

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

June 16, 2020 at 10:30 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.	19-90801 -B-13	ALEXANDER/CECILIA SUAREZ	CONTINUED MOTION TO CONFIRM PLAN
	MSN -1		3-26-20 [41]

June 16, 2020 at 10:30 a.m.

2. [19-90801](#)-B-13 ALEXANDER/CECILIA SUAREZ MOTION FOR COMPENSATION BY THE
[MSN](#)-2 LAW OFFICE OF MARK S. NELSON
FOR MARK S. NELSON, DEBTORS
ATTORNEY(S)
4-29-20 [[50](#)]

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.

3. [20-90207](#)-B-13 LARRY FOSTER MOTION TO CONFIRM PLAN
[DCJ](#)-2 5-1-20 [[34](#)]

4. [19-91008](#)-B-13 CYNTHIA TRUSCOTT MOTION FOR COMPENSATION BY THE
[MSN](#)-1 LAW OFFICE OF LAW OFFICES OF
MARK S. NELSON FOR MARK S.
NELSON, DEBTORS ATTORNEY(S)
4-30-20 [[33](#)]

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.

5. [19-91012](#)-B-13 KATHLEEN MILBURN MOTION TO CONFIRM PLAN
[RDR](#)-2 5-8-20 [[78](#)]

Final ruling:

This is the debtor's motion to confirm a Chapter 13 plan. On May 27, 2020 the debtor filed an amended plan and a motion to confirm it. As a result of the filing of the amended plan, the present motion will be denied as moot. No appearance is necessary.

6. [19-91012](#)-B-13 KATHLEEN MILBURN MOTION TO CONFIRM PLAN O.S.T.
[RDR](#)-4 6-1-20 [[99](#)]

Tentative ruling:

This is the debtor's motion to confirm an amended plan. The motion will be denied for the following reasons: (1) the moving party failed to serve the creditors filing Claim Nos. 2-1, 3-1 and 4-1 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g); (2) the moving party failed to serve the proposed amended plan with the motion, as required by LBR 3015-1(d)(1); and (3) the moving party failed to file evidence establishing its factual allegations as required by LBR 9014-1(d)(3)(D).

As a result of these defects, the motion will be denied by minute order. Alternatively, the court will consider continuing the hearing to allow the moving party to correct the service defect.

7. [19-90915](#)-B-13 ANA RAYA MOTION TO CONFIRM PLAN
[MJH](#)-1 5-12-20 [[36](#)]

8. [19-90017](#)-B-13 RAY/KATHLEEN PERRY MOTION TO SUBSTITUTE PARTY, AS
[MSN](#)-1 TO DEBTOR
4-27-20 [[45](#)]

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 Kathleen Perry as the Representative for Ray Perry 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.

9. [19-90017](#)-B-13 RAY/KATHLEEN PERRY
[MSN](#)-2

MOTION TO WAIVE FINANCIAL
MANAGEMENT COURSE REQUIREMENT,
WAIVE SECTION 1328 CERTIFICATE
REQUIREMENT, AND WAIVE SECTION
522(Q) AND CREDIT COUNSELING
REQUIREMENT AS TO DEBTOR
4-27-20 [[50](#)]

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 Excuse Debtor Ray Perry From Completing Post Petition Instructional Course and the 11 U.S.C. Section 1328 Certificate or Certificate of Chapter 13 Debtor Regarding 11 U.S.C. Section 522(q) Exemptions 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.

10. [19-90017](#)-B-13 RAY/KATHLEEN PERRY
[MSN](#)-3

MOTION TO MODIFY PLAN
4-27-20 [[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.

11. [19-90017](#)-B-13 RAY/KATHLEEN PERRY
[MSN](#)-4

MOTION FOR COMPENSATION BY THE
LAW OFFICE OF MARK S. NELSON
FOR MARK S. NELSON, DEBTORS
ATTORNEY(S)
4-29-20 [[61](#)]

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 by minute. Moving party is to submit an appropriate order. No appearance is necessary.

12. [19-91026](#)-B-13 NICHOLAS/JENNI DENT MOTION TO CONFIRM PLAN
[MSN](#)-3 4-24-20 [[46](#)]

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.

13. [20-90129](#)-B-13 JEFFREY/ARBELA WARDA MOTION TO VALUE COLLATERAL OF
[BSH](#)-4 HONDA FINANCIAL SERVICES
5-21-20 [[53](#)]

Final ruling:

The motion is denied without prejudice. The creditor, American Honda Finance Corporation, was not served through its agent for service of process as required by FRBP 7004(a)(3). As a result of this service defect the court will deny the motion by minute order. No appearance is necessary.

14. [20-90129](#)-B-13 JEFFREY/ARBELA WARDA MOTION TO VALUE COLLATERAL OF
[BSH](#)-5 HONDA FINANCIAL SERVICES
5-21-20 [[57](#)]

Final ruling:

The motion is denied without prejudice. The creditor, American Honda Finance Corporation, was not served through its agent for service of process as required by FRBP 7004(a)(3). As a result of this service defect the court will deny the motion by minute order. No appearance is necessary.

