

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

March 19, 2019 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.	18-90202-D-13	DAVID HARDING	MOTION TO MODIFY PLAN
	JAD-1		1-25-19 [23]

Final 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 all creditors, as required by Fed. R. Bankr. P. 2002(a)(9). The moving party failed to serve the creditor listed on his Schedule H as co-debtor on his mortgage loan. 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 of the debtor. The debtor also 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.

In addition, because the moving party utilized an outdated PACER matrix, the moving party failed to serve the creditor filing Claim No. 8 at the address on its amended proof of claim, as required by Fed. R. Bankr. P. 2002(g), and failed to

serve the U.S. Dept. of Education at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(b).

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

2.	18-90506-D-13	ROBIN HAMADE-GAMMON	MOTION TO CONFIRM PLAN
	BSH-4		2-5-19 [87]

3.	18-90411-D-13	ROGER/STORMIE SCHUMACHER	MOTION TO CONFIRM PLAN
	DEF-8		2-1-19 [105]

4.	14-90413-D-13	THOMAS HARRIS	MOTION TO MODIFY PLAN
	HWW-1		2-12-19 [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 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.

5.	18-90913-D-13	JOSE ESCATEL	CONTINUED OBJECTION TO
	RDG-1		CONFIRMATION OF PLAN BY RUSSELL
			D. GREER
			1-28-19 [13]

6. 18-90427-D-13 STEVEN/ELVIRA CISNEROS MOTION TO CONFIRM PLAN
BSH-4 2-5-19 [70]

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.

7. 15-90351-D-13 HENRY PEREZ MOTION TO MODIFY PLAN
BSH-8 1-29-19 [105]

8. 15-90860-D-13 FRANCINE BOCKMON-ORTIZ MOTION TO MODIFY PLAN
MLA-3 2-1-19 [63]

9. 18-90563-D-13 BRIAN/AMRITA MCINTYRE MOTION TO CONFIRM PLAN
BSH-2 1-30-19 [53]

Tentative ruling:

This is the debtors' second motion to confirm an amended chapter 13 plan. The debtors' first motion was denied for two reasons, one of which has been addressed with this new motion. The issue the debtors have failed to address is that they, with their first motion and again with this one, failed to serve the creditor listed on their Schedule G as a party to a residential lease, and therefore, failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(a)(9). Their Schedule G lists the party to the lease as Sonia Chun at an address in Vallejo. Instead, the debtors served their first motion and this one, on "Residential Lease (Landlord Vito Ortez)" at an address in Oakland.

According to their petition, the debtors live in Riverbank and they have not filed a notice of change of address. Apparently, they have a new landlord since the case was filed. The rules, however, do not permit debtors to serve motions on such parties as they are aware of personally as the proper parties but of whom the court has no knowledge. The rules require debtors to include on their master address list all creditors listed or to be listed on their Schedules D, E/F, G, and H (Fed. R. Bankr. P. 1007(a)(1)) and to serve motions to confirm a chapter 13 plan on all creditors. Fed. R. Bankr. P. 2002(a)(9). Particularly where the court pointed out the failure to serve Sonia Chun in its ruling on the debtors' first motion, the court would expect the debtors to serve that individual or, at least, to address the issue somewhere in their moving papers comprising their second motion. The debtors have done neither. Thus, the record supports the conclusion that the debtors have failed to serve all creditors and the motion will be denied.

The court will hear the matter.

10.	18-90465-D-13	MARK/SHANNON CIMOLI	MOTION FOR RELIEF FROM
	APN-1		AUTOMATIC STAY
	FORD MOTOR CREDIT COMPANY		2-6-19 [72]
	VS.		

11.	18-90666-D-13	SHANNON JENKINS	MOTION TO CONFIRM PLAN
	BSH-1		2-4-19 [35]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve the creditors filing Claim Nos. 3, 6 and 9 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g).

