

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

May 12, 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.	15-20103-D-13	CHARANJIT SINGH	OBJECTION TO DEBTOR'S CLAIM OF
	RDG-3		EXEMPTIONS
			4-2-15 [38]

Final ruling:

This is the trustee's objection to the debtor's claim of exemption of \$5,000 in "other miscellaneous" personal property. On April 13, 2015, the debtor purported to file an amended Schedule C, which ordinarily would render the trustee's objection moot. However, the schedule was not filed under cover of an amendment cover sheet and was not otherwise verified, as required by Fed. R. Bankr. P. 1008. As a result, the purported amended schedule was ineffective to constitute an amended schedule of exemptions. As the trustee's objection has merit, and as the debtor has offered no response to the objection other than to file the purported amended schedule, the objection will be sustained by minute order. No appearance is necessary.

2.	15-21506-D-13	BERNIE GARZA	OBJECTION TO CONFIRMATION OF
	RDG-1		PLAN BY RUSSELL D. GREER
			4-17-15 [19]

3.	12-22107-D-13	FIDEL/MARIA MARTINEZ	MOTION FOR RELIEF FROM
	PD-1		AUTOMATIC STAY
	JPMORGAN CHASE BANK, N.A.		3-30-15 [69]
	VS.		

Final ruling:

This matter is resolved without oral argument. This is JPMorgan Chase Bank, N.A.'s motion for relief from automatic stay. The court 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 the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

4.	14-26614-D-13	VALERIA LABORDE	MOTION TO CONFIRM PLAN
	PGM-3		3-26-15 [94]

5.	13-31224-D-13	ALVARO MONCADA AND CARMEN	MOTION TO CONFIRM PLAN
	HLG-2	MORAGA	3-30-15 [95]

Final ruling:

This case was dismissed on April 25, 2015. As a result the motion will be denied by minute order as moot. No appearance is necessary.

6. 14-32327-D-13 ROGER/TISHA GALLARDO MOTION TO CONFIRM PLAN
KRW-3 3-30-15 [57]

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.

7. 15-20127-D-13 RUBEN/ROSALIE GONZALES MOTION TO VALUE COLLATERAL OF
AFL-2 GREEN TREE SERVICING, LLC
4-10-15 [25]

8. 15-20427-D-13 OSCAR WILLIS MOTION TO CONFIRM PLAN
HLG-1 3-19-15 [27]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving party used a docket control number that had been used for a prior motion in this case, contrary to LBR 9014-1(c)(3); (2) the plan provides for the secured claim of Ford Motor Credit as a Class 2 claim, in an amount less than the full amount of the claim, whereas the debtor has failed to seek and obtain an order valuing the collateral securing the claim, as required by LBR 3015-1(j); and (3) the moving party failed to serve the co-debtor listed on the debtor's Schedule H, as required by Fed. R. Bankr. P. 2002(b) [requiring service on all creditors]. Given the extremely broad definition of "creditor" in the Bankruptcy Code (§ 101(5) and (10)), which certainly includes persons obligated on debts owed by the debtor, the moving party was required to serve the co-debtor listed on his Schedule H.

For the reasons stated, the motion will be denied, and the court need not address the other issue raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

9. 11-35228-D-13 WILLIAM CHAFFER AND MOTION TO MODIFY PLAN
JCK-6 GAYLIN PETROWICH 3-27-15 [78]

Final ruling:

The motion will be denied as moot. The debtors filed an amended plan on April 22, 2015, making this motion moot. As a result the court will deny the motion without prejudice by minute order. No appearance is necessary.

10. 11-41228-D-13 MELISSA BICE-WALTER MOTION TO MODIFY PLAN
JCK-6 4-2-15 [78]

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.

11. 14-31634-D-13 WILLARD/PATRICIA MAYNARD MOTION TO CONFIRM PLAN
JCK-2 3-20-15 [30]

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.

12. 15-21534-D-13 ROXANA NAJERA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
4-17-15 [17]

13. 15-20040-D-13 JUGJEEV/MINERVA MANGAT MOTION TO CONFIRM PLAN
AVN-1 3-25-15 [48]

Final ruling:

This is the debtors' motion to confirm an amended chapter 13 plan. The motion will be denied for the following reasons: (1) the moving parties served the motion, notice of hearing, and declaration, but failed to serve the plan itself, as required by LBR 3015-1(d)(1); and (2) the moving parties failed to serve the IRS at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(c).