15. [20-90129](#)-B-13 JEFFREY/ARBELA WARDA OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
5-14-20 [[48](#)]

16. [20-90134](#)-B-13 KENDALL/CYNTHIA MILLER MOTION TO CONFIRM PLAN
[BSH](#)-3 4-22-20 [[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.

17. [20-90134](#)-B-13 KENDALL/CYNTHIA MILLER MOTION TO VALUE COLLATERAL OF
[BSH](#)-4 GOLDEN 1 CREDIT UNION
5-20-20 [[41](#)]

18. [20-90139](#)-B-13 CHARLES MACAWILE MOTION FOR RELIEF FROM
[RDW](#)-1 AUTOMATIC STAY
5-21-20 [[30](#)]
SCOTT WILLIAMS VS.

19. [20-90339](#)-B-13 BRIAN/TERI SMITH MOTION TO VALUE COLLATERAL OF
[RK](#)-1 TRAVIS CREDIT UNION
5-12-20 [[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.

20. [20-90243](#)-B-13 RAYMOND/MARYANN MARTINEZ OBJECTION TO CONFIRMATION OF
[APN](#)-1 PLAN BY DATA MORTGAGE, INC.
4-21-20 [[14](#)]

21. [19-90545](#)-B-13 EDGAR DOMINGUEZ AND MOTION TO CONFIRM PLAN
[FAT](#)-5 MEGHAN MOORE 5-4-20 [[86](#)]

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.

22. [20-90046](#)-B-13 KYLE RASH CONTINUED MOTION FOR CONTEMPT
[RK-2](#) 5-5-20 [[40](#)]

23. [20-90247](#)-B-13 JEANETTE PIMENTEL OBJECTION TO CONFIRMATION OF
[RDG](#)-1 PLAN BY RUSSELL D. GREER
5-14-20 [[18](#)]

24. [20-90262](#)-B-13 KATHY HARDISTY
[ALG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY QUICKEN LOANS, LLC
4-17-20 [[9](#)]

Tentative ruling:

The court will use this hearing as a status conference and to set a briefing schedule on this matter.

25. [20-90262](#)-B-13 KATHY HARDISTY
[BRL](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
5-19-20 [[20](#)]

LAGUNA GOLD MORTGAGE, INC.
VS.

Tentative ruling:

The court will use this hearing as a status conference and to set a briefing schedule on this matter.

26. [20-90262](#)-B-13 KATHY HARDISTY
[CLH](#)-1

MOTION TO EMPLOY STEPHEN JAMES
RUSSELL AS SPECIAL COUNSEL
6-2-20 [[45](#)]

Tentative ruling:

The court will use this hearing as a status conference and to set a briefing schedule on this matter.

27. [20-90262](#)-B-13 KATHY HARDISTY
[CLH](#)-2

MOTION FOR APPROVAL OF POST
PETITION CONTRACT FOR THE USE
OF PROPERTY OF THE ESTATE,
INCLUDING AN OPTION TO PURCHASE
6-2-20 [[51](#)]

Tentative ruling:

The court will use this hearing as a status conference and to set a briefing schedule on this matter.

28. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN CONTINUED MOTION TO DISMISS
[EGS](#)-3 CASE
8-12-19 [[125](#)]
29. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN CONTINUED STATUS CONFERENCE RE:
[JAD](#)-5 OBJECTION TO CLAIM OF BAYVIEW
LOAN SERVICING, LLC, CLAIM
NUMBER 8
2-16-18 [[62](#)]
30. [17-90564](#)-B-13 DANIEL/GERARDEE DONNAN MOTION TO MODIFY PLAN
[JAD](#)-8 4-7-20 [[211](#)]
31. [19-90983](#)-B-13 KIRK TROMBLEY MOTION FOR COMPENSATION BY THE
[MSN](#)-1 LAW OFFICE OF MARK S. NELSON
FOR MARK S. NELSON, DEBTORS
ATTORNEY(S)
4-30-20 [[45](#)]

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.

32. [19-91083](#)-B-13 SANDRA NEVILLE
[RK-1](#)

MOTION TO CONFIRM PLAN
4-14-20 [[33](#)]

33. [16-90788](#)-B-13 BENJAMIN/LINDA QUIGLEY
[BSH](#)-2

MOTION TO WAIVE FINANCIAL
MANAGEMENT COURSE REQUIREMENT,
WAIVE SECTION 1328 CERTIFICATE
REQUIREMENT, CONTINUE CASE
ADMINISTRATION, SUBSTITUTE
PARTY, AS TO DEBTOR
4-28-20 [[36](#)]

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 for Omnibus Relief Upon Death of Debtor 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.

34. [19-90992](#)-B-13 MARK LANGLEY AND KERI
[DCJ](#)-2 ARNOLD-LANGLEY

MOTION TO CONFIRM PLAN
5-5-20 [[41](#)]