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

12.	17-90869-D-13	KAY PARKER	ORDER SETTING HEARING RE:
	18-9005		AMENDED COMPLAINT
	PARKER V. MID VALLEY		5-30-18 [6]
	FINANCIAL, INC. ET AL		

Tentative ruling:

This matter is on calendar pursuant to the court's Order Setting Hearing filed January 30, 2019 (the "Order") in this and two other adversary proceedings pending in the parent chapter 13 case. The matter was set for hearing for the purpose of determining the issue - a threshold issue in all three adversary proceedings - of

whether or not the automatic stay of § 362(a) of the Bankruptcy Code was violated when Mid Valley Services, Inc. ("Mid Valley") foreclosed on real property of Kay Parker, the debtor in the parent case ("Ms. Parker"), on December 20, 2017. Ms. Parker and Mid Valley having briefed and Harminder Deol having had the opportunity to brief the issue, the court concludes the automatic stay was not violated and will issue an order to that effect in all three adversary proceedings.

The debtor in the underlying case is the plaintiff in AP No. 18-9005, the defendant in the Stanislaus County Superior Court unlawful detainer action pending in this court by way of a notice of removal commencing AP No. 18-9016, and the plaintiff in the Stanislaus County Superior Court civil action pending in this court by way of a notice of removal commencing AP No. 19-9004.^{1 2} The automatic stay in question is the one that went into effect upon the filing of Ms. Parker's second chapter 13 case, on October 27, 2017. Ms. Parker was a debtor in a prior chapter 13 case that was pending and dismissed within the one-year period prior to the commencement of the second case. Therefore, the court consults § 362(c)(3)(A) to determine whether Mid Valley's December 20, 2017 foreclosure sale was held in violation of the automatic stay.

The 30th day after the second case was filed was November 26, 2017. Ms. Parker filed no motion to extend the automatic stay pursuant to § 362(c)(3)(B); therefore, the automatic stay terminated on that day, November 26, 2017. § 362(c)(3)(A). Ms. Parker concedes the automatic stay terminated on that day as to her; or rather, as to actions against her. She disputes that it also terminated as to actions against property of the bankruptcy estate in her case, such as the property that was the subject of Mid Valley's foreclosure sale.

There is a split of authority on the issue among courts in the country. This court agrees with the reasoning in and therefore follows Smith v. Me. Bureau of Revenue Servs. (In re Smith), 910 F.3d 576, 578 (1st Cir. 2018), and Reswick v. Reswick (In re Reswick), 446 B.R. 362, 373 (9th Cir. BAP 2011), which held that, absent a motion to extend the stay, the stay terminates in its entirety on the 30th day after the filing of the second case; that is, it terminates as to both the debtor and the bankruptcy estate. The court follows Reswick not because the court believes it to be binding but because the court agrees with its reasoning and conclusion. Accordingly, the court concludes the automatic stay in Ms. Parker's second chapter 13 case terminated on November 26, 2017. Because Mid Valley's foreclosure sale did not take place until December 20, 2017, it was not held in violation of the stay.

It is important to also address an issue the parties did not raise in their briefs but which Ms. Parker has raised elsewhere and which was within the call of the Order. In her amended complaint in AP No. 18-9005 and her state court complaint removed to this court in AP No. 19-9004, Ms. Parker refers to Mid Valley, in response to notice of one or the other of her bankruptcy cases, having twice "set a new foreclosure sale date." Ms. Parker's First Amended Complaint, AP No. 18-9005, filed May 30, 2018, at 6:15. Ms. Parker claims the setting of the new dates was "in disregard of the automatic stay in place pursuant to 11 U.S.C. § 362" Id. at 6:19-21; see also Ms. Parker's state court complaint attached to State Court Documents Supporting Notice of Removal, AP No. 19-9004, filed January 19, 2019, ¶ 17. There is no evidence Mid Valley recorded a new notice of trustee's sale; instead, it appears Mid Valley merely postponed the sale date from October 17 to October 30, then to November 20, and later, apparently, to December 20.

In their briefs filed pursuant to the Order, neither Ms. Parker nor Mid Valley

raised the issue of whether the postponement of a foreclosure sale violates the automatic stay, but both had the opportunity and, under the Order, the incentive to do so. Thus, the court holds the postponement or postponements of the trustee's sale did not violate the automatic stay. See In re Roach, 660 F.2d 1316, 1318 (9th Cir. 1981) ["Postponement notices which specify a new sale date do not violate 11 U.S.C. § 362."]; see also Mason-McDuffie Mortg. Corp. v. Peters (In re Peters), 101 F.3d 618, 620 (9th Cir. 1996) [postponement post-confirmation of a chapter 13 plan does not violate the stay].