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

14. 15-20153-D-13 ERIC THOMAS CONTINUED OBJECTION TO
RDG-1 CONFIRMATION OF PLAN BY RUSSELL
D. GREER
3-9-15 [18]

15. 15-21057-D-13 IRMA MARTINEZ AND MOTION TO VALUE COLLATERAL OF
PGM-1 CHRISTOBAL MARTINEZ LOPEZ WAWANESA GENERAL INSURANCE
COMPANY
Final ruling: 4-2-15 [14]

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Wawanesa General Insurance Company at \$0.00, pursuant to § 506(a) of the Bankruptcy Code. The creditor's claim is secured by a junior deed of trust on the debtors' residence and the amount owed on the senior encumbrance exceeds the value of the real property. 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 set the amount of Wawanesa General Insurance Company's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

16. 14-26159-D-13 ELIZABETH MIDDLEKAUFF CONTINUED MOTION TO CONFIRM
MG-4 PLAN
2-9-15 [93]

17.	14-31969-D-13	MARTIN/SOCORRO PADILLA	MOTION TO CONFIRM PLAN
	TOG-2		3-26-15 [39]

18.	14-26371-D-13	VICTOR/VICKI CHAO	MOTION TO CONFIRM PLAN
	HN-4		3-19-15 [113]

Final ruling:

This case was dismissed on March 30, 2015. As a result the motion will be denied by minute order as moot. No appearance is necessary.

19.	15-21371-D-13	RADHEY/LILLIAM SHYAM	OBJECTION TO CONFIRMATION OF
	PD-1		PLAN BY U.S. BANK, N.A.
			4-14-15 [24]

20.	15-21371-D-13	RADHEY/LILLIAM SHYAM	OBJECTION TO CONFIRMATION OF
	RDG-1		PLAN BY RUSSELL D. GREER
			4-17-15 [28]

21.	14-30872-D-13	ARMANDO COVARRUBIAS HRH-1 GENERAL ELECTRIC CAPITAL CORPORATION VS.	CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY 1-8-15 [26]
22.	14-30872-D-13	ARMANDO COVARRUBIAS TOG-5	MOTION TO CONFIRM PLAN 3-20-15 [62]
23.	12-28185-D-13	ANTOINETTA TREISS BSH-5	CONTINUED MOTION TO CONFIRM PLAN 12-3-14 [165]
24.	12-28185-D-13	ANTOINETTA TREISS BSH-6	CONTINUED OBJECTION TO CLAIM OF BANK OF AMERICA, N.A., CLAIM NUMBER 7 2-26-15 [178]

25. 10-40691-D-13 JESUS/NELDA TREJO
TOG-4

MOTION TO MODIFY PLAN
3-17-15 [48]

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.

26. 15-20091-D-13 SONIA MCDADE-THREADGILL
GMW-2

MOTION TO CONFIRM PLAN
3-26-15 [43]

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 all creditors, as required by Fed. R. Bankr. P. 2002(b). The moving party failed to serve the following creditors, listed on her amended schedules filed March 24, 2015: the EDD, ARM, San Joaquin County HSA, Cymara M. Long, and Roman Ray Threadgill. As to the latter two, given the extremely broad definition of "creditor" in the Bankruptcy Code (§ 101(5) and (10)), which certainly includes persons obligated on debts owed by the debtor, the moving party was required to serve the co-debtors listed on her Schedule H.

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.

27. 14-26992-D-13 ERIC/MELISSA MUTHART
CLH-1

MOTION TO MODIFY PLAN
3-31-15 [23]

28. 15-21692-D-13 MARIA GONZALEZ
PD-1

OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK NATIONAL
TRUST COMPANY
4-14-15 [33]

29.	14-29093-D-13 EWG-1	ROSARIO SUAREZ	MOTION TO CONFIRM PLAN 3-25-15 [49]
30.	14-31633-D-13 JCK-3	CRAIG VINCENT	CONTINUED MOTION TO CONFIRM PLAN 2-6-15 [51]
31.	12-21542-D-13 CJY-7	GILBERT RODRIGUEZ AND STEPHANIE	CONTINUED OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE AND/OR MOTION TO PAY 2-23-15 [114]
32.	15-21652-D-13 BHT-1	MILTON APARICIO	OBJECTION TO CONFIRMATION OF PLAN BY DEUTSCHE BANK NATIONAL TRUST COMPANY 4-20-15 [21]

33.	15-22253-D-13 CJY-1	SEAN DAVIS	MOTION TO VALUE COLLATERAL OF PATELCO CREDIT UNION 4-28-15 [14]
34.	15-21057-D-13 RDG-1	IRMA MARTINEZ AND CHRISTOBAL MARTINEZ LOPEZ	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 4-2-15 [20]
35.	10-34573-D-13 TOG-5	JAY/ROSEMARY RODACKER	MOTION TO COMPEL 4-22-15 [44]
36.	15-21280-D-13 JLS-1	ERNESTO SANCHEZ AND DIANA CORTINAS	OBJECTION TO CONFIRMATION OF PLAN BY CAM VII TRUST 4-22-15 [19]

37. 12-27294-D-13 MARK/ANGELA HERSMAN
JCK-11

MOTION TO INCUR DEBT
4-24-15 [68]