

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

November 14, 2018

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.	18-25501-D-7	ROBERT PADILLA	MOTION FOR RELIEF FROM
	JHW-1		AUTOMATIC STAY
	SANTANDER CONSUMER USA, INC.		9-25-18 [12]
	VS.		

Final ruling:

This matter is resolved without oral argument. This is Santander Consumer USA, 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.

2. 18-22712-D-7 HERBERT/SHIRLEY KEENER MOTION FOR COMPENSATION BY THE
SCB-6 LAW OFFICE OF SCHNEWEIS-COE &
BAKKEN, LLP FOR LORIS L.
BAKKEN, TRUSTEE'S ATTORNEY(S)
10-17-18 [55]

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 § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

3. 14-25820-D-11 INTERNATIONAL MOTION TO EXTEND DISCOVERY AND
15-2122 MANUFACTURING GROUP, INC. PRE-TRIAL DEADLINES AND/OR
IWC-4 MOTION FOR SANCTIONS
MCFARLAND V. CARTER ET AL 10-17-18 [153]

4. 17-20731-D-11 CS360 TOWERS, LLC OBJECTION TO CLAIM OF RICHARD
DB-27 TSAI, CLAIM NUMBER 13-1
9-24-18 [460]

Final ruling:

The hearing on this objection has been continued to November 28, 2018 at 10:00 a.m. by order filed October 30, 2018 approving the parties' stipulation.

5. 17-20731-D-11 CS360 TOWERS, LLC OBJECTION TO CLAIM OF MINDER
DB-28 CHENG, CLAIM NUMBER 18-1
9-24-18 [463]

Final ruling:

The hearing on this objection has been continued to November 28, 2018 at 10:00 a.m. by order filed October 30, 2018 approving the parties' stipulation.

6. 18-26540-D-12 LINDA DYSERT STATUS CONFERENCE RE: VOLUNTARY
PETITION
10-17-18 [1]

7. 17-28245-D-7 NEW MEDIA CENTERS MOTION TO EMPLOY BACHECKI, CROM
DNL-3 & CO., LLP AS ACCOUNTANT(S)
10-17-18 [69]

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 to employ Bachecki, Crom & Co., LLP as accountant on a flat fee basis of \$3,100 is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

8. 16-27672-D-7 DAVID LIND CONTINUED MOTION TO PAY AND/OR
DNL-23 MOTION FOR ADMINISTRATIVE
EXPENSES
9-12-18 [626]

9. 18-25974-D-7 EVANS ALLISON AND PAMELA MOTION FOR RELIEF FROM
JHW-1 DIXON AUTOMATIC STAY
SANTANDER CONSUMER USA, INC. 10-12-18 [11]
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.

10. 18-20177-D-7 DAVID BENJAMIN MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
WELLS FARGO BANK, N.A. VS. 10-16-18 [69]

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 debtor received his discharge on April 16, 2018 and, as a result, the stay is no longer in effect as to the debtor (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtor as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

11. 18-20177-D-7 DAVID BENJAMIN MOTION FOR ADMINISTRATIVE
DNL-5 EXPENSES
10-17-18 [75]

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 for administrative expenses of \$64,000 to the IRS and \$42,000 to the FTB is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

12. 18-20177-D-7 DAVID BENJAMIN MOTION TO ISSUE DISTRIBUTION TO
DNL-6 PRIORITY CREDITORS
10-17-18 [79]

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 to issue distribution to priority creditors and pay the priority claim of the IRS in the amount of \$112,591.75 and the FTB the amount of \$88,063.51 is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

13. 18-20177-D-7 DAVID BENJAMIN MOTION FOR COMPENSATION BY THE
DNL-7 LAW OFFICE OF DESMOND, NOLAN,
LIVAICH & CUNNINGHAM FOR J.
LUKE HENDRIX, TRUSTEE'S
ATTORNEY(S)
10-17-18 [83]

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 § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