For the reasons stated, the court concludes Mid Valley's foreclosure sale did not violate the automatic stay. The court will hear the matter.

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- 1 Because the debtor is the plaintiff in two of the adversary proceedings and the defendant in the other, the court will use the parties' names, Ms. Parker and Mid Valley, herein for ease of reference.
 - 2 Harinder Deol, who is the plaintiff in one of the adversary proceedings and a defendant in the other two, has not filed a brief but had the opportunity to do so. The Order was filed in all three adversary proceedings; this ruling and the order thereon will be filed in all three and will be effective on the issue as to all the parties.

13. 17-90869-D-13 KAY PARKER
18-9016
DEOL V. PARKER

ORDER SETTING HEARING RE:
NOTICE OF REMOVAL
11-8-18 [1]

ADVERSARY PROCEEDING CLOSED:
12/19/2018

Tentative ruling:

This matter is on calendar pursuant to the court's Order Setting Hearing filed January 30, 2019 (the "Order") in this and two other adversary proceedings pending in the parent chapter 13 case. The matter was set for hearing for the purpose of determining the issue - a threshold issue in all three adversary proceedings - of whether or not the automatic stay of § 362(a) of the Bankruptcy Code was violated when Mid Valley Services, Inc. ("Mid Valley") foreclosed on real property of Kay Parker, the debtor in the parent case ("Ms. Parker"), on December 20, 2017. Ms. Parker and Mid Valley having briefed and Harinder Deol having had the opportunity to brief the issue, the court concludes the automatic stay was not violated and will issue an order to that effect in all three adversary proceedings.

The debtor in the underlying case is the plaintiff in AP No. 18-9005, the defendant in the Stanislaus County Superior Court unlawful detainer action pending in this court by way of a notice of removal commencing AP No. 18-9016, and the plaintiff in the Stanislaus County Superior Court civil action pending in this court by way of a notice of removal commencing AP No. 19-9004.^{1 2} The automatic stay in question is the one that went into effect upon the filing of Ms. Parker's second chapter 13 case, on October 27, 2017. Ms. Parker was a debtor in a prior chapter 13 case that was pending and dismissed within the one-year period prior to the commencement of the second case. Therefore, the court consults § 362(c) (3) (A) to determine whether Mid Valley's December 20, 2017 foreclosure sale was held in violation of the automatic stay.

The 30th day after the second case was filed was November 26, 2017. Ms. Parker filed no motion to extend the automatic stay pursuant to § 362(c)(3)(B); therefore, the automatic stay terminated on that day, November 26, 2017. § 362(c)(3)(A). Ms. Parker concedes the automatic stay terminated on that day as to her; or rather, as to actions against her. She disputes that it also terminated as to actions against property of the bankruptcy estate in her case, such as the property that was the subject of Mid Valley's foreclosure sale.

There is a split of authority on the issue among courts in the country. This court agrees with the reasoning in and therefore follows Smith v. Me. Bureau of Revenue Servs. (In re Smith), 910 F.3d 576, 578 (1st Cir. 2018), and Reswick v. Reswick (In re Reswick), 446 B.R. 362, 373 (9th Cir. BAP 2011), which held that, absent a motion to extend the stay, the stay terminates in its entirety on the 30th day after the filing of the second case; that is, it terminates as to both the debtor and the bankruptcy estate. The court follows Reswick not because the court believes it to be binding but because the court agrees with its reasoning and conclusion. Accordingly, the court concludes the automatic stay in Ms. Parker's second chapter 13 case terminated on November 26, 2017. Because Mid Valley's foreclosure sale did not take place until December 20, 2017, it was not held in violation of the stay.

