

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

April 14, 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.	14-32401-D-13 RDG-1	ANDREW BOYLE AND MELANIE LEWIS	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 2-20-15 [21]
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2.	14-32401-D-13 RDG-3	ANDREW BOYLE AND MELANIE LEWIS	OBJECTION TO DEBTORS' CLAIM OF EXEMPTIONS 2-27-15 [26]
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3. 14-32402-D-13 RICHARD EVANS AND BONNIE MOTION TO CONFIRM PLAN
CAH-1 LEBERMAN 2-25-15 [31]
4. 13-32907-D-13 MINDY LOPEZ MOTION TO MODIFY PLAN
JBR-3 2-23-15 [50]
5. 14-26310-D-13 TRISHA JANEWAY MOTION TO CONFIRM PLAN
EWG-1 2-25-15 [46]
6. 13-27613-D-13 JAMES/JENNY BRADLEY MOTION TO MODIFY PLAN
JAD-4 2-27-15 [60]

7. 14-27314-D-13 JUAN HERNANDEZ AND MARIA MOTION TO CONFIRM PLAN
TOG-5 ROMAN 2-24-15 [50]

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.

8. 14-31015-D-13 ROBERT/DANIELLE SIMPSON MOTION TO CONFIRM PLAN
LRR-1 2-24-15 [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.

9. 13-21516-D-13 JAMES/ELEANOR WOOD CONTINUED OBJECTION TO CLAIM OF
JMG-5 DEUTSCHE BANK NATIONAL TRUST
COMPANY, CLAIM NUMBER 4
1-4-15 [99]

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 debtors' objection to the arrearage portion of Deutsche Bank's secured claim is supported by the record. Accordingly, the court will sustain the debtors' objection to the arrearage portion of Deutsche Bank's secured claim and the moving party is to submit an appropriate order. No appearance is necessary.

10. 15-20823-D-13 MARINA GALINDO OBJECTION TO CONFIRMATION OF
SSA-1 PLAN BY STOCKTON MORTGAGE, INC.
3-17-15 [19]

11. 14-27325-D-13 RYAN/VICTORIA KAMERZELL MOTION TO CONFIRM PLAN
AKA-2 2-23-15 [50]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. On March 20, 2015, the trustee filed opposition. On April 8, 2015, the debtors purported to withdraw the motion. Pursuant to Fed. R. Civ. P. 41(a)(1), incorporated herein by Fed. R. Bankr. P. 7041 and 9014(c), the debtors were not permitted to withdraw the motion once the trustee had filed opposition. As indicated in their purported withdrawal, however, the debtors are working to resolve the trustee's objections. Thus, the court concludes the debtors do not wish to contest the trustee's opposition to their present motion, and the motion will be denied. The motion will be denied by minute order. No appearance is necessary.

12. 15-20028-D-13 JANICE DUTT MOTION TO CONFIRM PLAN
CAH-2 3-3-15 [28]

13. 15-20830-D-13 MAURICE/VENISE SMALLEY OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
3-20-15 [18]

14. 14-24840-D-13 SEAN/KELLY KAHLER MOTION TO MODIFY PLAN
JAD-3 2-17-15 [38]

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.

15. 12-21542-D-13 GILBERT RODRIGUEZ AND OBJECTION TO NOTICE OF MORTGAGE
CJY-7 STEPHANIE PAYMENT CHANGE AND/OR MOTION TO
PAY
2-23-15 [114]

Final ruling:

The hearing on this motion is continued by stipulated order to April 28, 2015 at 10:00 a.m. No appearance is necessary on April 15, 2015.

