

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

February 4, 2020 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.**

-
- | | | |
|----|--|--|
| 1. | <u>18-26306</u> -B-13 JAMES/THERESA QUIOCHO
<u>RDG</u> -1 | OBJECTION TO CLAIM OF
LOANTOPIA, LLC, CLAIM NUMBER 25
1-2-20 [<u>39</u>] |
|----|--|--|

February 4, 2020 at 10:00 a.m.

2. [19-26307](#)-C-13 LINDA STORELLI
[WW-1](#)

OBJECTION TO CLAIM OF IRS,
CLAIM NUMBER 3
12-31-19 [[40](#)]

Final ruling:

The debtor filed this Objection To Claim seeking to determine what debtor owes to the Internal Revenue Service. The Notice of Hearing indicates written opposition needs to be filed before the hearing, a requirement of Local Bankruptcy Rule 3007(b)(1) notice procedure. That Local Rule requires 44 days' notice. The Proof of Service filed with the Objection indicates the Objection was served December 31, 2019 (giving only 35 days' notice). Therefore, the Objection will be overruled without prejudice.

3. [18-27311](#)-B-13 KARLA ANTONETTE GAMA
[PSB-1](#)

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH MR. SANDBANK
12-23-19 [[47](#)]

4. [20-20311](#)-C-13 DWAYNE MONEY
[RJ-1](#)

MOTION TO VALUE COLLATERAL OF
CAPITAL ONE AUTO FINANCE
1-21-20 [[10](#)]

5. [19-27414](#)-B-13 GUADALUPE TAFOLLA
[RDG-1](#)

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
1-13-20 [[17](#)]

6. [18-21217](#)-B-13 AALON/SHAWNTEL BUSH
[RDG](#)-1
OBJECTION TO CLAIM OF U.S.
DEPARTMENT OF EDUCATION, CLAIM
NUMBER 9
1-2-20 [[25](#)]
7. [18-22523](#)-B-13 PATRICIA FULLWOOD
[SLE](#)-1
CONTINUED MOTION TO MODIFY PLAN
10-29-19 [[25](#)]
8. [19-25524](#)-B-13 CHRISTINA MORONES
[PGM](#)-2
MOTION TO CONFIRM PLAN
12-18-19 [[44](#)]
9. [17-23126](#)-B-13 MARJORIE ALCANTARA
[RDW](#)-1
MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-8-20 [[59](#)]
GLOBAL LENDING SERVICES, LLC
VS.

10. [18-27726](#)-B-13 EDWARD COLOMA AND
[RDG](#)-3 KATHERINE SANCHEZ
OBJECTION TO CLAIM OF CAN
CAPITAL ASSET SERVICING, INC.,
CLAIM NUMBER 27
1-2-20 [[134](#)]

11. [19-23232](#)-B-13 DAVID VEDDER
[JGL](#)-2 MOTION TO CONFIRM PLAN
12-13-19 [[76](#)]

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.

12. [19-27334](#)-C-13 BRIAN/KRISTINE HURLEY
[WJO](#)-1 CONTINUED MOTION TO IMPOSE
AUTOMATIC STAY
11-26-19 [[9](#)]

Final ruling:

The court issued an Order on December 4, 2019, granting the motion to impose automatic stay and providing that "the automatic stay is in effect as to all creditors to the earlier of plan confirmation or further order of the court." The Order Confirming Chapter 13 Plan was filed January 21, 2020. Because the plan was confirmed, there is no need for further order of the court, and the matter is removed from the calendar. No appearance necessary.

13. [17-23238](#)-B-13 LAURIE CROSBY-WILSON MOTION TO MODIFY PLAN
[JCK](#)-10 12-26-19 [[114](#)]

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. [19-23738](#)-B-13 WILLIAM BURGESS MOTION TO CONFIRM PLAN
[DCJ](#)-1 12-17-19 [[24](#)]

15. [18-26043](#)-B-13 ROBERT EVANS CONTINUED MOTION TO CONFIRM
[BSH](#)-4 PLAN
11-18-19 [[85](#)]

16. [18-24744](#)-B-13 TANESHA ALLEN MOTION FOR RELIEF FROM
[JHW](#)-2 AUTOMATIC STAY
12-27-19 [[60](#)]
FORD MOTOR CREDIT COMPANY
LLC VS.

17. [17-26647](#)-B-13 ESMERALDA GARCIA
[JCK](#)-2

MOTION TO MODIFY PLAN
12-27-19 [[45](#)]

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. [19-27151](#)-C-13 MAUREEN CLINE
[RDG](#)-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
12-23-19 [[26](#)]

Final ruling:

This is the trustee's objection to the debtor's claim of exemption and the code sections used. On January 7, 2020, the debtor filed an amended Schedule C. As a result of the filing of the amended Schedule C, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

19. [19-25655](#)-B-13 GLORIA/DOMINGO REYES
[PJE](#)-1

MOTION TO CONFIRM PLAN
12-5-19 [[21](#)]

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 serve the creditors filing Claim Nos. 1-1, 2-1, 3-1, and 5-1 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g); and (2) the moving papers and the proof of service all refer to an Amended Chapter 13 Plan, whereas there is no such plan on file. As a result of these defects, the motion will be denied by minute order. No appearance is necessary.