It is important to also address an issue the parties did not raise in their briefs but which Ms. Parker has raised elsewhere and which was within the call of the Order. In her amended complaint in AP No. 18-9005 and her state court complaint removed to this court in AP No. 19-9004, Ms. Parker refers to Mid Valley, in response to notice of one or the other of her bankruptcy cases, having twice "set a new foreclosure sale date." Ms. Parker's First Amended Complaint, AP No. 18-9005, filed May 30, 2018, at 6:15. Ms. Parker claims the setting of the new dates was "in disregard of the automatic stay in place pursuant to 11 U.S.C. § 362" Id. at 6:19-21; see also Ms. Parker's state court complaint attached to State Court Documents Supporting Notice of Removal, AP No. 19-9004, filed January 19, 2019, ¶ 17. There is no evidence Mid Valley recorded a new notice of trustee's sale; instead, it appears Mid Valley merely postponed the sale date from October 17 to October 30, then to November 20, and later, apparently, to December 20.

In their briefs filed pursuant to the Order, neither Ms. Parker nor Mid Valley raised the issue of whether the postponement of a foreclosure sale violates the automatic stay, but both had the opportunity and, under the Order, the incentive to do so. Thus, the court holds the postponement or postponements of the trustee's sale did not violate the automatic stay. See In re Roach, 660 F.2d 1316, 1318 (9th Cir. 1981) ["Postponement notices which specify a new sale date do not violate 11 U.S.C. § 362."]; see also Mason-McDuffie Mortg. Corp. v. Peters (In re Peters), 101 F.3d 618, 620 (9th Cir. 1996) [postponement post-confirmation of a chapter 13 plan does not violate the stay].

For the reasons stated, the court concludes Mid Valley's foreclosure sale did not violate the automatic stay. The court will hear the matter.

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- 1 Because the debtor is the plaintiff in two of the adversary proceedings and the defendant in the other, the court will use the parties' names, Ms. Parker and Mid Valley, herein for ease of reference.
 - 2 Harminder Deol, who is the plaintiff in one of the adversary proceedings and a defendant in the other two, has not filed a brief but had the opportunity to do

so. The Order was filed in all three adversary proceedings; this ruling and the order thereon will be filed in all three and will be effective on the issue as to all the parties.

14. 17-90869-D-13 KAY PARKER
18-9016
DEOL V. PARKER

CONTINUED MOTION TO RECONSIDER
1-1-19 [30]

ADVERSARY PROCEEDING CLOSED:
12/19/2018

Tentative ruling:

This is the motion of the defendant in this unlawful detainer proceeding, Kay Parker ("Ms. Parker"), for reconsideration of this court's December 18, 2018 order (the "Order") remanding the action to the Stanislaus County Superior Court, from which Ms. Parker had earlier removed it. The plaintiff, Harminder Deol ("Deol"), filed opposition and Ms. Parker filed a reply. The motion was initially granted in part and the court reconsidered its ruling in light of the specific issue of whether or not the automatic stay of § 362(a) of the Bankruptcy Code was violated when Mid Valley Services, Inc. ("Mid Valley") foreclosed on real property of Ms. Parker, the debtor in the parent case, on December 20, 2017. The parties have briefed or had the opportunity to brief that issue, in response to the court's Order Setting Hearing filed January 30, 2019, and the court has issued a tentative ruling. The court has concluded Mid Valley's foreclosure sale did not violate the automatic stay. In light of that ruling, the court issues this revised ruling on Ms. Parker's motion for reconsideration.

Ms. Parker brings the motion pursuant to Fed. R. Civ. P. 59(e) and 60(b) "on the grounds that errors of fact and law were made in the Order and that manifest injustice would result if the Order were not amended or reversed." Defendant's Amended Memo., filed Jan. 1, 2019 ("Memo."), at 3:1-3. Ms. Parker's position is a bit ironic in that she has raised precisely the same issues in litigation in this court and the state court, and for the reasons stated below, her conduct in both venues suggests gamesmanship and forum shopping, albeit an unusual one in that Ms. Parker's litigation in the two courts has, since May 9, 2018, been simultaneous. On that date, she filed in this court an adversary complaint against Mid Valley and Deol, commencing AP No. 18-9005, to recover alleged estate property and money allegedly unlawfully taken from the chapter 13 estate, and for other relief. However, she failed to remove to this court Deol's unlawful detainer action then pending in the state court, although she alleged in defense of that action the same conduct by Mid Valley and Deol that she alleges here.

