

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

April 10, 2018 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 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.

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1.	16-28207-D-13	ANDREW KNAPP AND GINA	MOTION TO MODIFY PLAN
	LRR-4	PEARL	2-13-18 [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 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.

2. 14-26812-D-13 ANTONIO/JUDITH JUAREZ MOTION TO MODIFY PLAN  
TOG-1 2-16-18 [27]

**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.

3. 17-27339-D-13 BOBBY/GINA RUIZ MOTION FOR RELIEF FROM  
APN-1 AUTOMATIC STAY  
WELLS FARGO BANK, N.A. VS. 3-8-18 [55]

**Final ruling:**

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'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. 16-25055-D-13 HANK WALTH CONTINUED OBJECTION TO CLAIM OF  
HWW-10 FRANCHISE TAX BOARD, CLAIM  
NUMBER 5  
1-25-18 [118]

5. 16-25055-D-13 HANK WALTH CONTINUED MOTION TO CONFIRM  
HWW-9 PLAN  
11-3-17 [109]

6. 18-20056-D-13 DELLA/RICHARD JONES  
RDG-2

OBJECTION TO DEBTORS' CLAIM OF  
EXEMPTIONS  
2-26-18 [15]

**Tentative ruling:**

This is the trustee's objection to the debtors' claim of exemptions. The debtors have filed a response stating that on March 15, 2018, they filed an amended Schedule C, DN 23, that addresses the trustee's concerns. The Schedules A/B and C that were filed in this case on March 15, 2018 at DN 23 pertain to a different debtor, a different case, and different assets entirely.<sup>1</sup> Accordingly, the court intends to sustain the trustee's objection on the ground the debtors have claimed income from self-employment under an exemption statute providing for the exemption of compensation from an employer.

The court will hear the matter.

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1 The court has reviewed the docket in the other case: the same amended schedules were filed in that case. In other words, so far as the court can determine, no amended schedules have been filed in any case by the debtors in this case, Della Jones and Richard Jones.

7. 18-20365-D-13 RADHEY/LILLIAM SHYAM  
EML-2

MOTION TO CONFIRM PLAN  
2-22-18 [39]

**Final ruling:**

This is the debtors' motion to confirm an "Amended Chapter 13 Plan as of February 21, 2018." On March 28, 2018, the debtors filed an "Amended Chapter 13 Plan as of March 28, 2018" - a plan that is in fact different from the plan dated February 21, 2018. As a result of the filing of the amended plan on March 28, 2018, the present motion is moot. The motion will be denied as moot by minute order. No appearance is necessary.

8. 18-21171-D-13 EVERETT MARSHALL AND  
MJD-1 LYNETTE HASAN-MARSHALL

MOTION TO VALUE COLLATERAL OF  
TRAVIS CREDIT UNION  
3-6-18 [9]

**Final ruling:**

This motion was resolved by stipulation of the parties, approved by the court's order filed March 26, 2018. The matter is removed from calendar. No appearance is necessary.

9. 17-24578-D-13 KATHY FEENEY  
MKM-5

MOTION TO CONFIRM PLAN  
2-14-18 [64]

10. 13-27585-D-13 MELANIE MARSHALL  
DCJ-2

MOTION TO MODIFY PLAN  
2-26-18 [36]

11. 15-27287-D-13 GINA TOSCANO  
PGM-6

MOTION FOR COMPENSATION FOR  
PETER G. MACALUSO, DEBTOR'S  
ATTORNEY  
3-5-18 [104]

12. 15-20095-D-13 ALICE HATTON  
DCN-1

MOTION TO MODIFY PLAN  
2-24-18 [69]

13. 18-20095-D-13 GINA CRONIN  
RDG-2

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
2-26-18 [23]

**Final ruling:**

This is the trustee's objection to the debtor's claim of exemptions on the ground the debtor had failed to file a spousal waiver to permit her to use the exemptions provided by Cal. Code Civ. Proc. § 703.140(b). On February 28, 2018, the debtor filed a spousal waiver signed by herself and her spouse. As a result of the filing of the spousal waiver, this objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