20. [18-25756](#)-B-13 DAVID SIMS
[PGM](#)-4

CONTINUED MOTION TO CONFIRM
PLAN
10-15-19 [[119](#)]

21. [18-25756](#)-B-13 DAVID SIMS
[PGM](#)-5

MOTION TO REFINANCE
12-27-19 [[144](#)]

22. [19-25556](#)-B-13 ZARAH GARCIA
[HRH](#)-2

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
12-23-19 [[33](#)]

TF LEASINGT CO. VS.

23. [19-26557](#)-B-13 IGNACIO EROSA
[JCK](#)-2

MOTION TO CONFIRM PLAN
12-19-19 [[35](#)]

24. [19-25660](#)-B-13 MICHELLE CASTANEDA
[APN](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
12-30-19 [[25](#)]

VW CREDIT LEASING, LTD. VS.

Final ruling:

This matter is resolved without oral argument. This is VW Credit Leasing, Ltd.'s motion for relief from automatic stay. The court's records indicate that debtor filed a statement of non-opposition and no other 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 debtor is 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.

25. [19-27260](#)-C-13 ZOLTAN VILLA
[RDG](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
1-13-20 [[18](#)]
26. [19-27262](#)-B-13 FRANCOIS ALIPS
[RDG](#)-2
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
1-13-20 [[21](#)]
27. [19-20768](#)-B-13 RONN/MELINDA BADILLA
[RDG](#)-1
OBJECTION TO CLAIM OF SYSTEMS &
SERVICES TECHNOLOGIES, INC,
CLAIM NUMBER 24-1
1-2-20 [[53](#)]
28. [19-27468](#)-C-13 EDDIE/CARYN GARDNER
[RDG](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
1-13-20 [[24](#)]

29. [19-27071](#)-B-13 JOSHUA HUNTER
[RDG](#)-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
1-13-20 [[26](#)]

Final ruling:

This case was dismissed on January 29, 2020. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

30. [18-27779](#)-B-13 MARCUS WOODFORK AND SHERI
[RDG](#)-1 TOMKINS

OBJECTION TO CLAIM OF
NETCREDIT, CLAIM NUMBER 17
1-2-20 [[40](#)]

31. [19-26483](#)-B-13 ESTELLE YANCEY

MOTION TO APPROVE LOAN
MODIFICATION
1-15-20 [[40](#)]

32. [19-25984](#)-B-13 GILBERTO/BIANCA CARRILLO
[MKM](#)-1

MOTION TO CONFIRM PLAN
12-18-19 [[21](#)]

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.

33. [17-26685](#)-B-13 SUKANYA TOURVILLE
[MC-4](#)

MOTION TO MODIFY PLAN
12-23-19 [[63](#)]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party failed to serve the creditor filing Claim No. 5-1 at the address on its proof of claim, as required by Fed. R. Bankr. P. 2002(g); (2) the moving party failed to serve Linda Ricci and Q Street Bar and Grill, both listed on Schedule G as parties with whom the debtor has entered into lease agreements; and (3) the moving party failed to serve the party listed on Schedule H as a co-debtor, Korapin Phantanome. As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

34. [19-27788](#)-C-13 DONNETTE DESANTIS
[RJ-2](#)

MOTION TO VALUE COLLATERAL OF
CAPITAL ONE AUTO FINANCE
1-13-20 [[23](#)]

35. [19-26989](#)-B-13 MARGARET VIZINAU
[PR-1](#)

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY AND/OR
MOTION TO CONFIRM TERMINATION
OR ABSENCE OF STAY
12-12-19 [[27](#)]

ROBERT ORTIZ VS.

36. [19-24990](#)-B-13 JARED/CHAVALA TRIGG
[GSJ](#)-2

MOTION TO CONFIRM PLAN
12-11-19 [[37](#)]

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.

37. [19-26392](#)-C-13 BRENDA JACOBSON
[MJD](#)-1

OBJECTION TO CLAIM OF PINNACLE
CREDIT SERVICES, LLC, CLAIM
NUMBER 4-1
12-19-19 [[22](#)]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection has been filed and the objection is supported by the record. Accordingly, the court will sustain the debtor's objection to the claim of Pinnacle Credit Services, LLC, Claim No. 4-1. Moving party is to submit an appropriate order. No appearance is necessary.

38. [19-26392](#)-C-13 BRENDA JACOBSON
[MJD](#)-2

MOTION TO CONFIRM PLAN
12-20-19 [[29](#)]

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.

39. [18-24097](#)-B-13 PETER CASILLAS
[PGM](#)-3

MOTION TO MODIFY PLAN
12-19-19 [[66](#)]

40. [19-27297](#)-B-13 RICKY/JENNY MARTIN
[EAT](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY LOANDEPOT
1-8-20 [[25](#)]

Tentative ruling:

LoanDepot filed this Objection arguing that it holds a secured claim in the amount of \$7,408.90 which is entirely not provided for through the debtor's Chapter 13 Plan. Missing is any evidence accompanying the Objection (such as a declaration) establishing that there is any claim at all. Further, no proof of claim as been filed. Apart from the practical effect that the court has been given a request for relief without any established factual basis, the Local Rules also affirmatively require that evidence be filed along with every motion and request for relief. LOCAL BANKR. R. 9014-1(d) (3) (D). Therefore, the Objection is overruled without prejudice.