

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

June 9, 2015 at 10:00 a.m.

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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.	15-21300-D-13	JOSE RODRIGUEZ	MOTION TO CONFIRM PLAN
	MJH-2		4-17-15 [26]

**Final ruling:**

The motion will be denied as moot. The debtor filed an amended plan on May 14, 2015, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.

2.	14-32402-D-13	RICHARD EVANS AND BONNIE	MOTION TO VALUE COLLATERAL OF
	CAH-2	LEBERMAN	SANTANDER CONSUMER USA, INC.
			4-21-15 [46]

**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.

3. 15-21506-D-13 BERNIE GARZA OBJECTION TO DEBTOR'S CLAIM OF  
RDG-2 EXEMPTIONS  
4-17-15 [16]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed. The objection is supported by the record. The court will sustain the trustee's objection to debtor's claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

4. 15-21807-D-13 ALBERT/MARY HAYNES OBJECTION TO DEBTORS' CLAIM OF  
RDG-3 EXEMPTIONS  
5-1-15 [26]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed. The objection is supported by the record. The court will sustain the trustee's objection to debtor's claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

5. 15-20910-D-13 LAPHONSA/COURTNEY GIBBS MOTION TO CONFIRM PLAN  
JCK-2 4-23-15 [21]

6. 10-35615-D-13 ALEXANDRIA BURGESS MOTION TO MODIFY PLAN  
PGM-2 4-30-15 [46]

**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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

7. 15-20823-D-13 MARINA GALINDO MOTION TO CONFIRM PLAN  
JCK-2 4-24-15 [34]

**Final 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). When the debtor filed her schedules, several days after she filed her petition, she included a number of creditors who had not been listed on her master address list, and she failed to amend the master address list. As a result, when the debtor served this motion on the creditors appearing on the PACER matrix, she served only those creditors listed on the master address list and not the additional creditors listed on the schedules.

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

8. 12-33937-D-13 KENNETH HILLMAN MOTION TO MODIFY PLAN  
JCK-4 4-24-15 [57]

9. 12-21542-D-13 GILBERT RODRIGUEZ AND CONTINUED OBJECTION TO NOTICE  
CJY-7 STEPHANIE OF MORTGAGE PAYMENT CHANGE  
AND/OR MOTION TO PAY  
2-23-15 [114]

10. 14-30347-D-13 ANTHONY DISOMMA MOTION TO MODIFY PLAN  
JCK-2 5-1-15 [26]

**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 serve the Employment Development Department at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(b), and failed to serve the Franchise Tax Board, listed on the debtor's Schedule F, at all.

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

11. 14-28148-D-13 CESAR/BETTY DEL ROSARIO OBJECTION TO CLAIM OF WELLS  
JCK-12 FARGO BANK, N.A., CLAIM NUMBER 14  
4-23-15 [112]

**Final ruling:**

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection has been filed and the objection is supported by the record. Accordingly, the court will sustain the debtors' objection to claim by minute order. No appearance is necessary.

12. 15-20153-D-13 ERIC THOMAS CONTINUED OBJECTION TO  
RDG-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
3-9-15 [18]

13. 15-23654-D-13 KEYES/GIRLINDA KELLY MOTION TO VALUE COLLATERAL OF  
JCK-1 CITIMORTGAGE INCORPORATED  
5-7-15 [8]

**Final ruling:**

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Citimortgage Inc. at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. 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 set the amount of Citimortgage Inc.'s secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

14. 15-23654-D-13 KEYES/GIRLINDA KELLY MOTION TO VALUE COLLATERAL OF  
JCK-2 ALLY FINANCIAL  
5-7-15 [13]

**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. 13-25357-D-13 JOHN/BRENDA PREYER MOTION TO SUBSTITUTE JOHNNY LEE  
CJY-2 PREYER III AS THE  
REPRESENTATIVE FOR DEBTORS  
5-13-15 [31]

16. 11-20958-D-13 RICHARD/CHRISTY FLORES MOTION TO MODIFY PLAN  
CJY-2 4-22-15 [53]

**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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

17. 14-31159-D-13 ELISA SOTO MOTION TO VALUE COLLATERAL OF  
GMW-2 BMW BANK OF NORTH AMERICA  
5-12-15 [40]

**Final ruling:**

This matter is continued to July 14, 2015 at 10:00 a.m. per a stipulated order filed May 27, 2015.

