

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

April 21, 2020 at 10:30 a.m.

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

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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 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.

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1.	<a href="#">20-90001</a> -B-13	CARLA TURNER	MOTION TO CONFIRM PLAN
	<a href="#">JAD</a> -3		2-21-20 [ <a href="#">42</a> ]

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.

April 21, 2020 at 10:30 a.m.

2. [18-90802](#)-B-13 ALLEN/CORINA SANDERS MOTION TO MODIFY PLAN  
[BSH](#)-2 1-28-20 [[55](#)]

**Final ruling:**

This is the debtors' 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.

3. [20-90005](#)-B-13 FLETCHER REED MOTION TO CONFIRM PLAN  
[JAD](#)-3 2-20-20 [[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 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. [18-90506](#)-B-13 ROBIN HAMADE-GAMMON MOTION TO MODIFY PLAN  
[BSH](#)-6 1-31-20 [[136](#)]

5. [19-90706](#)-B-13 GILBERT/NUEMI MAXEY MOTION TO CONFIRM PLAN  
[BSH](#)-3 2-18-20 [[61](#)]

6. [19-91014](#)-B-13 SANDRA RODRIGUEZ MOTION TO CONFIRM PLAN  
[BSH](#)-2 1-28-20 [[42](#)]

**Final ruling:**

This is the debtor's motion to confirm an amended plan. The motion will be denied for the following reasons: (1) moving party failed to serve the creditor filing Claim No. 3- at the address on its proof of claim (incomplete address used), as required by Fed. R. Bankr. P. 2002(g), and (2) the plan has not been signed by the debtor or her attorney. As a result of these defects, the motion will be denied by minute order. No appearance is necessary.

7. [19-90918](#)-B-13 AMANDA THOMPSON MOTION TO CONFIRM PLAN  
[BSH](#)-2 2-14-20 [[33](#)]

**Final ruling:**

This is the debtor's motion to confirm an amended plan. The moving party failed to serve several creditors that were listed on debtor's Sch. E/F (Devons Jewelers, Dignity Health Medical Foundation, Sierra Emergency Medical Group, and Sonora Regional Medical Center). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

8. [17-90823](#)-B-13 JOSEPH/LISA ROBERTSON MOTION TO MODIFY PLAN  
[PLG](#)-9 3-6-20 [[116](#)]

**Final ruling:**

The motion will be denied as moot. The debtor filed a new modified plan on April 13, 2020, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.

9. [19-91026](#)-B-13 NICHOLAS/JENNI DENT MOTION TO CONFIRM PLAN  
[MSN](#)-2 2-25-20 [[35](#)]

**Final ruling:**

This is the debtors' motion to confirm an amended plan. The moving party used an incomplete and undeliverable address to serve J. Wilmar Jensen, Esq., who is listed on debtors' Sch. D as a secured creditor. As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

10. [20-90028](#)-B-13 ALBERT OCHOA  
[BSH](#)-1

MOTION TO CONFIRM PLAN  
3-2-20 [[16](#)]

**Final ruling:**

This is the debtor's motion to confirm an amended plan. The moving papers and the proof of service all refer to a First Amended Chapter 13 Plan, whereas there is no such plan on file. The plan filed with this motion is entitled simply Chapter 13 Plan and there is nothing to distinguish it from the debtor's original plan. It cannot be determined from the proof of service, which purports to evidence service of a First Amended Chapter 13 Plan, which of the two plans was served. As a result of this defect, the motion will be denied by minute order. No appearance is necessary.

11. [19-90935](#)-B-13 ANDREA AGUILAR  
[AGU](#)-1

MOTION TO CONFIRM PLAN  
3-16-20 [[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 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.

12. [20-90036](#)-B-13 ERIK/EVELYN AVILA  
[CJK](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY CALIBER HOME LOANS,  
INC.  
3-4-20 [[32](#)]

13. [20-90036](#)-B-13 ERIK/EVELYN AVILA  
[KMM](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY HARLEY-DAVIDSON  
3-4-20 [[28](#)]

14. [20-90139](#)-B-13 CHARLES MACAWILE  
[RDW](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY SCOTT R. WILLIAMS AND  
ANASTASIE C. MARTIN  
3-25-20 [[17](#)]

15. [19-90141](#)-B-13 JOHN VIEIRA  
[BSH](#)-1

MOTION TO CONFIRM PLAN  
2-14-20 [[78](#)]

16. [20-90046](#)-B-13 KYLE RASH  
[RDG](#)-2

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
3-16-20 [[15](#)]

**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 issue a minute order sustaining the trustee's objection to debtor's claim of exemptions. No appearance is necessary.

17. [18-90656](#)-B-13 LETICIA MORA  
[BSH](#)-4

MOTION TO MODIFY PLAN  
2-18-20 [[63](#)]

**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.

18. [19-91056](#)-B-13 ROSA PULIDO  
[BSH](#)-1

MOTION TO CONFIRM PLAN  
2-12-20 [[20](#)]

19. [20-90056](#)-B-13 JOHNA BRADEN  
[RDG](#)-3

OBJECTION TO DEBTOR'S CLAIM OF  
EXEMPTIONS  
3-16-20 [[24](#)]

**Final ruling:**

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

20. [19-90077](#)-B-13 ANGEL MEDRANO  
[JTL](#)-3

MOTION TO CONFIRM PLAN  
3-3-20 [[95](#)]

**Final ruling:**

**This is the debtor's motion to confirm an amended plan. The moving papers all refer to an "Amended Chapter 13 Plan." The plan filed with this motion is entitled simply "Chapter 13 Plan." This makes it unclear whether the debtor is seeking confirmation of the "Chapter 13 Plan - Amended" (Dckt. 36) or one of the documents entitled "Chapter 13 Plan" (Dckts. 13, 78). Furthermore, the Proof of Service indicates the "Chapter 13 Plan" was served, which makes it impossible for the court to determine which "Chapter 13 Plan" was served. As a result of this defect, the motion will be denied by minute order. No appearance is necessary.**

21. [19-90578](#)-B-13 THOMAS/CECILIA MCCAULEY  
[BSH](#)-5

CONTINUED MOTION TO DETERMINE  
SECURED STATUS OF CLAIMS AND/OR  
MOTION TO AVOID LIEN OF  
SOUTHSTAR HOLDING CORP.  
1-16-20 [[106](#)]

22. [19-90992](#)-B-13 MARK LANGLEY AND KERI CONTINUED MOTION TO MODIFY PLAN  
[DCJ](#)-1 ARNOLD-LANGLEY 1-20-20 [[21](#)]

23. [20-90096](#)-B-13 ANTHONY AVILA MOTION TO CONVERT CASE FROM  
[NCK](#)-1 CHAPTER 13 TO CHAPTER 11  
2-18-20 [[22](#)]

**Tentative ruling:**

The motion will denied without prejudice. No proof of service was filed with the motion to evidence service. As such, the court will deny the motion by minute order. Alternatively, if the moving party files a proof of service before the hearing (giving the court sufficient time for it to be reviewed), then the court may consider the motion. This matter will be heard.