

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

July 18, 2017 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.	17-20700-D-13	TERRY ESSARY	MOTION FOR ENTRY OF DEFAULT
	17-2060	UST-1	JUDGMENT
	U.S. TRUSTEE V. ESSARY		6-14-17 [12]
2.	17-21803-D-13	WILLIAM/MAGDALENA MERCER	CONTINUED OBJECTION TO
	RDG-1		CONFIRMATION OF PLAN BY RUSSELL
			D. GREER
			5-12-17 [39]

3. 13-35805-D-13 ZELLA WARMSLEY
MC-1

MOTION TO MODIFY PLAN
6-12-17 [23]

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. 17-22407-D-13 SERGIO ZAMORA
RDG-3

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
5-31-17 [35]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed to the trustee's objection to the debtor's claim of exemptions. The objection is supported by the record. The court will issue a minute order sustaining the trustee's objection to the debtor's claim of exemptions. No appearance is necessary.

5. 09-27513-D-13 THOMAS GRUDEM AND ERIN
RAI-4 HICKEY-GRUDEM

CONTINUED MOTION TO AVOID LIEN
OF SELECT PORTFOLIO SERVICING,
INC. AND/OR MOTION FOR CONTEMPT
5-12-17 [89]

Final ruling:

This matter has been continued to August 15, 2017 at 10:00 a.m. by stipulation of the parties, which has been approved by the court.

6. 17-23323-D-13 VICTOR VAZQUEZ
RDG-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
6-2-17 [29]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response has been filed to the trustee's objection to the debtor's claim of exemptions. The objection is supported by the record. The court will issue a minute order sustaining the trustee's objection to the debtor's claim of exemptions. No appearance is necessary.

7. 17-23824-D-13 JERRY GOODE MOTION TO VALUE COLLATERAL OF
MC-1 ALLYFINANCIAL, INC.
6-13-17 [10]

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.

8. 16-28125-D-13 IGNACIO BECERRA AND MARIA MOTION TO CONFIRM PLAN
TOG-2 ALVARADO 6-2-17 [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 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.

9. 12-40727-D-13 KENN CHIONG AND VERA MOTION TO MODIFY PLAN
JCK-3 BONPUA-CHIONG 6-2-17 [54]

10. 17-22229-D-13 DENNIS/SHERRY CRUZ MOTION FOR RELIEF FROM
JHW-1 AUTOMATIC STAY
DAIMLER TRUST VS. 6-2-17 [30]

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 relief from stay. As the debtors' Chapter 13 plan indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

11.	14-29932-D-13 JCK-3	JOSE/GLORIA HERNANDEZ	MOTION TO MODIFY PLAN 6-2-17 [66]
12.	15-26537-D-13 JCK-1	MARIA GUEL	MOTION TO MODIFY PLAN 6-2-17 [29]
13.	16-25449-D-13 JCK-3	GLECER SUASIN	MOTION TO MODIFY PLAN 6-5-17 [57]
14.	17-22251-D-13 JCK-1	BRIAN GEGARIAN	MOTION TO CONFIRM PLAN 6-5-17 [29]

15.	17-23581-D-13	EDGARDO HIRAM MORALES	MOTION FOR RELIEF FROM
	PR-1		AUTOMATIC STAY
	STOCKTON PAVILIONS, LP VS.		5-31-17 [8]

16.	17-23786-D-13	KEVIN LAGORIO AND MISTII	MOTION TO VALUE COLLATERAL OF
	MJH-1	ROCHA-LAGORIO	FAY SERVICING, LLC
			6-6-17 [8]

Final ruling:

The matter is resolved without oral argument. This is the debtors' motion to value the secured claim of Fay Servicing, LLC 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 Fay Servicing, LLC's secured claim at \$0.00 by minute order. No further relief will be afforded. No appearance is necessary.

17.	13-23688-D-13	STEVEN/ERIN SANSONI	MOTION FOR RELIEF FROM
	AP-1		AUTOMATIC STAY
	U.S. BANK, N.A. VS.		6-12-17 [70]

Final ruling:

In the debtors' confirmed plan this creditor is scheduled as Class 4 - to be paid outside the plan. Therefore, the motion is unnecessary as the plan explicitly provides: "Entry of the confirmation order shall constitute an order modifying the automatic stay to allow the holder of a Class 4 secured claim to exercise its rights against its collateral in the event of a default under the terms of its loan or security documentation provided this case is pending under chapter 13." The court will deny the motion as unnecessary by minute order. No appearance is necessary.

18.	17-22589-D-13	JEFFREY/ERIN MILLER	CONTINUED MOTION TO VALUE
	CLH-1		COLLATERAL OF VALLEY FIRST
			CREDIT UNION
			5-22-17 [12]

19. 17-22589-D-13 JEFFREY/ERIN MILLER
CLH-2

CONTINUED MOTION TO VALUE
COLLATERAL OF VALLEY FIRST
CREDIT UNION
5-22-17 [16]

20. 13-21790-D-13 DOUGLAS TIMMONS AND
JAD-1 SANDRA TYRRELL-TIMMONS

MOTION TO SUBSTITUTE DOUGLAS
EVERETT TIMMONS AS THE
REPRESENTATIVE FOR SANDRA KAY
TYRRELL-TIMMONS AND/OR MOTION
TO EXCUSE CO-DEBTOR FROM
COMPLETING THE 1328 CERTIFICATE
OR 522
6-13-17 [70]

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 Douglas Everett Timmons as the representative for Sandra Kay Tyrrell-Timmons and to excuse co-debtor Sandra Kay Tyrrell-Timmons from completing the 11 U.S.C. Section 1328 Certificate or Certificate of Chapter 13 Debtor re 11 U.S.C. Section 522(q) exemptions (the "motion") 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.