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| 14. | 17-24412-D-13<br>SSA-4                          | JEANINE DAVIS           | MOTION FOR COMPENSATION FOR<br>STEVEN S. ALTMAN, CREDITOR'S<br>ATTORNEY<br>3-20-18 [100] |
| 15. | 17-28215-D-13<br>VVF-1<br>HONDA LEASE TRUST VS. | KAREN/DANIEL VIDA       | MOTION FOR RELIEF FROM<br>AUTOMATIC STAY<br>3-22-18 [28]                                 |
| 16. | 17-23837-D-13<br>PGM-4                          | FRANCISCO/MARIA PADILLA | CONTINUED MOTION TO CONFIRM<br>PLAN<br>2-13-18 [105]                                     |
| 17. | 17-23837-D-13<br>PGM-5                          | FRANCISCO/MARIA PADILLA | CONTINUED MOTION TO SELL<br>3-13-18 [124]  |

18. 17-23837-D-13 FRANCISCO/MARIA PADILLA CONTINUED MOTION TO DISMISS  
JB-1 CASE AND/OR MOTION TO CONVERT  
CASE TO CHAPTER 7  
1-30-18 [89]
19. 18-20638-D-13 BRIAN/JESSICA CAMPOS CONTINUED MOTION TO AVOID LIEN  
JCK-2 OF FIRST RESOLUTION INVESTMENT  
CORPORATION  
2-15-18 [20]
20. 18-20557-D-13 RICHARD NYE OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D. GREER  
3-19-18 [24]
21. 18-20557-D-13 RICHARD NYE MOTION TO VALUE COLLATERAL OF  
MOT-1 ACURA FINANCIAL SERVICES  
3-26-18 [28]

**Final ruling:**

This is a duplicate of the debtor's motion to value collateral of Acura Financial Services (Acura) which is Item 22 on this calendar. In a ruling issued for the initial hearing on that motion, the moving party was instructed to file a notice of continued hearing and serve it, together with the motion and supporting declaration, on Acura in the manner required by the applicable rule. The moving party did so. However, he also re-filed the motion and declaration themselves, identical to the original ones, including the original signatures, but with the hearing date stricken out and replaced with the new hearing date. He did not assign the new motion a different docket control number.

Thus, the motion filed at DN 28 is a duplicate of the motion at DN 18. The court will issue no ruling on the motion filed at DN 28 and the matter is removed from calendar. No appearance is necessary.

22.	18-20557-D-13 MOT-1	RICHARD NYE	CONTINUED MOTION TO VALUE COLLATERAL OF ACURA FINANCIAL SERVICES 2-21-18 [18]
23.	18-21657-D-13 AOE-1	ROBERT/JENNIFER WILLIAMS	MOTION TO EXTEND AUTOMATIC STAY 3-23-18 [8]
24.	18-20271-D-13 RDG-3	ELEANOR GOMEZ	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 3-19-18 [29]
25.	18-20271-D-13 CLH-1	ELEANOR GOMEZ	OBJECTION TO CONFIRMATION OF PLAN BY DAVID T.W. WONG FAMILY PARTNERSHIP, LP 3-27-18 [32]

26.	15-27776-D-13 JAD-2	INGEMAR/JENNIFER TOLENADA	CONTINUED MOTION TO APPROVE LOAN MODIFICATION 1-31-18 [112]
27.	15-27776-D-13 JAD-3	INGEMAR/JENNIFER TOLENADA	CONTINUED MOTION TO MODIFY PLAN 1-31-18 [117]
28.	17-27693-D-13 EGS-1	ANTHONY MOORE	CONTINUED MOTION TO DISMISS CASE 1-12-18 [39]
29.	18-20095-D-13 USA-1	GINA CRONIN	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY SMALL BUSINESS ADMINISTRATION 2-28-18 [29]