Ms. Parker removed the unlawful detainer action only after the state court had denied her motion to quash the summons and the day before the case was set for trial, on a trial date that had already been continued at Ms. Parker's request. And on December 21, 2018, three days after this court granted Deol's motion to remand the unlawful detainer action back to the state court, Ms. Parker filed a new complaint in the state court against Mid Valley and Deol to quiet title, to set aside an allegedly void trustee's deed, and for injunctive, declaratory, and other relief. Deol has now removed that action to this court, where it has been assigned AP No. 19-9004.

The court remains persuaded, as set forth in its ruling underlying the Order, that Ms. Parker filed her notice of removal of the unlawful detainer action nine months after the time it was due under Fed. R. Bankr. P. 9027(a)(3), and the action should be remanded on that ground alone. Ms. Parker made a deliberate decision to attempt to quash the summons in the state court rather than removing the action to this court. She then allowed the case to languish in the state court for many months in an "On Hold" status, both before and after May 9, 2018, based apparently on the state court's uncertainty about the automatic stay issue. And after the state court finally denied Ms. Parker's motion to quash, seven months after it was filed, she waited another three months before filing her notice of removal. This conduct and Ms. Parker's alleged reasons for it do not constitute excusable neglect such as would be grounds for extending the time for filing the notice of removal. See Fed. R. Bankr. P. 9006(b)(1).

For the reasons stated, the motion will be denied and the order remanding the action to the Stanislaus County Superior Court will stand. The court will hear the matter.

15. 17-90869-D-13 KAY PARKER
19-9004
PARKER V. DEOL ET AL

ORDER SETTING HEARING RE:
NOTICE OF REMOVAL
1-19-19 [1]

Tentative ruling:

This matter is on calendar pursuant to the court's Order Setting Hearing filed January 30, 2019 (the "Order") in this and two other adversary proceedings pending in the parent chapter 13 case. The matter was set for hearing for the purpose of determining the issue - a threshold issue in all three adversary proceedings - of whether or not the automatic stay of § 362(a) of the Bankruptcy Code was violated when Mid Valley Services, Inc. ("Mid Valley") foreclosed on real property of Kay Parker, the debtor in the parent case ("Ms. Parker"), on December 20, 2017. Ms. Parker and Mid Valley having briefed and Harminder Deol having had the opportunity to brief the issue, the court concludes the automatic stay was not violated and will issue an order to that effect in all three adversary proceedings.

The debtor in the underlying case is the plaintiff in AP No. 18-9005, the defendant in the Stanislaus County Superior Court unlawful detainer action pending in this court by way of a notice of removal commencing AP No. 18-9016, and the plaintiff in the Stanislaus County Superior Court civil action pending in this court by way of a notice of removal commencing AP No. 19-9004.^{1 2} The automatic stay in question is the one that went into effect upon the filing of Ms. Parker's second chapter 13 case, on October 27, 2017. Ms. Parker was a debtor in a prior chapter 13 case that was pending and dismissed within the one-year period prior to the commencement of the second case. Therefore, the court consults § 362(c)(3)(A) to determine whether Mid Valley's December 20, 2017 foreclosure sale was held in violation of the automatic stay.

The 30th day after the second case was filed was November 26, 2017. Ms. Parker filed no motion to extend the automatic stay pursuant to § 362(c)(3)(B); therefore, the automatic stay terminated on that day, November 26, 2017. § 362(c)(3)(A). Ms. Parker concedes the automatic stay terminated on that day as to her; or rather, as to actions against her. She disputes that it also terminated as to actions against property of the bankruptcy estate in her case, such as the property that was the subject of Mid Valley's foreclosure sale.

There is a split of authority on the issue among courts in the country. This court agrees with the reasoning in and therefore follows Smith v. Me. Bureau of Revenue Servs. (In re Smith), 910 F.3d 576, 578 (1st Cir. 2018), and Reswick v. Reswick (In re Reswick), 446 B.R. 362, 373 (9th Cir. BAP 2011), which held that, absent a motion to extend the stay, the stay terminates in its entirety on the 30th day after the filing of the second case; that is, it terminates as to both the debtor and the bankruptcy estate. The court follows Reswick not because the court believes it to be binding but because the court agrees with its reasoning and conclusion. Accordingly, the court concludes the automatic stay in Ms. Parker's second chapter 13 case terminated on November 26, 2017. Because Mid Valley's foreclosure sale did not take place until December 20, 2017, it was not held in violation of the stay.

