

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

December 11, 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.	18-21701-D-13 MC-2	DEBRA LOWE	MOTION TO SELL 11-9-18 [35]
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2.	18-26224-D-13 AP-1	JERRIS AUSTIN AND KATHLEEN JOHNSTON	OBJECTION TO CONFIRMATION OF PLAN BY CREDITOR WELLS FARGO BANK, N.A. 11-9-18 [14]
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3. 14-28526-D-13 DANNY/LUISA ACAIN MOTION TO MODIFY PLAN
JCK-6 11-2-18 [85]

4. 15-26928-D-13 DAN/KIMBERLEE FRASER MOTION FOR RELIEF FROM
JHW-1 AUTOMATIC STAY
SANTANDER CONSUMER USA, INC. 11-16-18 [98]
VS.

Final ruling:

The hearing on this motion is continued to January 8, 2019 at 10:00 a.m. No appearance is necessary on December 11, 2018.

5. 18-26035-D-13 JAVIER/CAROLINA ZEGARRA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
11-8-18 [14]

Final ruling:

This is the trustee's objection to confirmation of the debtors' proposed chapter 13 plan. On November 29, 2018, the debtors filed an amended plan and a motion to confirm it. As a result of the filing of the amended plan, this objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

6. 18-20638-D-13 BRIAN/JESSICA CAMPOS OBJECTION TO CLAIM OF JPMORGAN
RDG-1 CHASE BANK, N.A., CLAIM NUMBER
22
11-5-18 [75]

7. 18-25040-D-13 CARLA HUNT OBJECTION TO DEBTOR'S CLAIM OF
RDG-3 EXEMPTIONS
10-29-18 [34]

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.

8. 18-20142-D-13 BLAIR/GRACIA BERGMANN OBJECTION TO CLAIM OF DEUTSCHE
RDG-3 BANK NATIONAL TRUST COMPANY,
CLAIM NUMBER 11
10-31-18 [37]

9. 18-20142-D-13 BLAIR/GRACIA BERGMANN OBJECTION TO CLAIM OF DEUTSCHE
RDG-4 BANK NATIONAL TRUST COMPANY,
CLAIM NUMBER 12
10-31-18 [40]

10. 18-26043-D-13 ROBERT EVANS OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
11-8-18 [21]

11. 18-26050-D-13 DONNIE LEA MOTION TO VALUE COLLATERAL OF
GSJ-1 WELLS FARGO DEALER SERVICES
11-9-18 [20]

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.

12. 18-26050-D-13 DONNIE LEA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
11-8-18 [17]

13. 18-20259-D-13 VESTER ROBINSON MOTION TO MODIFY PLAN
MC-2 10-22-18 [35]

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.

14. 18-21661-D-13 GERARDO LARA AND NORMA CONTINUED MOTION TO CONFIRM
CLH-3 CAMARENA PLAN
8-21-18 [80]

Final ruling:

The motion will be denied as moot. The debtor filed an amended plan on December 3, 2018, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.

15. 18-21661-D-13 GERARDO LARA AND NORMA CONTINUED MOTION FOR RELIEF
HRH-1 CAMARENA FROM AUTOMATIC STAY
BMO HARRIS BANK, N.A. VS. 8-9-18 [57]

16. 18-25967-D-13 JEFFREY JOHNSON OBJECTION TO CONFIRMATION OF
RDG-2 PLAN BY RUSSELL D. GREER
11-8-18 [28]

Final ruling:

This case was dismissed on November 29, 2018. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

17. 18-25872-D-13 TAMMY WILLIAMS OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D GREER
11-8-18 [22]

18. 18-21974-D-13 MOLICA SON MOTION FOR RELIEF FROM
AP-1 AUTOMATIC STAY AND/OR MOTION
WELLS FARGO BANK, N.A. VS. FOR RELIEF FROM CO-DEBTOR STAY
11-5-18 [31]

19. 18-21974-D-13 MOLICA SON MOTION TO MODIFY PLAN
GMW-1 10-31-18 [26]
20. 18-26974-D-13 FERNANDO CANTILLO MOTION TO VALUE COLLATERAL OF
JCK-1 JUSTICE FEDERAL CREDIT UNION
11-13-18 [10]
21. 18-24984-D-13 MIKE/OLIVIA BANUELOS CONTINUED MOTION TO CONFIRM
RKW-1 PLAN
10-3-18 [27]
22. 18-25696-D-13 GARY/LAURIE DIMARE MOTION TO AVOID LIEN OF CAPITAL
JCK-2 ONE BANK, (USA), N.A.
10-31-18 [21]

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 debtors are 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.

