

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

June 16, 2020 at 10:00 a.m.

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

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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 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.

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1. <a href="#">19-27600</a> -C-13	ROSALIND SMITH	MOTION FOR RELIEF FROM
<a href="#">JCW</a> -1		AUTOMATIC STAY
		5-8-20 [ <a href="#">74</a> ]
THE BANK OF NEW YORK MELLON		
VS.		

**Final ruling:**

This matter is resolved without oral argument. This is The Bank of New York Mellon'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. Further, the court record demonstrates that the filing of the petition was part of a scheme to hinder and delay the moving party's efforts to foreclose on its collateral. Accordingly, the court finds there

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is cause for granting relief from stay under U.S.C. 362(d) (4) as the bankruptcy was part of a scheme to hinder and delay creditor. The court will grant relief from stay. The moving party is to submit an appropriate order. There will be no further relief afforded. No appearance is necessary.

2. [19-27700](#)-C-13 KRISTA/SEAN BILLINGS MOTION TO CONFIRM PLAN  
[PLC](#)-3 5-4-20 [[49](#)]

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

**Final ruling:**

The hearing on this objection is continued to June 23, 2020 at 2:00 p.m. to be heard by the Hon. Christopher M. Klein, Dept. C (Courtroom 33). No appearance is necessary on June 16, 2020.

4. [20-20109](#)-C-13 KARLA SLADARIU CONTINUED MOTION TO VALUE  
[PGM](#)-1 COLLATERAL OF DEUTSCHE BANK  
NATIONAL TRUST COMPANY  
3-6-20 [[31](#)]

**Final ruling:**

The hearing on this motion is continued to June 23, 2020 at 2:00 p.m. to be heard by the Hon. Christopher M. Klein, Dept. C (Courtroom 33). No appearance is necessary on June 16, 2020.

5. [20-20109](#)-C-13 KARLA SLADARIU CONTINUED OBJECTION TO  
[RDG](#)-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
3-2-20 [[21](#)]

**Final ruling:**

The hearing on this objection is continued to June 23, 2020 at 2:00 p.m. to be heard by the Hon. Christopher M. Klein, Dept. C (Courtroom 33). No appearance is necessary on June 16, 2020.

6. [16-23810](#)-B-13 DANIEL WRIGHT MOTION TO SELL  
[SLH](#)-2 5-12-20 [[45](#)]

7. [20-20813](#)-C-13 ANTOINETTE WOODS MOTION TO CONFIRM PLAN  
[MJD](#)-3 5-12-20 [[49](#)]

8. [19-27414](#)-B-13 GUADALUPE TAFOLLA MOTION FOR RELIEF FROM  
[AP](#)-1 AUTOMATIC STAY  
5-7-20 [[73](#)]

PNC BANK, NATIONAL  
ASSOCIATION VS.

**Final ruling:**

This matter is resolved without oral argument. This is PNC Bank, N.A.'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 by minute order. There will be no further relief afforded. No appearance is necessary.

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9. [20-22623](#)-C-13 MICHAEL BARKALOW AND MOTION TO EXTEND AUTOMATIC STAY  
[SDH](#)-1 JOLIE PERCIVAL 5-26-20 [[8](#)]

10. [20-20026](#)-C-13 FRANCISCO SOLORIO MOTION TO CONFIRM PLAN  
[SLE](#)-4 5-5-20 [[50](#)]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons:

First, the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(a)(9). The moving party failed to serve the creditor listed on his Schedule H as co-debtor on the debtor's car loan. Minimal research into the case law concerning § 101(5) and (10) of the Bankruptcy Code discloses an extremely broad interpretation of "creditor," certainly one that includes co-debtors on debts of the debtor.

Second, because the debtor's master address list does not include that creditor, the debtor has failed to comply with Fed. R. Bankr. P. 1007(a)(1), which requires a debtor to include on his or her master address list the names and addresses of all parties included or to be included on his or her schedules, including Schedule H. As a result, the court's creditor list, as reflected on the court's website for this case and on the PACER matrix, does not include those creditors. Thus, those creditors have not received and will not receive notices served by the Bankruptcy Noticing Center or by creditors in the case.

