

**UNITED STATES BANKRUPTCY COURT**

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

**February 18, 2020 at 10:00 a.m.**

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**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. <a href="#"><u>19-27700</u></a> -C-13 KRISTA/SEAN BILLINGS<br><a href="#"><u>APN</u></a> -1 | OBJECTION TO CONFIRMATION OF<br>PLAN BY THE MONEY SOURCE INC.<br>1-27-20 [ <a href="#"><u>18</u></a> ] |
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**February 18, 2020 at 10:00 a.m.**

2. [19-27700](#)-C-13 KRISTA/SEAN BILLINGS  
[JM-1](#) OBJECTION TO CONFIRMATION OF  
PLAN BY LENDMARK FINANCIAL  
SERVICES, LLC  
1-30-20 [[25](#)]
3. [19-27700](#)-C-13 KRISTA/SEAN BILLINGS  
[RDG-1](#) OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[22](#)]
4. [19-26307](#)-C-13 LINDA STORELLI  
[RDG-1](#) CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
11-26-19 [[33](#)]
5. [19-27607](#)-B-13 LA'NIA BRICE  
[PJE-1](#) MOTION TO VALUE COLLATERAL OF  
GOLDEN ONE CREDIT UNION  
12-18-19 [[9](#)]

**Final ruling:**

Debtor filed this Motion to Value seeking an order valuing Golden One Credit Union's secured claim at \$18,000.00 as of the date of filing the petition. However, the Motion and supporting Declaration (Dckts. 9 and 11) were not signed by the debtor or debtor's counsel. Without evidence supporting the debtor's proposed valuation, the motion shall be denied without prejudice by minute order. No appearance is necessary.

6. [19-27607](#)-B-13 LA'NIA BRICE  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[17](#)]

7. [19-26508](#)-C-13 CYNTHIA BATIESTE  
[MJD](#)-3

MOTION TO CONFIRM PLAN  
1-2-20 [[41](#)]

**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.

8. [19-27510](#)-C-13 DAVID SHELTON  
[JCW](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY WELLS FARGO BANK,  
NATIONAL ASSOCIATION  
1-30-20 [[23](#)]

9. [19-27510](#)-C-13 DAVID SHELTON  
[RDG](#)-2

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[17](#)]

10. [19-27612](#)-C-13 DJENABA REYNOLDS  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[15](#)]

**Final ruling:**

This is the objection of the Chapter 13 Trustee to confirmation of the debtor's originally-filed chapter 13 plan. On February 10, 2020, the debtor filed an amended plan and a motion to confirm. As a result of the filing of the amended plan, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

11. [16-28414](#)-B-13 ARTHUR/TRISHA WHITTEN  
[JHW](#)-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-9-20 [[96](#)]

FORD MOTOR CREDIT COMPANY  
LLC VS.

**Final ruling:**

This matter is resolved without oral argument. This is Ford Motor Credit Company, LLC's 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.

12. [16-28414](#)-B-13 ARTHUR/TRISHA WHITTEN  
[JHW](#)-2

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-9-20 [[104](#)]

FORD MOTOR CREDIT COMPANY  
LLC VS.

**Final ruling:**

This matter is resolved without oral argument. This is Ford Motor Credit Company, LLC's 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.

13. [19-22818](#)-B-13 ADRIAN GESMUNDO OBJECTION TO CLAIM OF PAYOFF,  
[RDG](#)-2 CLAIM NUMBER 13  
1-15-20 [[46](#)]

14. [19-27623](#)-B-7 JACKIE EVANS OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY TRUSTEE RUSSELL D.  
GREER  
1-27-20 [[26](#)]

15. [18-24424](#)-B-13 SULLAY DIN GABISI MOTION TO MODIFY PLAN  
[WW](#)-3 1-7-20 [[118](#)]

**Final ruling:**

**This case was dismissed on January 30, 2020. As a result the motion will be denied by minute order as moot. No appearance is necessary.**

16. [17-25225](#)-B-13 CHRIS NGUYEN AND AMANDA MOTION TO EMPLOY ADVANCE 1  
[MC](#)-5 CHANG MCKEEVER REAL ESTATE AS  
BROKER(S)  
1-21-20 [[87](#)]