It is important to also address an issue the parties did not raise in their briefs but which Ms. Parker has raised elsewhere and which was within the call of the Order. In her amended complaint in AP No. 18-9005 and her state court complaint removed to this court in AP No. 19-9004, Ms. Parker refers to Mid Valley, in response to notice of one or the other of her bankruptcy cases, having twice "set a new foreclosure sale date." Ms. Parker's First Amended Complaint, AP No. 18-9005, filed May 30, 2018, at 6:15. Ms. Parker claims the setting of the new dates was "in disregard of the automatic stay in place pursuant to 11 U.S.C. § 362" Id. at 6:19-21; see also Ms. Parker's state court complaint attached to State Court Documents Supporting Notice of Removal, AP No. 19-9004, filed January 19, 2019, ¶ 17. There is no evidence Mid Valley recorded a new notice of trustee's sale; instead, it appears Mid Valley merely postponed the sale date from October 17 to October 30, then to November 20, and later, apparently, to December 20.

In their briefs filed pursuant to the Order, neither Ms. Parker nor Mid Valley raised the issue of whether the postponement of a foreclosure sale violates the automatic stay, but both had the opportunity and, under the Order, the incentive to do so. Thus, the court holds the postponement or postponements of the trustee's sale did not violate the automatic stay. See In re Roach, 660 F.2d 1316, 1318 (9th Cir. 1981) ["Postponement notices which specify a new sale date do not violate 11 U.S.C. § 362."]; see also Mason-McDuffie Mortg. Corp. v. Peters (In re Peters), 101 F.3d 618, 620 (9th Cir. 1996) [postponement post-confirmation of a chapter 13 plan does not violate the stay].

For the reasons stated, the court concludes Mid Valley's foreclosure sale did not violate the automatic stay. The court will hear the matter.

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- 1 Because the debtor is the plaintiff in two of the adversary proceedings and the defendant in the other, the court will use the parties' names, Ms. Parker and Mid Valley, herein for ease of reference.
 - 2 Harminder Deol, who is the plaintiff in one of the adversary proceedings and a defendant in the other two, has not filed a brief but had the opportunity to do so. The Order was filed in all three adversary proceedings; this ruling and the order thereon will be filed in all three and will be effective on the issue as to all the parties.

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| 16. | 18-90672-D-13
BSH-3 | ENNIE WILLIAMS | MOTION TO CONFIRM PLAN
2-5-19 [54] |
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| 17. | 18-90173-D-13
JAD-2 | GREGORY/KAREN MARIANI | MOTION TO MODIFY PLAN
2-1-19 [37] |
| | | | |
| 18. | 18-90876-D-13
PLG-5 | LEONARDO/MELISSA JOSEF | MOTION TO CONFIRM PLAN
1-25-19 [42] |
| | | | |
| 19. | 18-90876-D-13
RDG-1 | LEONARDO/MELISSA JOSEF | CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
D. GREER
1-7-19 [24] |

20. 18-90594-D-13 AMANDA SMITHCAMP
MB-1

MOTION TO MODIFY PLAN
1-31-19 [42]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons. First, the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(a)(9). The moving party served only those creditors who have filed proofs of claim, whereas the rule is not so limited. The moving parties failed to serve the four creditors listed on her Schedule E/F who have not filed proofs of claim. Second, the moving party failed to serve the creditor requesting special notice at DN 11 at its designated address, as required by Fed. R. Bankr. P. 2002(g). Third, the proof of service does not state or describe the manner of service.

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

21. 18-90806-D-13 JULIANA PIERI-BELL
RDG-1

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY RUSSELL
GREER
12-21-18 [16]

22. 19-90017-D-13 RAY/KATHLEEN PERRY

OBJECTION TO CONFIRMATION OF
PLAN BY PENNYMAC LOAN SERVICES,
LLC
2-27-19 [19]

23. 18-90976-D-13 ELIZABETH RAMIREZ
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
2-25-19 [14]