It is the moving party's responsibility to serve the motion on all creditors, which, presumably, he will do when she files another motion. However, she also has a responsibility to be sure her master address list includes "each entity included . . . on Schedules D, E/F, G, and H . . ." Fed. R. Bankr. P. 1007(a)(1). Thus, the plan cannot be confirmed because the debtor has failed to comply with her duty to file a complete list of creditors, as required by § 521(a)(1)(A), as implemented by Fed. R. Bankr. P. 1007(a)(1), and thus, has not complied with § 1325(a)(1).

Third, the moving party failed to serve the parties filing Claim Nos. 3-1 and 6-1 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g).

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

11. [20-20228](#)-B-13 DALJEET BRAR  
[RDG](#)-1 CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
3-2-20 [[18](#)]
12. [20-21028](#)-C-13 MARILYN JOHNSON  
[KMM](#)-1 CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY U.S.  
BANK NATIONAL ASSOCIATION  
4-29-20 [[28](#)]
13. [20-21329](#)-C-13 TONYA SMITH  
[ABV](#)-1 CONTINUED MOTION FOR RELIEF  
FROM AUTOMATIC STAY  
3-24-20 [[15](#)]  
  
CIVIC VENTURES, LLC, VS.  
DEBTOR DISMISSED: 03/24/2020
14. [18-21534](#)-B-13 HECTOR/MARIA PEREZ  
[BSH](#)-6 MOTION TO MODIFY PLAN  
4-27-20 [[132](#)]

15. [18-27740](#)-B-13 HENRIETTA DEBROUWER MOTION TO MODIFY PLAN  
[MJD](#)-7 4-15-20 [[127](#)]
16. [20-20640](#)-C-13 MICHAEL/JEANNINE SASO MOTION TO VALUE COLLATERAL OF  
[KNB](#)-1 READYCAP LENDING LLC  
5-13-20 [[27](#)]
17. [17-27341](#)-B-13 DELORES GREY CONTINUED MOTION TO MODIFY PLAN  
[RJ](#)-4 3-18-20 [[75](#)]
18. [20-21250](#)-B-13 MATTHEW/SELHMA RAPIER CONTINUED OBJECTION TO  
[APN](#)-1 CONFIRMATION OF PLAN BY THE  
MONEY SOURCE INC.  
3-31-20 [[18](#)]

19. [20-20558](#)-B-13 KAREEM SYKES CONTINUED OBJECTION TO  
[RDG](#)-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
3-16-20 [[33](#)]

20. [18-27659](#)-B-13 BRITTANY HOLMES MOTION TO MODIFY PLAN  
[PSB](#)-2 5-8-20 [[47](#)]

**Tentative ruling:**

This is the debtor' motion to modify her Chapter 13 plan. The moving party failed to attach a service list to the proof of service filed in support of this motion. As such, the court cannot ascertain if service of the motion was sufficient. As a result of this defect, the motion will be denied by minute order. Alternatively, the court will consider continuing the hearing to allow the moving party to file an amended proof of service.

21. [19-26859](#)-C-13 JENNIFER/DAVID KALINEN OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
5-18-20 [[40](#)]

22. [15-27866](#)-B-13 KENNETH/CHRISTINA SHAW MOTION TO MODIFY PLAN  
[MJD](#)-4 4-22-20 [[83](#)]

**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.

23. [17-27366](#)-B-13 IAN FONTANILLA MOTION TO AVOID LIEN OF CREDIT  
[MJD](#)-6 SOLUTIONS CORPORATION  
5-11-20 [[64](#)]

**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.

24. [18-23468](#)-B-13 MEEGAN WILLIAMSON OBJECTION TO NOTICE OF MORTGAGE  
[SLE](#)-1 PAYMENT CHANGE  
4-24-20 [[66](#)]

**Final ruling:**

As stated in the Notice of Rescheduled Hearing (Dckt. 73), this matter has been rescheduled to be heard on June 16, 2020, at 11:00 a.m., before the Hon. Christopher D. Jaime, Dept. B (Courtroom 32). The objection is removed from this calendar.

