCARTHUR/LISA BEST
[JTN](#)-1

MOTION TO VALUE COLLATERAL OF
SAFE CREDIT UNION
2-7-20 [[15](#)]

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.

15. [20-20236](#)-C-13 MCARTHUR/LISA BEST
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-3-20 [[27](#)]

16. [20-20638](#)-B-13 MICHAEL/JOHNNIE BARAKATT MOTION TO VALUE COLLATERAL OF
MC-1 INTERNAL REVENUE SERVICE
3-10-20 [[23](#)]
17. [20-20638](#)-B-13 MICHAEL/JOHNNIE BARAKATT MOTION TO VALUE COLLATERAL OF
MC-2 INTERNAL REVENUE SERVICE
3-10-20 [[28](#)]
18. [20-20739](#)-C-13 MARIA ESCOTO MOTION TO VALUE COLLATERAL OF
[SDH](#)-1 INC.
2-11-20 [[8](#)]

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.

19. [18-27740](#)-B-13 HENRIETTA DEBROUWER MOTION TO MODIFY PLAN
[MJD](#)-6 1-25-20 [[113](#)]

20. [20-20342](#)-C-13 HONEY SPANJIAN
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-3-20 [[23](#)]

21. [18-20247](#)-B-13 BRIDGET DIAZ
[KMM](#)-1

SUMMIT FUNDING, INC. VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-19-20 [[38](#)]

22. [17-28150](#)-B-13 ANGELA BRACE
[PGM](#)-2

MOTION TO MODIFY PLAN
2-5-20 [[54](#)]

23. [17-27251](#)-B-13 KERRA HUFF
[MAC](#)-1

MOTION TO MODIFY PLAN
2-6-20 [[30](#)]

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.

24. [16-21452](#)-B-13 MARIO ORTIZ
[NFG](#)-3

CONTINUED MOTION TO ENFORCE
TERMS OF CONFIRMED AMENDED PLAN
5-20-19 [[117](#)]

25. [19-27454](#)-B-13 JOSEPH MONTGOMERY
[RDG](#)-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
1-27-20 [[13](#)]

26. [19-25655](#)-B-13 GLORIA/DOMINGO REYES
[PJE](#)-2

MOTION TO CONFIRM PLAN
2-7-20 [[31](#)]

Final ruling:

This is the debtors' motion to confirm an amended plan. The moving party failed to serve the creditors filing Claim Nos. 1-1, 2-1, 3-1, 5-1, 6-1, and 8-1 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g). As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

27. [17-25256](#)-B-13 DANIEL HERNANDEZ AND LUZ MOTION TO SELL
[GSJ](#)-7 DE LA HOYA-HERNANDEZ 3-3-20 [[104](#)]

28. [18-25756](#)-B-13 DAVID SIMS MOTION TO AVOID LIEN OF
[PGM](#)-6 CHRYSLER FINANCIAL SERVICES
AMERICA, LLC
2-25-20 [[167](#)]

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.

29. [18-27556](#)-B-13 RAVINDER KAUR CONTINUED MOTION TO SELL
[MC-3](#) 2-18-20 [[55](#)]

30. [19-25556](#)-B-13 ZARAH GARCIA
[PLC](#)-2

MOTION TO CONFIRM PLAN
2-8-20 [[52](#)]

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 creditor filing Claim Nos. 3-1 at the address on its proof of claim, as required by Fed. R. Bankr. P. 2002(g); (2) the moving party failed to serve Amer Fst Fin and Prestigio, both creditors listed on debtor's Schedule E/F; and (3) the moving papers refer to a "first Amended Plan," but the plan filed with this motion is titled "Chapter 13 Plan - Amended." It cannot be determined from the moving papers or the proof of service, which indicates service of a "Chapter 13 Plan," if the plan that is the subject of this motion was served.

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

31. [15-26560](#)-B-13 JOHN/ROBIN IVY
[JCK](#)-6

MOTION TO MODIFY PLAN
2-11-20 [[81](#)]

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.

