

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

March 10, 2015 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.	14-90503-D-13	CARLOS/ARACELI MARTINEZ	MOTION TO MODIFY PLAN
	CJY-1		1-30-15 [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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

2.	14-91503-D-13	JORGE ELIZALDE	MOTION FOR RELIEF FROM
	EGS-1		AUTOMATIC STAY
	BAYVIEW LOAN SERVICING, LLC		2-10-15 [41]
	VS.		

CASE DISMISSED 1/28/15

3. 14-91510-D-13 DIANE MORROW
DDM-2

MOTION TO CONFIRM PLAN
1-22-15 [30]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) with one exception, the moving party failed to serve any of the creditors filing claims in this case at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g)(1); (2) the moving party failed to serve the creditor requesting special notice at DN 9 at either of its designated addresses, as required by Fed. R. Bankr. P. 2002(g)(1); (3) the moving party failed to serve Tuolumne County Property Tax, which has not filed a proof of claim in this case, at the address on the debtor's Schedule D, as required by Fed. R. Bankr. P. 2002(g)(2); (4) the moving party failed to serve the IRS and the Franchise Tax Board at their addresses on the Roster of Governmental Agencies, as required by LBR 2002-1; (5) the date of service was left blank on the proof of service; and (6) with the exception of the chapter 13 trustee, the United States Trustee, and a single creditor, the moving party failed to serve the motion, notice of hearing, and plan, as required by LBR 3015-1(d)(1), instead serving only the notice of hearing and the plan.

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

4. 12-90112-D-13 SHIRLEY BELL
MJH-1

MOTION TO MODIFY PLAN
1-15-15 [26]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

5. 14-91515-D-13 CHERI BOSWORTH
BP-1

MOTION TO CONFIRM PLAN
1-23-15 [20]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

6. 14-91620-D-13 SHANE MILLER OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
2-9-15 [17]

7. 14-91621-D-13 DONNIE/TAMMIE CREACH OBJECTION TO CONFIRMATION OF
SW-1 PLAN BY ALLY FINANCIAL, INC.
1-23-15 [25]

Final ruling:

This case was dismissed on January 27, 2015. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

8. 14-90529-D-13 GREGG/KIANDRA WALKER MOTION TO MODIFY PLAN
JAD-2 1-27-15 [44]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

9. 11-94353-D-13 WILLIAM/CHRISTINE LATIMER MOTION TO CONFIRM PLAN
CJY-1 1-28-15 [40]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

10. 14-91653-D-13 RITA FORTUNY
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
2-9-15 [15]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

11. 11-94054-D-13 TAMMERA SCOFFIELD
JAD-4

MOTION TO MODIFY PLAN
1-22-15 [58]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

12. 12-91254-D-13 WILLIAM/KIMBERLY ELKINS

MOTION TO APPROVE LOAN
MODIFICATION
1-23-15 [37]

13. 13-92155-D-13 GEORGE/JENNIE DELGADO
HWW-2

MOTION TO MODIFY PLAN
1-31-15 [33]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

14. 10-92668-D-13 MICHAEL/JOSEFINA GORMAN MOTION TO MODIFY PLAN
PGM-1 2-2-15 [76]

15. 10-90569-D-13 ELLIS/JUDITH JOHNSON MOTION TO MODIFY PLAN
CJY-3 1-23-15 [56]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

16. 13-91184-D-13 GAIL ADAMS-BAILEY MOTION TO MODIFY PLAN
JAD-3 1-21-15 [61]

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 attached as Exhibit 2 to General Order 05-03. The order is to be signed by the Chapter 13 trustee approving its form prior to the order being submitted to the court.

17. 11-93492-D-13 KEVIN/BOBBIE YOUNG MOTION TO MODIFY PLAN
MLP-9 1-28-15 [148]

18. 14-91596-D-13 TIMOTHY BROWN
CCA-1

MOTION TO DISMISS CASE AND/OR
MOTION TO BAR DEBTOR FROM
FILING ANOTHER CHAPTER 13
1-23-15 [46]

Final ruling:

This case was transferred to Dept. E on March 3, 2015. As A result the hearing on this motion is continued to March 26, 2015, 10:30 a.m. to be heard by Judge Ronald E. Sargis. No appearance is necessary on March 10, 2015.

19. 14-91596-D-13 TIMOTHY BROWN
DEF-3

MOTION TO CONFIRM PLAN
1-9-15 [34]

Final ruling:

This case was converted to a case under Chapter 7 on March 3, 2015. As a result the motion will be denied by minute order as moot. No appearance is necessary.

20. 12-91007-D-13 RICHARD/JAMIE RICKER
CJY-7

MOTION TO INCUR DEBT
2-24-15 [109]

21. 11-92921-D-13 EFREN/MARIA ROSAS
JDP-1

MOTION TO VALUE COLLATERAL OF
TRI COUNTIES BANK
2-16-15 [43]

22. 14-91563-D-13 MANUEL/LUCIA PARTIDA
RDG-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
1-9-15 [16]

23. 11-92376-D-13 JAMES WOLF
PBG-1

MOTION TO MODIFY PLAN
2-23-15 [100]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied because the moving party noticed the motion pursuant to LBR 9014-1(f)(2) and gave only 15 days' notice of the hearing. By contrast, Fed. R. Bankr. 3015(g) requires that a party moving to modify a plan that has been confirmed give at least 21 days' notice of the time for filing objections. In addition, LBR 3015-1(d)(2) requires that a motion to modify a plan after confirmation be brought pursuant to LBR 9014-1(f)(1). Thus, in order to comply with both rules, the moving party must give at least 35 days' notice of the hearing. LBR 3015-1(d)(2).

As a result of this notice defect, the motion will be denied by minute order. No appearance is required.