

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

April 7, 2020 at 10:00 a.m.

ALL APPEARANCES MUST BE TELEPHONIC
(Please see the court's website for instructions.)

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.	19-27600 -C-13	ROSALIND SMITH	MOTION FOR RELIEF FROM
	KWY -1		AUTOMATIC STAY
			3-10-20 [49]
	KENNY KWONG VS.		

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 party filing the request for special note at docket no. 20; FCI, the secured creditor listed on Schedule D in the amounts of \$1,150,000 and \$250,000; the Dept. of Motor Vehicles listed on Schedule E/F in the amount of \$354; MYND Property Management listed on Schedule G; and Andre Scott, the party listed on her Schedule H as a co-debtor. 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.

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.

4. [19-21503](#)-B-13 JOHNNY DUANGSAWAT MOTION TO MODIFY PLAN
[JCK](#)-1 2-25-20 [[19](#)]
5. [19-27105](#)-C-13 STEPHANIE MUZZI MOTION TO CONFIRM PLAN
[PGM](#)-2 2-26-20 [[67](#)]
6. [17-21509](#)-B-13 RICHARD/YVONNE GONZALEZ NOTICE OF DEFAULT AND MOTION TO
DISMISS CASE FOR FAILURE TO
MAKE PLAN PAYMENTS
2-5-20 [[20](#)]
7. [18-25209](#)-B-13 ROMANA HERRERA MOTION TO MODIFY PLAN
[PGM](#)-1 3-2-20 [[53](#)]

8. [20-20109](#)-C-13 KARLA SLADARIU OBJECTION TO DEBTOR'S CLAIM OF
[RDG](#)-2 EXEMPTIONS
3-2-20 [[24](#)]

Final ruling:

The debtor filed a Spousal Waiver on March 19, 2020 which addresses the Trustee's objection. As such, the objection will be overruled as moot by minute order. No appearance is necessary.

9. [19-20016](#)-B-13 GARY BITZ MOTION TO MODIFY PLAN
[HWW](#)-4 2-20-20 [[70](#)]

Final ruling:

This case was dismissed on February 21, 2020. As a result the motion will be denied by minute order as moot. No appearance is necessary.

10. [20-20617](#)-B-13 APRIL MORSE OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
3-16-20 [[15](#)]

11. [20-20721](#)-B-13 MARIANO/ESMERALDA MOLINA OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
3-16-20 [[14](#)]

12. [20-20322](#)-B-13 JEREMY/MELISSA MARTIN OBJECTION TO CONFIRMATION OF
[APN](#)-1 PLAN BY SUMMIT FUNDING, INC.
3-19-20 [[17](#)]

13. [20-20423](#)-B-13 JAN MICHAEL MANUEL OBJECTION TO CONFIRMATION OF
[RDG](#)-2 PLAN BY RUSSELL D. GREER
3-16-20 [[22](#)]

14. [17-25225](#)-B-13 CHRIS NGUYEN AND AMANDA CONTINUED MOTION TO SELL
[MC-6](#) CHANG 2-18-20 [[93](#)]

Final ruling:

This case was dismissed on March 25, 2020. As a result the motion will be denied by minute order as moot. No appearance is necessary

15. [20-20026](#)-C-13 FRANCISCO SOLORIO OBJECTION TO DEBTOR'S CLAIM OF
[RDG](#)-1 EXEMPTIONS
3-2-20 [[36](#)]

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 debtor's 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.

16. [20-20126](#)-C-13 ROBERT KLEIN MOTION TO VALUE COLLATERAL OF
WW-1 ALLY FINANCIAL
3-16-20 [[27](#)]
17. [15-26928](#)-B-13 DAN/KIMBERLEE FRASER MOTION TO MODIFY PLAN
[JCK](#)-6 2-25-20 [[115](#)]
18. [19-20233](#)-B-13 ALFONSO PULIDO CONTINUED OBJECTION TO CLAIM OF
[GMW](#)-4 U.S. BANK, N.A., CLAIM NUMBER 6
10-11-19 [[83](#)]
19. [20-20236](#)-C-13 MCARTHUR/LISA BEST OBJECTION TO DEBTOR'S CLAIM OF
[RDG](#)-2 EXEMPTIONS
3-3-20 [[24](#)]

Final ruling:

The objection will be denied without prejudice as moot. The debtors filed an amended Schedule C on March 12, 2020, utilizing different sections of the California Code of Civil Procedure, making this objection moot. As a result the court will overrule the objection without prejudice by minute order. No appearance is necessary.