32. [17-27160](#)-B-13 PA VANG
[GEL](#)-1

MOTION TO MODIFY PLAN
2-12-20 [[32](#)]

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.

33. [19-21463](#)-B-13 PATRICIA MADRID MOTION TO MODIFY PLAN
[HWW](#)-5 2-12-20 [[82](#)]

34. [19-27064](#)-C-13 BENJAMIN GUYTON AND MOTION TO CONFIRM PLAN
[SS-2](#) SHIRLEY LEGARDA-GUYTON 2-7-20 [[42](#)]

Final ruling:

This is the debtors' motion to confirm an amended plan. The moving party failed to serve the creditor filing Claim No. 3-2 at the address on its proof of claim, as required by Fed. R. Bankr. P. 2002(g). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

35. [15-27866](#)-B-13 KENNETH/CHRISTINA SHAW MOTION TO INCUR DEBT
[MJD](#)-2 2-21-20 [[62](#)]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

36. [20-20170](#)-B-13 MARIA VILLARINO-PARRA MOTION TO VALUE COLLATERAL OF
[CLH](#)-1 KABBAGE INC./CELTIC BANK
3-9-20 [[25](#)]

37. [20-20170](#)-B-13 MARIA VILLARINO-PARRA
[JHK](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY CREDITOR FORD MOTOR
CREDIT COMPANY LLC
2-19-20 [[18](#)]
38. [20-20170](#)-B-13 MARIA VILLARINO-PARRA
[RDG](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-2-20 [[22](#)]
39. [17-26685](#)-B-13 SUKANYA TOURVILLE
[MC](#)-5
MOTION TO MODIFY PLAN
2-12-20 [[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.

40. [20-20085](#)-B-13 VICTOR/RENEE PADILLA
[MJ-1](#)
U.S. BANK NATIONAL
ASSOCIATION VS.
MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-14-20 [[19](#)]
41. [20-20088](#)-B-13 STEVE PORRAS
[GMW-2](#)
MOTION TO CONFIRM PLAN
2-5-20 [[25](#)]
42. [19-26989](#)-B-13 MARGARET VIZINAU
[PR-1](#)
CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY AND/OR
MOTION TO CONFIRM TERMINATION
OR ABSENCE OF STAY
12-12-19 [[27](#)]
ROBERT ORTIZ VS.
43. [19-26989](#)-B-13 MARGARET VIZINAU
[RDG-2](#)
OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
2-10-20 [[80](#)]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection to the debtor's claim of exemptions is supported by the record. The court will issue a minute order sustaining the trustee's objection to debtor's claim of exemptions. No appearance

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is necessary.

44. [20-20089](#)-C-13 NILDA VEGA
[DWE](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY FREEDOM MORTGAGE
CORPORATION
3-5-20 [[20](#)]

45. [20-20089](#)-C-13 NILDA VEGA
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-3-20 [[17](#)]

46. [19-27890](#)-B-13 MOHAMMED SHOOSHTARI
[RDG](#)-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
2-10-20 [[23](#)]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection to the debtor's claim of exemptions is supported by the record. The court will issue a minute order sustaining the trustee's objection to debtor's claim of exemptions. No appearance is necessary.

47. [20-20890](#)-B-13 JUQUETTER WILLIAMS
[CJC](#)-18

MOTION FOR RELIEF FROM
AUTOMATIC STAY
2-28-20 [[11](#)]

MERCY HOUSING MANAGEMENT
GROUP, INC. VS.

48. [20-21290](#)-B-13 JOSEPH/JENNIFER DEGRAVIO MOTION TO VALUE COLLATERAL OF
[CLH](#)-1 AMERICAN HONDA FINANCE
3-9-20 [[8](#)]

49. [19-27991](#)-B-13 PAUL/DESIRE WHATLEY OBJECTION TO CONFIRMATION OF
[CJK](#)-1 PLAN BY AMERIHOME MORTGAGE
COMPANY, LLC
2-27-20 [[16](#)]

Final ruling:

This objection has been resolved by stipulation of the parties filed March 19, 2020. As such, the matter removed from calendar and no appearance is necessary.