

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

December 3, 2019 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 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. [18-26202](#)-B-13 MYRON SMITH MOTION FOR CONSENT TO ENTER
[MJH](#)-3 INTO LOAN MODIFICATION
AGREEMENT
10-31-19 [[43](#)]

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 consent to enter into a loan modification agreement 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.

December 3, 2019 at 10:00 a.m.

2. [19-25404](#)-B-13 ART BRACAMONTE CONTINUED OBJECTION TO
[RDG-1](#) CONFIRMATION OF PLAN BY RUSSELL
D. GREER
10-21-19 [[25](#)]
3. [19-25404](#)-B-13 ART BRACAMONTE OBJECTION TO DEBTOR'S CLAIM OF
[RDG-2](#) EXEMPTIONS
10-21-19 [[22](#)]
4. [19-25404](#)-B-13 ART BRACAMONTE MOTION TO VALUE COLLATERAL OF
[RK-1](#) ALTURA CREDIT UNION
10-23-19 [[28](#)]

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.

5. [19-25404](#)-B-13 ART BRACAMONTE MOTION TO VALUE COLLATERAL OF
[RK-2](#) ALTURA CREDIT UNION
10-23-19 [[32](#)]

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.

6. [19-26508](#)-C-13 CYNTHIA BATIESTE MOTION TO VALUE COLLATERAL OF
[MJD-1](#) GM FINANCIAL
10-24-19 [[9](#)]

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.

7. [19-26508](#)-C-13 CYNTHIA BATIESTE MOTION TO VALUE COLLATERAL OF
[MJD-2](#) WELLS FARGO DEALER SERVICES
10-24-19 [[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.

8. [19-25909](#)-B-13 FRANK SPAMPANATO OBJECTION TO CONFIRMATION OF
[RDG-1](#) PLAN BY RUSSELL D. GREER
11-8-19 [[18](#)]
9. [15-29611](#)-B-13 ANDREW/SHELLYN MOULYN MOTION FOR COMPENSATION BY THE
[RS-4](#) LAW OFFICE OF FINANCIAL RELIEF
LAW CENTER FOR RICHARD
STURDEVANT, DEBTORS ATTORNEY(S)
10-25-19 [[74](#)]
- 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 compensation by the Law Office of Financial Relief Law Center for Richard Sturdevant, 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.**
10. [19-20016](#)-B-13 GARY BITZ OBJECTION TO CLAIM OF CASCO
[RDG-1](#) FINANCIAL LOAN SERVICING, INC.,
CLAIM NUMBER 6-1
10-21-19 [[56](#)]
11. [18-26721](#)-B-13 KEITH JOHNSTON MOTION TO SELL
[GSJ-3](#) 11-18-19 [[61](#)]

12. [19-26926](#)-C-13 ALEJANDRO/JOANN REYES MOTION TO VALUE COLLATERAL OF
[TLA](#)-1 SANTANDER CONSUMER USA, INC.
11-14-19 [[15](#)]
13. [19-26926](#)-C-13 ALEJANDRO/JOANN REYES MOTION TO VALUE COLLATERAL OF
[TLA](#)-2 INTERNAL REVENUE SERVICE
11-14-19 [[13](#)]
14. [19-20627](#)-B-13 MARILYN/LAVALLE GARY OBJECTION TO CLAIM OF WELLS
[PGM](#)-1 FARGO BANK, N.A., CLAIM NUMBER
4
10-18-19 [[32](#)]
15. [19-26727](#)-C-13 PAMELA ANDERSON MOTION TO VALUE COLLATERAL OF
[MS](#)-2 CHRYSLER CAPITAL
11-15-19 [[23](#)]

16. [19-24730](#)-B-13 DEMETRIUS HARDSON MOTION TO CONFIRM PLAN
[MRL](#)-1 10-17-19 [[17](#)]

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.

17. [19-22931](#)-B-13 VANNY THUNG MOTION TO MODIFY PLAN
[PLG](#)-1 10-21-19 [[15](#)]

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.

18. [19-20233](#)-B-13 ALFONSO PULIDO OBJECTION TO CLAIM OF U.S.
[GMW](#)-4 BANK, N.A., CLAIM NUMBER 6
10-11-19 [[83](#)]

19. [19-25633](#)-B-13 ANN RELICH CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY U.S.
BANK NATIONAL ASSOCIATION
10-4-19 [[14](#)]

20. [19-21036](#)-B-13 JULIE/GREGORY RENWICK OBJECTION TO CLAIM OF
[RDG](#)-2 CASHNETUSA, CLAIM NUMBER 17
10-21-19 [[82](#)]
21. [19-21036](#)-B-13 JULIE/GREGORY RENWICK OBJECTION TO CLAIM OF CEP
[RDG](#)-3 AMERICA ANESTHESIA PC, CLAIM
NUMBER 18
10-21-19 [[79](#)]
22. [19-24640](#)-B-13 MOLICA SON MOTION TO CONFIRM PLAN
[GMW](#)-1 10-17-19 [[32](#)]
23. [19-24745](#)-B-13 AMANDA LOPEZ MOTION TO CONFIRM PLAN
[MKM](#)-1 10-24-19 [[17](#)]

24. [19-25749](#)-B-13 MOHAMMED SHOOSHTARI OBJECTION TO CONFIRMATION OF
[RDG](#)-2 PLAN BY RUSSELL D. GREER
11-8-19 [[23](#)]

Final ruling:

This case was dismissed on November 22, 2019. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

25. [17-21954](#)-B-13 ROBIN/MARIA RUSHING MOTION TO APPROVE LOAN
[SLE](#)-1 MODIFICATION
11-13-19 [[61](#)]

26. [15-27758](#)-B-13 HAYWARD/DEBRA LEWIS MOTION FOR RELIEF FROM
[MRG](#)-5 AUTOMATIC STAY
11-7-19 [[71](#)]

CONSUMER PORTFOLIO SERVICES
VS.