16. 11-42043-D-13 MARIA CORREA MOTION FOR COMPENSATION FOR
PGM-6 PETER G. MACALUSO, DEBTOR'S
ATTORNEY
3-2-15 [127]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

17. 11-31064-D-13 DAVID REID AND TRACEY MOTION TO MODIFY PLAN
RLB-8 BRADSHAW 3-3-15 [145]

18. 11-45774-D-13 RUBEN BENITEZ OBJECTION TO CLAIM OF BANK OF
PK-2 AMERICA, N.A., CLAIM NUMBER 7
2-20-15 [82]

Final ruling:

This is the debtor's objection to the claim of Bank of America, N.A. (the "Bank"), Claim No. 7-1 on the court's claims register. The objection will be overruled for the following procedural reasons: (1) the moving party served the Bank at its address on the proof of claim but not at the different address on the debtor's Schedule D, as required by LBR 3007-1(c); and (2) the proof of service is not signed under penalty of perjury as to the facts of service, as required by 28 U.S.C. § 1746, but only as to the facts of the declarant's age and citizenship. The objection will be overruled for the following additional independent reason. The

debtor objects to Claim No. 7-1 on the ground that Claim No. 7-2 is a duplicate of Claim No. 7-1. That is not accurate. Claim No. 7-2 expressly states that it amends Claim No. 7 filed January 25, 2012 (which is now designated on the court's claims register as Claim No. 7-1). Thus, Claim No. 7-2 is not a duplicate of Claim No. 7-1. The court notes that even if the two claims had been duplicates of one another, the moving party has offered no basis on which the first, which was filed before the claims bar date, should be disallowed such that only the second, which was filed after the claims bar date, thus potentially effecting its allowance, remains.

Finally, the court is aware that on March 16, 2015, the Bank filed a document purporting to withdraw Claim No. 7 as a duplicate of Claim No. 6. That document stands on its own, without reference to this objection to Claim No. 7-1. The court finds that the objection should be overruled for the reasons discussed above, rather than being overruled as moot. The objection will be overruled by minute order. No appearance is necessary.

19.	13-20775-D-13	JOHN/LYNDA PENAFLOR	MOTION TO MODIFY PLAN
	RAC-2		3-6-15 [47]

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.

20.	14-23176-D-13	JANE PRATT	MOTION TO MODIFY PLAN
	MC-1		3-4-15 [37]

21.	12-32082-D-13	GERALD/STEPHANIE LIPICH	MOTION TO INCUR DEBT
	TBK-6		3-6-15 [70]

22. 13-27384-D-13 JOSEPHINE ARENAS-FIERRO MOTION TO MODIFY PLAN
RCP-7 3-10-15 [99]

Final ruling:

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons: (1) there is no proof of service on file and the filing of a proof of service at this late date would not comply with LBR 9014-1(e) (2) [requiring filing of proof of service not more than three days after documents are filed]; and (2) both the motion and the supporting declaration refer to the proposed modified plan as a 60-month plan, but the plan itself contains a 39-month plan term.

As a result of these service and notice defects, the motion will be denied and the court need not reach the issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

23. 14-27887-D-13 KENNY JENSEN MOTION TO CONFIRM PLAN
DSH-6 2-24-15 [105]

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.

24. 15-20095-D-13 ALICE HATTON MOTION TO CONFIRM PLAN
EJG-3 2-25-15 [32]

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.

25. 12-21213-D-13 ANNETTE DOMINGUEZ MOTION TO VALUE COLLATERAL OF
CJY-1 BANK OF AMERICA, N.A.
3-23-15 [40]

26.	10-22920-D-13 JDP-1	CHARLES/JULIE SLAUGENHAUPT	MOTION TO VALUE COLLATERAL OF HSBC BANK USA, N.A. 3-31-15 [50]
27.	10-22920-D-13 JDP-2	CHARLES/JULIE SLAUGENHAUPT	MOTION TO VALUE COLLATERAL OF SYNCHRONY BANK 3-31-15 [54]
28.	11-37551-D-13 CJY-1	PHATH HAM AND THIDA NHEK	MOTION TO VALUE COLLATERAL OF BBVA COMPASS 3-24-15 [53]
29.	09-42768-D-13 JDP-2	LEIGHTON SCOTT	MOTION TO VALUE COLLATERAL OF CITIBANK, N.A. 3-25-15 [55]