**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 Advance 1 McKeever Real Estate as broker is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order that has been signed off by the Chapter 13 Trustee approving the order's form. No appearance is necessary.**

17. [19-20233](#)-B-13 ALFONSO PULIDO  
[GMW](#)-4

CONTINUED OBJECTION TO CLAIM OF  
U.S. BANK, N.A., CLAIM NUMBER 6  
10-11-19 [[83](#)]

**Final ruling:**

**The hearing on this objection is continued to March 10, 2020 at 10:00 a.m. No appearance is necessary.**

18. [19-27634](#)-C-13 ANJANA KUMAR  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[33](#)]

19. [19-22035](#)-B-13 RAUL/MARTHA SOTO  
[RDG](#)-1

OBJECTION TO CLAIM OF PINNACLE  
SERVICE SOLUTIONS LLC, CLAIM  
NUMBER 18  
1-15-20 [[41](#)]

20. [19-26237](#)-B-13 BERTHA RUIZ-MCNEIL  
[SLH](#)-1

MOTION TO CONFIRM PLAN  
1-3-20 [[24](#)]

**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.**

21. [19-27639](#)-B-13 LOYCE GORDON AND CAMILLA  
[RDG](#)-1 NELSON OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[16](#)]
22. [20-20543](#)-B-13 ALBERTO DELAROSA MOTION TO EXTEND AUTOMATIC STAY  
[PGM](#)-1 2-3-20 [[10](#)]
23. [20-20350](#)-B-13 MONIQUE ZE MOTION TO EXTEND AUTOMATIC STAY  
[DJC](#)-1 2-4-20 [[11](#)]
24. [19-26952](#)-C-13 ASHLEY BOLTON MOTION TO VALUE COLLATERAL OF  
[PGM](#)-1 CAPITAL ONE AUTO FINANCE  
1-8-20 [[27](#)]

**Final ruling:**

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

25. [19-27753](#)-C-13 SERGIO AVILES  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[26](#)]

26. [17-21954](#)-B-13 ROBIN/MARIA RUSHING  
[SLE](#)-2

CONTINUED MOTION TO CONFIRM  
PLAN  
12-9-19 [[68](#)]

**Final ruling:**

**The hearing on this motion is continued to March 10, 2020 at 10:00 a.m. No  
appearance is necessary.**

27. [19-27454](#)-B-13 JOSEPH MONTGOMERY  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[13](#)]

28. [19-25556](#)-B-13 ZARAH GARCIA  
[HRH](#)-2

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

TF LEASING CO. VS.

29. [19-26557](#)-B-13 IGNACIO EROSA  
[MBW](#)-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
1-27-20 [[47](#)]

NUMARK CREDIT UNION VS.

30. [20-20558](#)-B-13 KAREEM SYKES  
[PGM](#)-1

MOTION TO EXTEND AUTOMATIC STAY  
2-3-20 [[12](#)]

31. [19-27262](#)-B-13 FRANCOIS ALIPS  
[RDG](#)-3

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
1-13-20 [[24](#)]

**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 debtors' claim of exemptions is supported by the record. The court will sustain the trustee's objection to debtor's claim of exemptions. Moving party is to submit an appropriate order. No appearance is necessary.

32. [17-23964](#)-B-13 ALEJANDRO LLANOS  
[RJM](#)-1

MOTION TO INCUR DEBT  
1-29-20 [[22](#)]

33. [19-23166](#)-B-13    DANILO/WENDILINA DIWA    MOTION TO CONFIRM PLAN  
[JBR](#)-2    12-23-19 [[64](#)]

**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.

34. [19-27566](#)-C-13    MARLO VICTOR/MARIA    OBJECTION TO CONFIRMATION OF  
[RDG](#)-1    VICTORIA DIMAANO    PLAN BY RUSSELL D. GREER  
1-27-20 [[33](#)]

**Final ruling:**

This case was dismissed on February 5, 2020. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

35. [18-24869](#)-B-13    SARAH COUFOS    OBJECTION TO CLAIM OF ANDREW  
[RDG](#)-1    BARBER, CLAIM NUMBER 21-1  
1-15-20 [[59](#)]