20. [15-26537](#)-B-13 MARIA GUEL
[JCK](#)-2

MOTION TO MODIFY PLAN
2-20-20 [[49](#)]

21. [15-26537](#)-B-13 MARIA GUEL
[JCK](#)-3

MOTION TO WAIVE SECTION 1328
CERTIFICATE
REQUIREMENT, SUBSTITUTE PARTY,
AS TO DEBTOR
2-27-20 [[55](#)]

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 Substitute Cynthia Guel as the Representative for Maria G. Guel and to Excuse Debtor from Completing 11 U.S.C. § 1328 Certificate or Certificate of Chapter 13 Debtor re 11 U.S.C. § 522(q) Exemptions (the "motion") is supported by the record. As such the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

22. [18-21737](#)-B-13 ANGELO/CRYSTAL KNIGHT
[DWE](#)-1

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
2-10-20 [[52](#)]

23. [20-20638](#)-B-13 MICHAEL/JOHNNIE BARAKATT
[MC](#)-3

MOTION TO VALUE COLLATERAL OF
SCHOOLS FINANCIAL CREDIT UNION
3-24-20 [[37](#)]

24. [20-20542](#)-C-13 THOMAS KIM
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-16-20 [[16](#)]

25. [17-25544](#)-B-13 MANUEL/LIZA SABIO
[JCK](#)-6

MOTION TO MODIFY PLAN
2-25-20 [[64](#)]

26. [20-20648](#)-B-13 ALTON SLAUGHTER
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-16-20 [[13](#)]

Final ruling:

The Chapter 13 trustee filed an objection to confirmation, opposing the debtor's plan confirmation in part based on the 341 Meeting not having been concluded. The debtor filed a response indicating he has obtained all the necessary information and will attend the continued 341 Meeting. Therefore, the hearing on the objection will be continued by minute order to May 5, 2020 at 10:00 a.m. to allow debtor to appear at the continued 341 Meeting. No appearance is necessary.

27. [20-21549](#)-C-13 CHRISTOPHER/TERESITA
[MS-1](#) LOPEZ

MOTION TO VALUE COLLATERAL OF
REGIONAL ACCEPTANCE CORPORATION
3-13-20 [[8](#)]

28. [20-21549](#)-C-13 CHRISTOPHER/TERESITA
MS-2 LOPEZ MOTION TO VALUE COLLATERAL OF
INTERNAL REVENUE SERVICE
3-13-20 [[13](#)]

29. [19-27151](#)-C-13 MAUREEN CLINE
[SDH](#)-2 MOTION TO CONFIRM PLAN
2-27-20 [[51](#)]

Final ruling:

This is the debtor's motion to confirm a plan. The moving party 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 this service defect, the motion will be denied by minute order. No appearance is necessary.

30. [19-24855](#)-B-13 MAGDALENA VILLALVAZO
[JCK](#)-1 OBJECTION TO CLAIM OF NAVIENT
PC TRUST, CLAIM NUMBER 7
2-20-20 [[16](#)]

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 issue a minute order sustaining the debtor's objection to claim of Navient PC Trust, Claim No. 7. No appearance is necessary.

31. [19-24855](#)-B-13 MAGDALENA VILLALVAZO
[JCK](#)-2 OBJECTION TO CLAIM OF NAVIENT
PC TRUST, CLAIM NUMBER 8
2-20-20 [[20](#)]

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 issue a minute order sustaining the debtor's objection to claim of Navient PC Trust, Claim No. 8. No appearance is necessary.

32. [19-24855](#)-B-13 MAGDALENA VILLALVAZO OBJECTION TO CLAIM OF NAVIENT
[JCK](#)-3 PC TRUST, CLAIM NUMBER 9
2-20-20 [[24](#)]

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 issue a minute order sustaining the debtor's objection to claim of Navient PC Trust, Claim No. 9. No appearance is necessary.

33. [18-25756](#)-B-13 DAVID SIMS CONTINUED MOTION TO CONFIRM
[PGM](#)-4 PLAN
10-15-19 [[119](#)]

34. [18-25756](#)-B-13 DAVID SIMS CONTINUED MOTION TO REFINANCE
[PGM](#)-5 12-27-19 [[144](#)]

35. [20-20356](#)-B-13 ELIA CONSTANCIO OBJECTION TO CONFIRMATION OF
[EMM](#)-1 PLAN BY FLAGSTAR BANK, FSB
3-18-20 [[33](#)]

36. [20-20356](#)-B-13 ELIA CONSTANCIO
[RDG](#)-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-16-20 [[30](#)]

37. [19-26557](#)-B-13 IGNACIO EROSA
[MBW](#)-1

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

Final ruling:

**This motion has been resolved by the order entered on March 20, 2020. As such,
the matter is removed from calendar as moot. No appearance is necessary.**

38. [20-20558](#)-B-13 KAREEM SYKES
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-16-20 [[33](#)]

39. [20-21461](#)-C-13 ARTHUR/TRISHA WHITTEN
[PGM](#)-1

MOTION TO EXTEND AUTOMATIC STAY
3-24-20 [[14](#)]

40. [16-28163](#)-B-13 KAREN KHAN
[JCK](#)-5

MOTION TO MODIFY PLAN
2-25-20 [[91](#)]

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.