23. 16-27397-D-13 YOLANDA BURGIN
PGM-6

MOTION TO MODIFY PLAN
11-1-18 [119]

Tentative ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied because the moving party failed to serve the current holders of two secured claims, Claim Nos. 3 and 5, in the amounts of \$248,764 and \$18,532. Instead, the moving party served the original holders of the claims. The transfers of claim appear on the court's docket as DNs 113 and 114, and the names and addresses of the current claim holders appear on the court's claims register. Both transfers of claim were filed months before this motion was filed and served. By failing to serve the current holders of these claims, the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(a)(9).

As a result of this service defect, the motion will be denied by minute order. Alternatively, the court will continue the hearing to allow the moving party to cure this service defect.

24. 18-26201-D-13 YONSON GESCAT
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-19-18 [23]

25. 18-26202-D-13 MYRON SMITH
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-19-18 [20]

26. 18-26205-D-13 ANGEL/ANGELIQUE ESQUEDA
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-19-18 [28]

27. 17-20211-D-13 ROBERT/CYNTHIA RANGEL CONTINUED MOTION TO MODIFY PLAN
JCK-7 10-17-18 [98]
28. 18-25817-D-13 JOSEPH/JENNIFER DEGRAVIO CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
10-29-18 [14]
29. 18-25817-D-13 JOSEPH/JENNIFER DEGRAVIO CONTINUED MOTION TO VALUE
CLH-1 COLLATERAL OF AMERICAN HONDA
FINANCE
11-2-18 [17]
30. 18-26123-D-13 TIMOTHY GARRY OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY TRUSTEE RUSSELL D.
GREER
11-19-18 [14]

31. 18-25827-D-13 TIBERIO CUEVAS-ROMERO CONTINUED MOTION TO DISMISS
RDG-2 CASE
11-6-18 [23]

32. 18-26758-D-13 TERRY/JACQUELINE THOMAS AMENDED MOTION TO EXTEND
JAD-1 AUTOMATIC STAY
11-21-18 [26]

Tentative ruling:

This is the debtors' amended motion to extend the automatic stay. The case was commenced on October 26, 2018; the 30th day after that date was November 25, 2018. The hearing on the motion is set for December 11, 2018. Thus, the motion will be denied because the hearing will not be completed within the 30 days following the commencement of the case, as required by § 362(c)(3)(B) of the Bankruptcy Code.

The court is aware the debtors filed an earlier motion, on November 16, 2018, which they attempted to set for hearing on December 18, 2018, which is also a date that is after the end of the 30-day period. The clerk's office notified the debtors' counsel that was not a correct date for the hearing (it is a date for hearings in Modesto Division cases), and informed counsel that the motion would be calendared only upon receipt of an amended notice of hearing with a hearing date of either December 11, 2018 or January 8, 2019. The clerk's notice was not an implicit suggestion that the court would permit the debtors to re-schedule the hearing for a correct date or, in order to do so, suspend the operation of the 30-day requirement. It was merely a notice that the debtors had selected an incorrect date for the hearing, which, in any event, was itself beyond the 30-day deadline.

The court will hear the matter.

33. 18-26166-D-13 DAVID GREENE OBJECTION TO CONFIRMATION OF
RDG-3 PLAN BY RUSSELL D. GREER
11-19-18 [31]

Final ruling:

This case was dismissed on November 29, 2018. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

34. 18-25171-D-13 LORENA LOPEZ-ALVAREZ
RDG-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
10-15-18 [24]