36. [20-20270](#)-C-13    JAMES/MONA STILES    MOTION TO EXTEND AUTOMATIC STAY  
[SDH](#)-1    1-22-20 [[8](#)]

37. [19-27571](#)-B-13 LETITIA AZIMZADEH-TEHRANI OBJECTION TO CONFIRMATION OF  
[PPR](#)-1 PLAN BY NAVY FEDERAL CREDIT  
UNION  
1-13-20 [[13](#)]

**Final ruling:**

**This case was dismissed on January 27, 2020. As a result the objection will be overruled by minute order as moot. No appearance is necessary.**

38. [19-27571](#)-B-13 LETITIA AZIMZADEH-TEHRANI OBJECTION TO CONFIRMATION OF  
[RDG](#)-2 PLAN BY RUSSELL D. GREER  
1-27-20 [[22](#)]

**Final ruling:**

**This case was dismissed on January 27, 2020. As a result the objection will be overruled by minute order as moot. No appearance is necessary.**

39. [19-20182](#)-B-13 WILLIAM/EILEEN VALENCIA MOTION FOR RELIEF FROM  
[KKY](#)-100 AUTOMATIC STAY  
1-31-20 [[29](#)]

OPERATING ENGINEERS FEDERAL  
CREDIT UNION VS.

**Final Ruling:**

**Operating Engineers Federal Credit Union ("Creditor") filed this motion seeking relief from the automatic stay provisions of 11 U.S.C. § 362 as to its collateral identified as a 2018 Heartland Mallard. Under the confirmed plan, Creditor's claim was provided for as a Class 4. Dckt. 10. Section 3.11(a) of the confirmed plan already modified the stay provisions to allow Creditor to exercise its rights in the event of default. Therefore, the motion shall be denied as moot and unnecessary. No appearance necessary.**

40. [19-27682](#)-C-13 CHERL SILVA OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
1-27-20 [[17](#)]

41. [19-27685](#)-C-13 DAVID BOUNSAVANG  
[MRL](#)-1

AMENDED MOTION TO VALUE  
COLLATERAL OF THE GOLDEN ONE  
CREDIT UNION  
1-14-20 [[17](#)]

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.

42. [19-27685](#)-C-13 DAVID BOUNSAVANG  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
1-27-20 [[20](#)]

Final ruling:

The Trustee filed this objection to confirmation arguing that the plan has not been demonstrated to be feasible because it proposes valuing the secured claim of Golden One Credit Union, an order valuing that claim has been issued. A review of the docket shows the court has granted that motion (Dckt. 17) set for hearing February 18, 2020. With all grounds for objection resolved, the objection is overruled by minute order. No appearance necessary.

43. [19-26888](#)-B-13 ELIZABETH MEDINA  
[JBR](#)-2

MOTION TO CONFIRM PLAN  
12-30-19 [[27](#)]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for two reasons. First, the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(a)(9). The moving party failed to serve the creditor listed on her Schedule H as co-debtor on her Shellpoint Mortgage Servicing account. Minimal research into the case law concerning § 101(5) and (10) of the Bankruptcy Code discloses an extremely broad interpretation of "creditor," certainly one that includes co-debtors on debts of the debtor.

Second, because the debtor's master address list does not include those two creditors, the debtor has failed to comply with Fed. R. Bankr. P. 1007(a)(1), which requires a debtor to include on his or her master address list the names and addresses of all parties included or to be included on his or her schedules, including Schedule H. As a result, the court's creditor list, as reflected on the court's website for this case and on the PACER matrix, does not include those creditors. Thus, those creditors have not received and will not receive notices

served by the Bankruptcy Noticing Center or by creditors in the case.

It is the moving party's responsibility to serve the motion on all creditors, which, presumably, she will do when she files another motion. However, she also has a responsibility to be sure her master address list includes "each entity included . . . on Schedules D, E/F, G, and H . . ." Fed. R. Bankr. P. 1007(a)(1). Thus, the plan cannot be confirmed because the debtor has failed to comply with her duty to file a complete list of creditors, as required by § 521(a)(1)(A), as implemented by Fed. R. Bankr. P. 1007(a)(1), and thus, has not complied with § 1325(a)(1).