Final ruling:

This matter is resolved without oral argument. This is Consumer Portfolio Services' motion for relief from automatic stay. The court's 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 debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtors are not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

27. [19-21758](#)-B-13 CECILIO CARDENAS MOTION TO CONFIRM TERMINATION
[STH](#)-1 OR ABSENCE OF STAY
11-15-19 [[33](#)]

28. [19-25259](#)-B-13 PAMELA BECKER OBJECTION TO DEBTOR'S CLAIM OF
[RDG-2](#) EXEMPTIONS
10-28-19 [[19](#)]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed and the objection to the debtor's claim of exemptions 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.

29. [19-25962](#)-B-13 GARY RICAFFRENTE OBJECTION TO CONFIRMATION OF
[AP-1](#) PLAN BY U.S. BANK TRUST
NATIONAL ASSOCIATION
11-7-19 [[20](#)]

30. [19-25962](#)-B-13 GARY RICAFFRENTE OBJECTION TO CONFIRMATION OF
[RDG-1](#) PLAN BY RUSSELL D. GREER
11-8-19 [[23](#)]

31. [19-25763](#)-B-13 ANDRES/FABIOLA CRESPO OBJECTION TO CONFIRMATION OF
[RDG-1](#) PLAN BY RUSSELL D. GREER
11-8-19 [[18](#)]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

32. [19-23166](#)-B-13 DANILO/WENDILINA DIWA CONTINUED MOTION TO CONFIRM
[JBR](#)-1 PLAN
9-1-19 [[36](#)]
33. [17-25772](#)-B-13 MIGUEL JUNIZ AND CELINA MOTION TO CONFIRM TERMINATION
[STH](#)-1 AGUINIGA OR ABSENCE OF STAY
11-18-19 [[71](#)]
34. [19-22676](#)-B-13 MARIA EDWARDS-RAMOS MOTION TO CONFIRM PLAN
[JGL](#)-1 10-8-19 [[36](#)]

Final ruling:

This is the debtor's motion to confirm her original Chapter 13 plan which was filed on April 29, 2019. The Chapter 13 Trustee filed an objection to debtor's plan raising the issue that debtor's disposable income currently reflects a retirement loan repayment of \$381.92 per month, which the debtor concedes has approximately two years remaining to pay. Thus, debtor would be required to increase the plan payment for the remainder of the term. The trustee's objection was sustained by order entered on August 1, 2019. The objections raised by the trustee have not been addressed.

Further, the moving party failed to serve the creditor who filed Claim No. 2-1 at the address on its proof of claim, as required by Fed. R. Bankr. P. 2002(g); (2) the moving party failed to serve the plan with the motion, apparently relying on service of the plan on May 19, 2019 by BNC Notice, contrary to LBR 3015-1(d)(1); and (3) moving party failed to file a declaration in support of the motion as required by LBR 9014-1(d)(3)(D).

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

35. [19-25984](#)-B-13 GILBERTO/BIANCA CARRILLO OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
11-8-19 [[15](#)]
36. [19-23989](#)-B-13 WILLIAM/ELVIRA VARQUEZ CONTINUED MOTION TO CONFIRM
[HWW](#)-3 PLAN
10-1-19 [[46](#)]
37. [19-23989](#)-B-13 WILLIAM/ELVIRA VARQUEZ MOTION TO VALUE COLLATERAL OF
[HWW](#)-4 ONEMAIN FINANCIAL GROUP, LLC
11-5-19 [[58](#)]

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.

38. [19-23989](#)-B-13 WILLIAM/ELVIRA VARQUEZ MOTION TO VALUE COLLATERAL OF
[HWW](#)-5 FRANCHISE TAX BOARD
11-5-19 [[63](#)]

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.

39. [19-23989](#)-B-13 WILLIAM/ELVIRA VARQUEZ MOTION TO AVOID LIEN OF
[HWW](#)-6 PORTFOLIO RECOVERY ASSOCIATES,
LLC
11-5-19 [[68](#)]

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 debtors' 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.

40. [19-25989](#)-B-13 ANGELINA/MIGUEL PEINADO OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
10-18-19 [[37](#)]

41. [19-25989](#)-B-13 ANGELINA/MIGUEL PEINADO OBJECTION TO CONFIRMATION OF
[EAT](#)-1 PLAN BY THE BANK OF NEW YORK
MELLON
10-30-19 [[42](#)]
42. [19-25893](#)-B-13 ANAMARIA MALDONADO OBJECTION TO CONFIRMATION OF
[JHW](#)-1 PLAN BY FORD MOTOR CREDIT
COMPANY
10-25-19 [[27](#)]
43. [19-25893](#)-B-13 ANAMARIA MALDONADO OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
11-8-19 [[33](#)]
44. [19-27334](#)-C-13 BRIAN/KRISTINE HURLEY MOTION TO IMPOSE AUTOMATIC STAY
[WJO](#)-1 O.S.T.
11-26-19 [[9](#)]