

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

November 19, 2019 at 10:30 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 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.

1. [19-90801](#)-B-13 ALEXANDER/CECILIA SUAREZ OBJECTION TO CONFIRMATION OF PLAN BY MID AMERICA MORTGAGE, INC.
10-23-19 [[18](#)]

2. [19-90817](#)-B-13 GARY COOKSEY OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER
[RDG-1](#) 10-28-19 [[28](#)]

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3. [16-90921](#)-B-13 JOHN/JULIE HOLDER MOTION TO MODIFY PLAN
[RLF](#)-4 10-7-19 [[72](#)]

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.

4. [19-90425](#)-B-13 ROLAND/REGINA RUSHER MOTION TO INCUR DEBT
[MSN](#)-1 10-22-19 [[19](#)]

5. [19-90556](#)-B-13 GIRARD GOODMAN OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
10-28-19 [[69](#)]

6. [19-90968](#)-B-13 VINCENT/HEATHER PORTER MOTION TO EXTEND AUTOMATIC STAY
[DCJ](#)-1 11-5-19 [[11](#)]

7. [19-90770](#)-B-13 WILLIAM LEMMONS
[MRG](#)-1 OBJECTION TO CONFIRMATION OF
PLAN BY US BANK TRUST N.A.
10-8-19 [[18](#)]
8. [19-90770](#)-B-13 WILLIAM LEMMONS
[RDG](#)-1 OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
10-21-19 [[25](#)]
9. [19-90770](#)-B-13 WILLIAM LEMMONS
[STH](#)-1 OBJECTION TO CONFIRMATION OF
PLAN BY SPECIALIZED LOAN
SERVICING, LLC
10-17-19 [[21](#)]
10. [16-90775](#)-B-13 KANDACE ATKINS
[BSH](#)-8 MOTION TO MODIFY PLAN
10-7-19 [[97](#)]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied for multiple reasons. First, moving party failed to serve Suzanna Ramos, a creditor listed on her Schedule G as party to a residential lease with the debtor. This is the same service defect that existed on her prior motion to modify plan and was brought to movant's attention by the court on June 25, 2019.

Second, the plan that was filed on October 7, 2019 along with this motion is titled "Chapter 13 Plan." The court notes that the initial plan filed by the debtor on September 21, 2016 has this same title. The Certificate of Service filed on that same date indicates service of a "Proposed Fifth Modified Chapter 13 Plan." These

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inaccuracies not only cause confusion, but result in inadequate notice to the creditors.

And third, the moving party has utilized the same docket control number, BSH-8, for a prior motion. This duplicate use of the same docket control number is confusing and defeats the purpose behind the use of docket control numbers.

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

11. [19-90475](#)-B-13 AJIT/ROSIE SANDHU MOTION FOR RELIEF FROM
[MLA](#)-1 AUTOMATIC STAY
10-11-19 [[63](#)]

ERIC PALOFAX VS.

12. [19-90077](#)-B-13 ANGEL MEDRANO MOTION TO CONFIRM PLAN
[JTL](#)-2 9-24-19 [[76](#)]

Final ruling:

This is the debtor's motion to confirm 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(a)(9). The moving party failed to serve Alameda County Superior Court. Further, the moving party has failed to submit any evidence in support of confirmation. As a result of these defects, the motion will be denied by minute order. No appearance is necessary.

13. [15-90786](#)-B-13 ERIC/ANNA SILVA MOTION TO MODIFY PLAN
[MSN](#)-2 9-27-19 [[44](#)]

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.

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14. [17-90388](#)-B-13 JOSE/ROLEA ROY MOTION TO MODIFY PLAN
[MLP](#)-3 10-8-19 [[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 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.

15. [17-90388](#)-B-13 JOSE/ROLEA ROY MOTION TO INCUR DEBT
[MLP](#)-4 10-9-19 [[59](#)]

16. [19-90496](#)-B-13 BRUCE/LESLIE DUDLEY MOTION TO CONFIRM PLAN
[SMJ](#)-1 10-4-19 [[31](#)]

Final ruling:

This is the debtors' motion to confirm an amended plan. The motion will be denied for the following reasons: (1) the moving party failed to attached the referenced service to their proof of service making it impossible for the court to determine whether the motion was properly served; and (2) the proof of service indicates a service date of June 4, 2019, which is not possible as the motion and related documents all have a signature date of October 4, 2019. As a result of these defects, the motion will be denied by minute order. No appearance is necessary.

17. [19-90599](#)-B-13 LINDA EXPOSE OBJECTION TO DEBTOR'S CLAIM OF
[RDG](#)-6 EXEMPTIONS
10-7-19 [[87](#)]

Final ruling:

This case was dismissed on October 24, 2019. As a result the objection will be overruled by minute order as moot. No appearance is necessary.