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

44. [19-27788](#)-C-13 DONNETTE DESANTIS OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
1-27-20 [[32](#)]

45. [19-25989](#)-B-13 ANGELINA/MIGUEL PEINADO MOTION TO CONFIRM PLAN  
[MMN](#)-1 12-13-19 [[68](#)]

**Final ruling:**

The hearing on this motion is continued to March 10, 2020 at 10:00 a.m. No appearance is necessary.

46. [19-26989](#)-B-13 MARGARET VIZINAU MOTION TO VALUE COLLATERAL OF  
[MMV](#)-4 LOBEL FINANCIAL  
1-30-20 [[60](#)]

**Final ruling:**

This is the debtor's motion to confirm a Chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party failed to serve the creditors listed on her D, E/F, and G Schedules and the parties who filed proofs of claim as required by Fed. R. Bankr. P. 2002(g); (2) the moving party failed to serve the proposed plan with the motion as required by LBR 3015-1; (3) moving party failed to give 35 days notice of this hearing as required by Fed. R. Bankr. P. 2002(b) and LBR 9014-1(f)(1); and (4) the moving party has failed to include an appropriate docket control number, as required by LBR 9014-1(c). As a result of these defects, the motion will be denied by minute order. No appearance is necessary.

February 18, 2020 at 10:00 a.m.

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47. [20-20591](#)-B-13 THOMAS WHITE  
[DVW](#)-1

MOTION TO CONFIRM TERMINATION  
OR ABSENCE OF STAY AND/OR  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY , MOTION FOR  
RELIEF FROM CO-DEBTOR STAY  
2-4-20 [[9](#)]

48. [16-22393](#)-B-13 BRANDON/MONIQUE JAMORA  
[GSJ](#)-7

MOTION TO INCUR DEBT  
2-4-20 [[103](#)]

49. [17-27693](#)-B-13 ANTHONY MOORE

CONTINUED COUNTER MOTION TO  
DISMISS CASE/PROCEEDING  
9-3-19 [[148](#)]

**Final ruling:**

**The hearing on this motion is continued to March 10, 2020 at 10:00 a.m. No appearance is necessary.**

50. [17-27693](#)-B-13 ANTHONY MOORE  
[PGM](#)-4

MOTION TO MODIFY PLAN  
1-13-20 [[182](#)]

**Final ruling:**

**The hearing on this motion is continued to March 10, 2020 at 10:00 a.m. No appearance is necessary.**

51. [19-25893](#)-B-13 ANAMARIA MALDONADO OBJECTION TO CONFIRMATION OF  
[BER](#)-1 PLAN BY GOLDEN VALLEY FEDERAL  
CREDIT UNION  
1-31-20 [[62](#)]

52. [19-25893](#)-B-13 ANAMARIA MALDONADO MOTION TO CONFIRM PLAN  
[MKM](#)-2 1-3-20 [[43](#)]

53. [19-27594](#)-B-13 DONALD/SANDRA BOSSE MOTION TO CONFIRM PLAN  
[JCK](#)-2 12-27-19 [[20](#)]

54. [16-22897](#)-B-13 CRISANTO/EVELYN ACOSTA CONTINUED MOTION FOR  
[HWW](#)-4 AUTHORIZATION TO WITHDRAW  
EXEMPT IRA FUNDS  
12-3-19 [[42](#)]

**Final ruling:**

**Motion withdrawn by moving party. Matter removed from calendar.**

55. [19-22298](#)-B-13 DORIAN/CATHERINE ANNE  
[RDG](#)-3 COLBERT OBJECTION TO CLAIM OF ADVANCE  
AMERICA, CASH ADVANCE CENTERS  
OF CA, LLC, CLAIM NUMBER 12-1  
1-15-20 [[39](#)]
56. [19-27753](#)-C-13 SERGIO AVILES  
[APN](#)-1 OBJECTION TO CONFIRMATION OF  
PLAN BY SPECIALIZED LOAN  
SERVICING LLC  
1-29-20 [[29](#)]