14. 11-37779-D-7 R.C./SUSAN OWENS MOTION FOR AUTHORITY TO ADVANCE
DNL-4 EXEMPTION PAYMENT
10-17-18 [62]

15. 18-25786-D-7 DONTE FLORES AMENDED MOTION FOR WAIVER OF
THE CHAPTER 7 FILING FEE OR
OTHER FEE
9-27-18 [23]

16. 18-26093-D-7 JOSHUA CALLAWAY MOTION FOR RELIEF FROM
BPC-1 AUTOMATIC STAY
THE GOLDEN 1 CREDIT UNION 10-18-18 [11]
VS.

Final ruling:

The matter is resolved without oral argument. This motion was noticed under LBR 9014-1(f)(2). However, the debtor's Statement of Intentions indicates he intends to surrender the collateral and the trustee has filed a statement of non-opposition. Accordingly, the court finds a hearing is not necessary and will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

17. 18-20603-D-7 GARY/ROBERTA CULBERTSON CONTINUED MOTION TO AVOID LIEN
PGM-1 OF CHASE BANK USA, N.A.
9-23-18 [24]

Final ruling:

This is the debtors' motion to avoid a judicial lien purportedly held by Chase Bank USA, N.A. (the "Bank"). All of the moving papers refer to the holder of the judicial lien as the Bank, whereas the actual holder, according to the abstract of judgment and the application for and renewal of judgment, is Alliance Credit Services, Inc. ("Alliance"). See Debtors' Ex. A, line 3; Debtors' Ex. B, line 1. The moving parties served Alliance through its agent for service of process. However, they served only the notice of hearing, motion, declaration, and points and

authorities, and not the exhibits. The documents served refer to the Bank as the holder of the judicial lien. The name of Alliance appears only in the abstract of judgment and application for and renewal of judgment that are among the debtors' exhibits, which, again, were not served. As a result, the documents served were not sufficient to give notice to Alliance that its judicial lien is the lien the debtors are seeking to avoid.

The court continued the hearing and required the moving parties to file a notice of continued hearing making it clear the judicial lien the debtors are seeking to avoid is held by Alliance, not the Bank. Instead, on November 7, 2018, the moving parties filed a notice of continued hearing that, like the original notice, said the motion was a motion to avoid a judicial lien held by the Bank. It said nothing at all about Alliance. Thus, the moving parties did not correct the notice defect required by the court's original ruling to be corrected. Further, even if the notice had advised Alliance that its judicial lien is the subject of the motion, the moving parties gave only seven days' notice of the continued hearing, which is insufficient under LBR 9014-1(f).

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

18. 18-20604-D-11 BOB COOK COMPANY LLC CONTINUED STATUS CONFERENCE RE:
VOLUNTARY PETITION
2-2-18 [1]

Final ruling:

The hearing on status conference is continued to November 28, 2018 at 10:00 a.m. to be heard with the debtor's motion to dismiss its Chapter 11 case. (See ruling on item No. 19, below.) No appearance is necessary on November 14, 2018.

19. 18-20604-D-11 BOB COOK COMPANY LLC MOTION TO DISMISS CASE
GEL-5 10-26-18 [67]

Final ruling:

This is the debtor's motion to dismiss this chapter 11 case. The court is not prepared to consider the motion at this time for two reasons. First, as to the Office of the United States Trustee and parties requesting special notice, the proof of service states that service was made on July 5, 2018, whereas the moving papers were not signed until October 26, 2018. Second, the notice of hearing, which is the only document served on creditors who have not requested special notice, states only that the hearing is concerning the debtor's motion pursuant to 11 U.S.C. §1112(b) to dismiss chapter 11 filing. The notice of hearing says nothing about the grounds for the motion or the reasons for its filing. In short, the notice of hearing does not set forth the essential facts necessary for a party to determine whether to oppose the motion, as required by LBR 9014-1(d) (3) (B) (iv).