25. [19-27468](#)-C-13 EDDIE/CARYN GARDNER CONTINUED MOTION TO VALUE  
[PGM](#)-2 COLLATERAL OF HSBC BANK USA,  
N.A.  
1-20-20 [[27](#)]

**Final ruling:**

This motion has been resolved by a stipulation between the parties. As such, the matter is removed from calendar. No appearance is necessary.

26. [19-27468](#)-C-13 EDDIE/CARYN GARDNER CONTINUED OBJECTION TO  
[RDG](#)-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
1-13-20 [[24](#)]



27. [20-21968](#)-C-13 MARCOS/CONNIE VALENCIA OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
5-18-20 [[25](#)]
28. [20-21970](#)-B-13 JEFFREY/MIGHELA COCHRAN MOTION TO VALUE COLLATERAL OF  
[PGM](#)-1 GOLDEN 1 CREDIT UNION  
5-19-20 [[25](#)]

**Final ruling:**

**This motion has been resolved by a stipulation between the parties. As such, the matter is removed from calendar. No appearance is necessary.**

29. [20-21970](#)-B-13 JEFFREY/MIGHELA COCHRAN OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
5-18-20 [[22](#)]
30. [16-27373](#)-B-13 KALISE ELLERBY MOTION TO COMPROMISE  
[MET](#)-3 CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH AAA INSURANCE  
5-18-20 [[51](#)]

31. [16-27674](#)-B-13 STEVEN RENO CONTINUED MOTION TO MODIFY PLAN  
[TLC](#)-3 3-25-20 [[47](#)]
32. [20-20775](#)-C-13 EBALINA HERNANDEZ AND CONTINUED OBJECTION TO  
[RDG](#)-1 ALAN TRUJILLO DOMINGUEZ CONFIRMATION OF PLAN BY RUSSELL  
D GREER  
4-28-20 [[30](#)]
33. [20-21976](#)-B-13 NICHOLAS/FELICIA HALL MOTION FOR RELIEF FROM  
[JHK](#)-1 AUTOMATIC STAY  
5-11-20 [[20](#)]  
AMERICREDIT FINANCIAL  
SERVICES, INC. VS.

**Final ruling:**

**This matter is resolved without oral argument. This is Americredit Financial Services, Inc.'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 by minute order. There will be no further relief afforded. No appearance is necessary.**

34. [20-22178](#)-C-13 COREY FULK MOTION TO VALUE COLLATERAL OF  
[MRL](#)-1 TRAVIS CREDIT UNION  
5-29-20 [[14](#)]

35. [20-21980](#)-C-13 SAVINA HALL OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
5-19-20 [[15](#)]

36. [18-20182](#)-B-13 STARR SHINE MOTION TO MODIFY PLAN  
[MRL](#)-1 4-14-20 [[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.

37. [20-21485](#)-C-13 DEREK WOLF OBJECTION TO DEBTOR'S CLAIM OF  
[RDG](#)-2 EXEMPTIONS  
5-4-20 [[34](#)]

**Final ruling:**

This case was dismissed on May 22, 2020. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

38. [19-25989](#)-B-13 ANGELINA/MIGUEL PEINADO CONTINUED MOTION FOR RELIEF  
[EAT](#)-1 FROM AUTOMATIC STAY  
1-23-20 [[89](#)]

39. [19-26989](#)-B-13 MARGARET VIZINAU MOTION TO VALUE COLLATERAL OF  
[PGM](#)-3 LOBEL FINANCIAL CORPORATION  
5-19-20 [[145](#)]

**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.

40. [20-21794](#)-B-13 GREGORY/JANEE MOORE OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
5-14-20 [[23](#)]

**Final ruling:**

The objection will be overruled as moot. The debtor filed an amended plan on June 6, 2020, making this objection moot. As a result the court will overrule the objection without prejudice by minute order. No appearance is necessary.

41. [20-21795](#)-C-13 NIDA MADARANG OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
5-18-20 [[14](#)]

42. [19-27297](#)-B-13 RICKY/JENNY MARTIN  
[JHK](#)-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
5-18-20 [[54](#)]

AMERICREDIT FINANCIAL  
SERVICES, INC. VS.

**Final ruling:**

This motion has been resolved by a stipulation between the parties. As such, the matter is removed from calendar. No appearance is necessary.