41. [20-20763](#)-B-13 DAVID/WILLIETTE THOMAS
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-16-20 [[14](#)]

Final ruling:

The Chapter 13 trustee filed an objection to confirmation, opposing the debtor's plan confirmation in part based on the 341 Meeting not having been concluded. The debtor filed a response indicating he has obtained all the necessary information and will attend the continued 341 meeting. Therefore, the hearing on the objection will be continued by minute order to May 5, 2020 at 10:00 a.m. to allow debtor to appear at the continued 341 meeting. No appearance is necessary.

42. [17-23964](#)-B-13 ALEJANDRO LLANOS
[RJM](#)-1

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

43. [17-27467](#)-B-13 MAHMADHUSAN ULLHA MOTION TO MODIFY PLAN
[JCK](#)-3 2-25-20 [[53](#)]

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.

44. [19-24770](#)-B-13 FRANCISCO NUNEZ AND MOTION FOR RELIEF FROM
[CAS](#)-1 MICAELA ALANIZ-NUNEZ AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
2-26-20 [[20](#)]

EXETER FINANCE, LLC VS.

45. [20-20170](#)-B-13 MARIA VILLARINO-PARRA CONTINUED OBJECTION TO
[JHK](#)-1 CONFIRMATION OF PLAN BY
CREDITOR FORD MOTOR CREDIT
COMPANY LLC
2-19-20 [[18](#)]

46. [20-20170](#)-B-13 MARIA VILLARINO-PARRA CONTINUED OBJECTION TO
[RDG](#)-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
3-2-20 [[22](#)]

47. [19-24173](#)-B-13 CLYDE FORD
[JCK](#)-4

MOTION TO CONFIRM PLAN
2-25-20 [[55](#)]

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.

48. [20-20473](#)-C-13 VIKASH/SANJANI SINGH
[RDG](#)-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D GREER
3-16-20 [[37](#)]

49. [20-20676](#)-B-13 MARCELINO MIRELES
[CH-1](#)

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
3-18-20 [[25](#)]

SO-CAL CAPITAL, INC. VS.

50. [20-21676](#)-C-13 ALLEN GAMBLE
[PGM](#)-1

MOTION TO EXTEND AUTOMATIC STAY
3-24-20 [[10](#)]

51. [19-23379](#)-B-13 RAMON/NANCY CASTILLO CONTINUED MOTION TO MODIFY PLAN
[JCK](#)-3 1-28-20 [[55](#)]
52. [20-20381](#)-B-13 LOAY ELKOUSSY OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
3-16-20 [[20](#)]
53. [19-24282](#)-B-13 JUAN/MARIA SALAS MOTION TO MODIFY PLAN
[PGM](#)-3 3-2-20 [[60](#)]

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.

54. [19-27682](#)-C-13 CHERI SILVA MOTION TO CONFIRM PLAN
[PGM](#)-1 2-25-20 [[26](#)]

55. [19-26483](#)-B-13 ESTELLE YANCEY

MOTION TO CONFIRM PLAN
3-4-20 [[62](#)]

Final ruling:

This case was dismissed on March 6, 2020. As a result the motion will be denied by minute order as moot. No appearance is necessary.

56. [20-20683](#)-C-13 KARL MANSFIELD
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
3-16-20 [[16](#)]

Final ruling:

Objection withdrawn by moving party on March 31, 2020. Matter removed from calendar.

57. [19-25989](#)-B-13 ANGELINA/MIGUEL PEINADO
[EAT](#)-1

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
1-23-20 [[89](#)]

58. [19-25989](#)-B-13 ANGELINA/MIGUEL PEINADO
[MMN](#)-1

CONTINUED MOTION TO CONFIRM
PLAN
12-13-19 [[68](#)]

59. [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.

60. [20-21290](#)-B-13 JOSEPH/JENNIFER DEGRAVIO
[CLH-1](#)
CONTINUED MOTION TO VALUE
COLLATERAL OF AMERICAN HONDA
FINANCE
3-9-20 [[8](#)]

61. [20-21392](#)-C-13 RYAN/SARAH FREEMAN
[TLA-1](#)
MOTION TO VALUE COLLATERAL OF
SAFE CREDIT UNION
3-10-20 [[8](#)]

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.

62. [17-27693](#)-B-13 ANTHONY MOORE
[PGM-3](#)
CONTINUED COUNTER MOTION TO
DISMISS CASE/PROCEEDING
9-3-19 [[148](#)]

63. [17-27693](#)-B-13 ANTHONY MOORE
[PGM](#)-4

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

64. [19-27594](#)-B-13 DONALD/SANDRA BOSSE
[JCK](#)-3

MOTION TO CONFIRM PLAN
2-24-20 [[43](#)]

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.

65. [19-27064](#)-C-13 BENJAMIN GUYTON AND
[SS-2](#) SHIRLEY LEGARDA-GUYTON

CONTINUED MOTION TO CONFIRM
PLAN
2-7-20 [[42](#)]