

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

June 26, 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.	18-90201-D-13	STEPHANIE NEHER	OBJECTION TO DEBTOR'S CLAIM OF EXEMPTIONS
	RDG-3		5-14-18 [32]

Final ruling:

This is the trustee's objection to the debtor's claims of exemption. The trustee objected on the ground the debtor had claimed exemptions under both Cal. Code Civ. Proc. 704.010, et seq. and Cal. Code Civ. Proc. 703.140. On June 12, 2018, the debtor amended her Schedule C and claimed exemptions only under Cal. Code Civ. Proc. 704.010, et seq. As a result of the filing of the amended Schedule C, this objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

2. 18-90210-D-13 RANDALL/CYNTHIA BAHAM OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-29-18 [18]

3. 18-90216-D-13 DEBBIE SWISEGOOD OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
5-29-18 [13]

4. 18-90220-D-13 LAQUITA CADWELL OBJECTION TO DEBTOR'S CLAIM OF
RDG-1 EXEMPTIONS
5-23-18 [18]

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 issue a minute order sustaining the trustee's objection to debtor's claim of exemptions. No appearance is necessary.

5. 18-90220-D-13 LAQUITA CADWELL OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
5-23-18 [21]

6. 18-90224-D-13 HOLLY SCOTT OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-29-18 [22]

7. 18-90237-D-13 JOANN MERENDA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
5-24-18 [18]

8. 18-90154-D-13 EDWARD/KAREN WICKMAN MOTION TO CONFIRM PLAN
MRG-2 5-20-18 [41]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties gave only 38 days' notice of the hearing rather than 42 days', as required by LBR 3015-1(d) (1) and applicable rules; and (2) the moving parties served the motion, notice of hearing, plan, supporting memorandum, and declaration on the United States Trustee, the chapter 13 trustee, secured creditors, and the party requesting special notice, but served only the plan and notice of hearing on all other creditors, whereas the rule provides "the debtor shall file and serve the modified chapter 13 plan together with a motion to confirm it." LBR 3015-1(d) (1).

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

9. 18-90261-D-13 HEIDI WILSON MOTION FOR RELIEF FROM
NLL-1 AUTOMATIC STAY AND/OR MOTION
U.S. BANK, N.A. VS. FOR RELIEF FROM CO-DEBTOR STAY
5-15-18 [25]

DEBTOR DISMISSED: 05/29/2018

10. 17-90400-D-13 JAMELIA ROBINSON MOTION TO COMPROMISE
17-9005 CONTROVERSY/APPROVE SETTLEMENT
ROBINSON V. PACIFIC MOTORS AGREEMENT WITH PACIFIC MOTORS
6-5-18 [50]

Tentative ruling:

This is the debtor's motion to approve a compromise pursuant to Fed. R. Bankr. P. 9019. The court intends to deny the motion because there is no proof of service on file. Alternatively, if the Motion was properly served, the court will consider continuing the hearing to allow for the proof of service to be filed. The court also notes that (1) the moving papers do not include a docket control number, as required by LBR 9014-1(c)(1) and (2); (2) the motion, memorandum of points and authorities, supporting declaration, and exhibit are all filed as a single document rather than separately, as required by LBR 9004-2(c)(1); and (3) the notice of hearing does not contain the information required by LBR 9014-1(d)(3)(B). The court will hear the matter.

11. 17-91036-D-13 DEBORAH KIRKLE MOTION TO VALUE COLLATERAL OF
DCJ-2 WALLACE MILLER
6-12-18 [43]

12. 18-90350-D-13 JULIE GONZALEZ MOTION TO AVOID LIEN OF
MSN-1 KATHLEEN TALBERT
6-6-18 [21]

13. 18-90350-D-13 JULIE GONZALEZ MOTION TO AVOID LIEN OF
MSN-2 PORTFOLIO RECOVERY ASSOCIATES,
LLC
6-6-18 [26]

14. 18-90083-D-13 MERCEDES HOLLOWAY MOTION TO APPROVE LOAN
DCJ-4 MODIFICATION
6-11-18 [66]

15. 17-90195-D-13 DAVID/STACIE GONZALES MOTION TO INCUR DEBT
MSN-2 6-12-18 [40]