

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

April 10, 2019 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.	19-21017-D-7	SALVATORE/EMMA CRIVELLO	MOTION FOR RELIEF FROM
	DJD-1		AUTOMATIC STAY
	DEUTSCHE BANK NATIONAL TRUST		3-7-19 [11]
	COMPANY VS.		

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 relief from stay. As the debtors' Statement of Intentions indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

2. 17-20731-D-11 CS360 TOWERS, LLC CONTINUED OBJECTION TO CLAIM OF
DB-37 GEMACK ASSOCIATES, LLP, CLAIM
NUMBER 16-1
12-7-18 [548]

Final ruling:

Pursuant to the stipulated order entered on April 5, 2019, the hearing on this objection is continued to May 22, 2019 at 10:00 a.m. No appearance is necessary on April 10, 2019.

3. 17-20731-D-11 CS360 TOWERS, LLC MOTION TO SELL
DB-41 3-5-19 [619]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

4. 18-28042-D-7 ETTORE RAVAZZOLO MOTION FOR RELIEF FROM
HSM-1 AUTOMATIC STAY
FIVE STAR BANK VS. 3-13-19 [19]

Final ruling:

This matter is resolved without oral argument. This is Five Star Bank'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 and as the debtor and the trustee have filed statements of non-opposition, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. Moving party is to submit an appropriate order. No appearance is necessary.

5. 18-28042-D-7 ETTORE RAVAZZOLO MOTION FOR RELIEF FROM
HSM-2 AUTOMATIC STAY
FIVE STAR BANK VS. 3-13-19 [25]

Final ruling:

This matter is resolved without oral argument. This is Five Star Bank'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 and as the debtor and the trustee have filed statements of non-opposition, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. Moving party is to submit an appropriate order. No appearance is necessary.

6. 17-22145-D-7 ELIAKIM FRANK
DMW-3

MOTION FOR COMPENSATION FOR
DOUGLAS M. WHATLEY, CHAPTER 7
TRUSTEE
2-25-19 [51]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code §§ 326(a) and 330(a). As such, the court will grant the motion and the moving party is to submit an appropriate order. No appearance is necessary.

7. 16-27672-D-7 DAVID LIND
DNL-30

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH PANELLA
ENTERPRISES, LP
3-6-19 [762]

8. 11-37779-D-7 R.C./SUSAN OWENS
DNL-6

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH R.C. OWENS,
SUSAN ELAINE OWENS AND THRIVEST
SPECIALTY FUNDING, LLC
3-12-19 [95]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise of controversy, and the trustee has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9th Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.

9. 11-37779-D-7 R.C./SUSAN OWENS
DNL-7

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH EDWARD S. STONE
AND LAW OFFICES OF EDWARD S.
STONE, AND ELIZABETH HIGH AND
LEE HIGH, LTD
3-13-19 [100]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise of controversy, and the trustee has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9th Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.

10. 17-20689-D-7 MONUMENT SECURITY, INC. MOTION FOR RELIEF FROM
APN-5 AUTOMATIC STAY
TOYOTA MOTOR CREDIT 2-28-19 [580]
CORPORATION VS.

Final ruling:

This matter is resolved without oral argument. This is Toyota Motor Credit Corporation'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 debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtor is not making post-petition payments and 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.

11. 17-20689-D-7 MONUMENT SECURITY, INC. MOTION FOR RELIEF FROM
APN-6 AUTOMATIC STAY
TOYOTA MOTOR CREDIT 2-28-19 [586]
CORPORATION VS.

Final ruling:

This matter is resolved without oral argument. This is Toyota Motor Credit Corporation'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 debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtor is not making post-petition payments and 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.

12. 17-20689-D-7 MONUMENT SECURITY, INC. MOTION FOR RELIEF FROM
DMS-2 AUTOMATIC STAY
LEVON PETROSIAN VS. 3-12-19 [595]

13. 17-27191-D-7 VANESSA LEZCANO MOTION FOR RELIEF FROM
JMP-1 AUTOMATIC STAY
JPMORGAN CHASE BANK, N.A. 3-4-19 [24]
VS.

Final ruling:

This matter is resolved without oral argument. This is JPMorgan Chase Bank'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 debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtor is not making post-petition payments and 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.

14. 18-27991-D-7 MARK/TIFFANY AUSTIN CONTINUED MOTION TO COMPEL
NF-1 ABANDONMENT
1-29-19 [12]

15. 19-21359-D-7 DEBRA SOLIZ CONTINUED MOTION TO DISMISS
RLC-1 CASE
3-6-19 [5]

Final ruling:

This is the debtor's motion to dismiss this case on the ground it was accidentally filed and is a duplicate of a case filed earlier. The moving party utilized BK Attorney Services, LLC, to serve the notice of hearing (see DN 8), but the notice was served only on the debtor, her attorney, the chapter 7 trustee, and the Office of the U.S. Trustee. BK Attorney Services, LLC failed to serve all creditors (or any creditors), as required by Fed. R. Bankr. P. 2002(a)(4).

The court continued the hearing to give the moving party the opportunity to file a notice of continued hearing and serve it on all creditors, but the moving party has not done so. As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