18. 15-21371-D-13 RADHEY/LILLIAM SHYAM CONTINUED OBJECTION TO  
PD-1 CONFIRMATION OF PLAN BY U.S.  
BANK, N.A.  
4-14-15 [24]

19. 15-21371-D-13 RADHEY/LILLIAM SHYAM CONTINUED OBJECTION TO  
RDG-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
4-17-15 [28]

**Final ruling:**

**Objection withdrawn by moving party. Matter removed from calendar.**

20. 12-25179-D-13 LARRY/CARRIE STAMPER MOTION TO INCUR DEBT  
JCK-6 5-8-15 [94]

21. 12-39388-D-13 CAROLINA CAHUE MOTION FOR COMPENSATION FOR  
PGM-5 PETER G. MACALUSO, DEBTOR'S  
ATTORNEY  
5-4-15 [61]

22. 14-32392-D-13 FELICIDAD BANIQUED OBJECTION TO DEBTOR'S CLAIM OF  
RDG-3 EXEMPTIONS  
5-1-15 [58]

**Final ruling:**

**This is the trustee's objection to the debtor's claim of exemptions. The basis of the objection is that the debtor failed to file a spousal waiver to allow her to use the exemptions provided by Cal. Code Civ. Proc. § 703.140(b). On May 4, 2015, the debtor filed a spousal waiver in the correct form signed by the debtor and her spouse. As a result of the filing of the spousal waiver, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.**

23. 15-22494-D-13 LINA BASTIDA OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
5-15-15 [19]

24. 14-30095-D-13 SHEILA TERRY MOTION TO CONFIRM PLAN  
BAS-2 4-20-15 [73]

**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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

25. 15-21807-D-13 ALBERT/MARY HAYNES CONTINUED MOTION TO DISMISS  
RDG-4 CASE  
5-11-15 [29]

26. 15-22422-D-13 ROBERT/LYNNETTE OVALLE OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
5-15-15 [18]

27. 15-22228-D-13 SHELDON/ANGIE SMITH OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
5-15-15 [29]
28. 15-22228-D-13 SHELDON/ANGIE SMITH OBJECTION TO CONFIRMATION OF  
PLAN BY ALAMEDA COUNTY  
TREASURER - TAX COLLECTOR  
DONALD R. WHITE  
5-15-15 [28]
29. 15-22530-D-13 JAMEESE GUESS-SMOOT OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
5-15-15 [30]
30. 15-23732-D-13 KEVIN ORR MOTION TO VACATE DISMISSAL OF  
LR-1 CASE  
5-19-15 [12]
- DEBTOR DISMISSED: 05/18/2015**

31. 10-29942-D-13 ALAN/LADONNA TORRES MOTION TO INCUR DEBT  
PLG-2 5-26-15 [117]
32. 10-20456-D-13 FORTUNATO/AUGUSTA RAMIREZ MOTION TO VALUE COLLATERAL OF  
JDP-1 BANK OF AMERICA, N.A.  
5-21-15 [46]
33. 15-20773-D-13 VINCE MOUA AND SEE HER MOTION TO SELL  
CJY-1 5-19-15 [23]
34. 15-24189-D-13 GARY DECUIR MOTION TO EXTEND AUTOMATIC STAY  
MC-1 5-26-15 [9]

35. 10-23393-D-13 DARREN/TRACEY GOMEZ MOTION TO VALUE COLLATERAL OF  
JDP-1 JP MORGAN CHASE, N.A.  
5-19-15 [50]
36. 10-23393-D-13 DARREN/TRACEY GOMEZ MOTION TO VALUE COLLATERAL OF  
JDP-2 JP MORGAN CHASE, N.A.  
5-19-15 [54]
37. 15-21799-D-13 MIGUEL CERPAS CONTINUED OBJECTION TO  
RDG-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
5-4-15 [16]

**Final ruling:**

**Objection withdrawn by moving party. Matter removed from calendar.**