21. 17-23595-D-13 FRANK/PAMELA ANDERSON
JAD-1

MOTION TO VALUE COLLATERAL OF
CHRYSLER CAPITAL
6-9-17 [10]

Tentative ruling:

This is the debtors' motion to value collateral of Chrysler Capital ("Chrysler"). The motion will be denied because the moving parties failed to serve Chrysler in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The moving parties served Chrysler to the attention of its Bankruptcy Department, whereas service on a corporation must be to the attention of an officer, managing or general agent, or agent for service of process. Rule 7004(b)(3). In addition, the proof of service does not include a caption; that is, it does not include the name of the court, the title of the case, the case number, the docket control number, or date, time, and place of the hearing, as required by the court's Revised Guidelines for the Preparation of Documents, Sec. II(D) and LBR 9014-1(e)(3).

As a result of these service defects, the motion will be denied. In the alternative, the court will continue the hearing and require the moving parties to file a notice of continued hearing and serve it, together with the motion and supporting documents, in accordance with Rule 7004(b)(3), and to file an appropriate proof of service. The court will hear the matter.

22.	14-22404-D-13 JWS-1	JOSE/VILMA ORTEZ	MOTION FOR OMNIBUS RELIEF UPON DEATH OF DEBTOR 6-30-17 [52]
23.	17-23005-D-13 RDG-1	ERIC ARMSTRONG	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-26-17 [27]
24.	17-23323-D-13 RDG-1	VICTOR VAZQUEZ	CONTINUED OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-2-17 [32]
25.	17-22729-D-13 RDG-1	KULDIP SANDHU	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-26-17 [52]

26.	17-22729-D-13 HRH-1	KULDIP SANDHU	OBJECTION TO CONFIRMATION OF PLAN BY BMO HARRIS BANK, N.A. 6-28-17 [55]
27.	17-22729-D-13 HWW-3	KULDIP SANDHU	MOTION TO VALUE COLLATERAL OF ENGS COMMERCIAL FINANCE CO. 7-2-17 [59]
28.	17-22729-D-13 HWW-4	KULDIP SANDHU	MOTION TO VALUE COLLATERAL OF ENGS COMMERCIAL FINANCE CO. 7-2-17 [63]
29.	17-22729-D-13 HWW-5	KULDIP SANDHU	MOTION TO VALUE COLLATERAL OF BMO HARRIS BANK, N.A. 7-2-17 [67]

30. 17-23134-D-13 KIRSTEN SEALANA
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
6-26-17 [24]

Final ruling:

This case was converted to a case under Chapter 7. As such, this objection to confirmation will be overruled by minute order as moot. No appearance is necessary.

31. 17-22850-D-13 BLANCA AMADOR

OBJECTION TO CONFIRMATION OF
PLAN BY JASON KERTEL
6-27-17 [22]

32. 17-22955-D-13 JOSE OCHOA
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
6-26-17 [17]

33. 17-22955-D-13 JOSE OCHOA
JM-1

OBJECTION TO CONFIRMATION OF
PLAN BY ONEMAIN FINANCIAL
SERVICES, INC.
6-28-17 [23]

34. 17-23163-D-13 DANA MUNOZ
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
6-26-17 [17]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

35. 17-23068-D-13 SILVIA QUIROGA
RDG-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
6-26-17 [26]

36. 17-23068-D-13 SILVIA QUIROGA

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK, N.A.
6-30-17 [29]

37. 16-26469-D-13 LONEY/MARY TURPIN
TAG-10

MOTION FOR COMPENSATION BY THE
LAW OFFICES OF TED A. GREENE,
INC. FOR AUBREY L. JACOBSEN,
DEBTORS' ATTORNEY(S)
6-29-17 [133]

Tentative ruling:

This is the debtors' motion for an award of compensation to their counsel. First, the moving parties gave only 19 days' notice of the hearing, rather than 21 days', as required by Fed. R. Bankr. P. 2002(a)(6). And second, as with their motion to confirm an amended plan, DC No. TAG-6, the moving parties failed to serve three of the creditors on their Schedule E/F at all and failed to serve AT&T Retirement Savings Plan, listed on their Schedule D, at all.

As a result of these service and notice defects, the court intends to deny the motion. In the alternative, the court will consider continuing the hearing to require the moving parties to cure these defects. The court will hear the matter.

38. 17-22974-D-13 WILLIAM CRONIN
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
6-26-17 [27]

39.	17-22974-D-13 USA-1	WILLIAM CRONIN	OBJECTION TO CONFIRMATION OF PLAN BY U.S. SMALL BUSINESS ADMINISTRATION 6-28-17 [31]
40.	17-23075-D-13 RDG-1	LORA ROBERTSON AND DONNIE NAVIDAD	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-26-17 [38]
41.	17-23175-D-13 RDG-2	BENJAMIN MANSHIP	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-26-17 [14]
42.	17-22991-D-13 RDG-1	FILIBERTO/ALICIA CONTRERAS	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 6-26-17 [17]

43. 17-22998-D-13 ANTHONY MOORE
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
6-26-17 [24]