The court will continue the hearing to November 28, 2018, at 10:00 a.m., the moving party to (1) file a corrected proof of service with regard to the date on which the motion and other documents were served on the United States Trustee and parties requesting special notice; and (2) file a notice of continued hearing that complies with LBR 9014-1(d) (3) (B) (iv) and serve it on all creditors no later than

November 14, 2018. The notice of hearing shall be pursuant to LBR 9014-1(f) (2) - no written opposition required.

The hearing will be continued by minute order. No appearance is necessary on November 14, 2018.

20. 18-22453-D-7 ECS REFINING, INC. CONTINUED MOTION FOR RELIEF
BJ-2 FROM AUTOMATIC STAY
SUMMITBRIDGE NATIONAL 7-6-18 [248]
INVESTMENTS V, LLC, VS.

21. 18-22453-D-7 ECS REFINING, INC. MOTION TO COMPEL
DNL-1 10-30-18 [675]

22. 18-22453-D-7 ECS REFINING, INC. MOTION TO COMPEL
DNL-2 10-30-18 [680]

23. 18-22453-D-7 ECS REFINING, INC. MOTION TO COMPEL ABANDONMENT
DNL-3 10-30-18 [685]
24. 18-22453-D-7 ECS REFINING, INC. MOTION TO COMPEL ABANDONMENT
DNL-4 10-30-18 [690]
25. 18-22453-D-7 ECS REFINING, INC. MOTION FOR RELIEF FROM
DNL-5 AUTOMATIC STAY
SINCLAIR PARTNERS, LLC VS. 10-30-18 [695]
26. 18-22453-D-7 ECS REFINING, INC. MOTION FOR RELIEF FROM
DNL-6 AUTOMATIC STAY
ECS BIG TOWN, LLC VS. 10-30-18 [701]

27. 16-22659-D-7 KARLA HENDRIX MOTION TO AVOID LIEN OF CIG
SLE-4 FINANCIAL, LLC
10-31-18 [38]
28. 16-22659-D-7 KARLA HENDRIX MOTION TO AVOID LIEN OF STATE
SLE-5 FARM MUTUAL AUTOMOBILE
INSURANCE CO.
10-31-18 [43]
29. 17-23967-D-7 MARIA CHUA MOTION FOR RELIEF FROM
VVF-1 AUTOMATIC STAY
AMERICAN HONDA FINANCE CORPORATION VS. 10-30-18 [17]
30. 11-37779-D-7 R.C./SUSAN OWENS COUNTER MOTION FOR STAY
FOX-1 10-31-18 [73]

31. 18-25180-D-7 AIGALESALA LIMU CONTINUED AMENDED TRUSTEE'S
GR-1 MOTION TO DISMISS FOR FAILURE
TO APPEAR AT SEC. 341(A)
MEETING OF CREDITORS
9-26-18 [15]

Final Ruling:

This is the trustee's motion to dismiss this case for the debtor's failure to appear at the meeting of creditors. The debtor filed opposition. The trustee has now filed an amended motion to dismiss, along with a notice to the debtor of how to oppose the amended motion. As a result of the trustee's filing of the amended motion, the present motion is moot. The trustee's motion to dismiss, filed September 26, 2018, will be denied as moot by minute order. No appearance is necessary.

32. 18-26385-D-7 JAMES/KAREN MONTGOMERY MOTION FOR RELIEF FROM
BPC-1 AUTOMATIC STAY
THE GOLDEN 1 CREDIT UNION 10-30-18 [10]
VS.

33. 18-26190-D-7 NICOLAS CARVER MOTION FOR RELIEF FROM
BPC-1 AUTOMATIC STAY
PACIFIC SERVICE CREDIT UNION 11-1-18 [9]
VS.

34. 18-22453-D-7 ECS REFINING, INC. CONTINUED MOTION TO USE CASH
WFH-2 COLLATERAL
10-12-18 [632]