

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

February 18, 2020 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.

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|----|--------------------------------|---------------------|---------------------------------|
| 1. | 19-90706 -B-13 | GILBERT/NUEMI MAXEY | MOTION TO CONFIRM PLAN |
| | BSH -2 | | 12-21-19 [43] |

Final ruling:

This is the debtors' motion to confirm an amended plan. The moving party failed to serve the creditor who filed Claim No. 11-1 at the address on their proof of claim, as required by Fed. R. Bankr. P. 2002(g). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

February 18, 2020 at 10:30 a.m.

2. [19-90010](#)-B-13 SHALEAH WALKER
[BSH](#)-6

MOTION TO CONFIRM PLAN
1-14-20 [[94](#)]

3. [19-90724](#)-B-13 JONATHAN LITTLE
[KMM](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-8-20 [[49](#)]

TOYOTA MOTOR CREDIT
CORPORATION VS.

Final ruling:

This matter is resolved without oral argument. This is Toyota Motor Credit Corporation'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.

4. [19-90237](#)-B-13 KENNETH/SAMANTHA CLEMENS
[RDG](#)-2

OBJECTION TO CLAIM OF
AMERICREDIT FINANCIAL SERVICES,
INC., CLAIM NUMBER 9
1-15-20 [[66](#)]

5. [19-91045](#)-B-13 MONICA MAHARAJ OBJECTION TO DEBTOR'S CLAIM OF
 [RDG](#)-2 EXEMPTIONS
 1-13-20 [[23](#)]

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.

6. [19-90846](#)-B-13 DUY/VANNA TRAN MOTION TO CONFIRM PLAN
 [HWW](#)-5 1-7-20 [[57](#)]

7. [19-91056](#)-B-13 ROSA PULIDO OBJECTION TO CONFIRMATION OF
 [RDG](#)-1 PLAN BY RUSSELL D. GREER
 1-27-20 [[17](#)]

Final ruling:

This is the objection of the Chapter 13 Trustee to confirmation of the debtor's originally-filed chapter 13 plan. On February 12, 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.

8. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN CONTINUED MOTION TO DISMISS
 [EGS](#)-3 CASE
 8-12-19 [[125](#)]

Final ruling:

The hearing on this motion is continued to March 10, 2020 at 10:30 a.m. No appearance is necessary.

9. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN STATUS CONFERENCE CONTINUED RE:
[JAD](#)-5 OBJECTION TO CLAIM OF BAYVIEW
LOAN SERVICING, LLC, CLAIM
NUMBER 8
2-16-18 [[62](#)]

Final ruling:

This status conference is continued to March 10, 2020 at 10:30 a.m. No appearance is necessary.

10. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN CONTINUED MOTION TO MODIFY PLAN
[JAD](#)-6 9-12-19 [[144](#)]

Final ruling:

The hearing on this motion is continued to March 10, 2020 at 10:30 a.m. No appearance is necessary.

11. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN CONTINUED MOTION FOR
[JAD](#)-7 COMPENSATION BY THE LAW OFFICE
OF BORTON PETRINI, LLP FOR
JESSICA A. DORN AND STEVEN
ALTMAN, DEBTORS ATTORNEY(S)
11-14-19 [[177](#)]

Final ruling:

The hearing on this motion is continued to March 10, 2020 at 10:30 a.m. No appearance is necessary.

12. [20-90065](#)-B-13 KIMBERLY BOBO MOTION FOR RELIEF FROM
[ADR](#)-1 AUTOMATIC STAY
1-30-20 [[10](#)]

J & E ARMENTA PROPERTY VS.

13. [19-91070](#)-B-13 RICHARD/HEATHER PETERS OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
1-27-20 [[17](#)]

Final ruling:

This is the objection of the Chapter 13 Trustee, to confirmation of the debtors' originally-filed chapter 13 plan. On February 11, 2020, the debtors filed an amended plan (although without a motion to confirm it). 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.

14. [19-90475](#)-B-13 AJIT/ROSIE SANDHU CONTINUED MOTION FOR RELIEF
[MLA](#)-1 FROM AUTOMATIC STAY
10-11-19 [[63](#)]

ERIC PALOFAX VS.

Final ruling:

The hearing on this motion is continued to March 10, 2020 at 10:30 a.m. No appearance is necessary.

15. [19-90475](#)-B-13 AJIT/ROSIE SANDHU CONTINUED MOTION TO CONFIRM
[PGM](#)-1 PLAN
11-11-19 [[78](#)]

Final ruling:

The hearing on this motion is continued to March 10, 2020 at 10:30 a.m. No appearance is necessary.

16. [19-90475](#)-B-13 AJIT/ROSIE SANDHU OBJECTION TO CLAIM OF YAMAHA
[RDG](#)-4 MOTOR FINANCE CORP., CLAIM
NUMBER 16-1
1-15-20 [[112](#)]

Final ruling:

The hearing on this objection is continued to March 10, 2020 at 10:30 a.m. No appearance is necessary.