

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

September 6, 2016 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.	16-90715-D-13	GABRIEL/LOUISA NEW	MOTION TO VALUE COLLATERAL OF
	JAD-1		AMERICAN CREDIT ACCEPTANCE, LLC
			8-5-16 [8]

Final ruling:

This is the debtors' motion to value collateral of American Credit Acceptance, LLC (the "Creditor"); namely, a 2011 Scion. The motion will be denied for the following reasons: (1) the debtor's supporting declaration is unsigned; and (2) the moving parties failed to serve the Creditor in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The moving parties served the Creditor by certified mail whereas a corporation or other unincorporated association that is not an FDIC-insured institution, such as the Creditor, must be served by first-class mail. Compare preamble to Fed. R. Bankr. P. 7004(b) with Fed. R. Bankr. P. 7004(h).

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

2. 13-91816-D-13 OSCAR/FELICIA ACOSTA MOTION TO MODIFY PLAN
PLG-2 8-4-16 [52]

Final ruling:

This is the debtors' motion to confirm a modified chapter 13 plan. On August 24, 2016, the moving parties filed and served an amended notice of hearing setting the matter for hearing on October 11, 2016 at 10:00 a.m. No appearance is necessary on September 6, 2016.

3. 16-90438-D-13 DANIEL MCCrackEN OBJECTION TO DEBTOR'S CLAIM OF
RDG-3 EXEMPTIONS
8-1-16 [38]

Final ruling:

This is the trustee's objection to the debtor's claim of exemptions. On August 9, 2016, the debtor filed an amended Schedule C. As a result of the filing of the amended Schedule C, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

4. 16-90545-D-13 MICHELLE TETENS OBJECTION TO CONFIRMATION OF
MWP-1 PLAN BY MARK VAN VEEN AND RAPID
EQUITY FUNDING
8-11-16 [23]

5. 12-93150-D-13 VICTOR/GUADALUPE PARRA MOTION TO MODIFY PLAN
MLP-4 8-2-16 [68]

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.

6. 16-90455-D-13 DANIEL GONSALVES
SJS-1

MOTION TO CONFIRM PLAN
7-21-16 [18]

7. 16-90665-D-13 APOLONIO YANEZ

OBJECTION TO CONFIRMATION OF
PLAN BY DEUTSCHE BANK TRUST
COMPANY AMERICAS
8-5-16 [9]

Final ruling:

This is the objection of Deutsche Bank Trust Company Americas (the "Bank") to confirmation of the debtor's proposed chapter 13 plan. The objection will be overruled without prejudice for the following reasons: (1) there is no proof of service of the objection or the notice of hearing; (2) the objection and notice of hearing give different hearing dates; (3) the objection and notice of hearing do not include a docket control number, as required by LBR 9014-1(c); and (4) the hearing date, September 6, 2016, predates the hearing date for objections to confirmation fixed by the court's Notice of Chapter 13 Bankruptcy Case. According to that notice, objections to confirmation must be filed and served by September 14, 2016 and set for hearing on October 11, 2016. The overruling of this objection will not prejudice the Bank because it will be free to file and serve another objection no later than September 14 and set it for hearing on October 11.

For the reasons stated, the objection will be overruled by minute order. No appearance is necessary.

8. 16-90487-D-13 DANA JORY

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK TRUST, N.A.
8-3-16 [27]

Final ruling:

This case was dismissed on August 31, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

9. 16-90487-D-13 DANA JORY
RDG-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
8-1-16 [24]

Final ruling:

This case was dismissed on August 31, 2016. As a result the objection will be overruled by minute order as moot. No appearance is necessary.

10. 16-90600-D-13 VALERIE AVITIA
PEE-1
MORGAN MANNER, LTD VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-17-16 [20]

Final ruling:

The motion is denied for the following reasons: (1) moving party's notice of hearing did not provide the appropriate opportunity for opposition when giving less than 28 days' notice as required by LBR 9014-1(f)(2)(c); (2) the proof of service filed in support of the motion is not signed; and (3) the motion and supporting papers were not served on the debtor's attorney as required by Bankr. Rul. 9013. For these reasons the court will deny the motion by minute order. No appearance is necessary.

11. 16-90755-D-13 DOUGLAS WATKINS
PSB-1

MOTION TO EXTEND AUTOMATIC STAY
8-18-16 [8]

12. 16-90572-D-13 LUCY GUERRERO
RDG-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
8-12-16 [28]

13. 16-90572-D-13 LUCY GUERRERO
ETL-1

OBJECTION TO CONFIRMATION OF
PLAN BY HARLEY-DAVIDSON CREDIT
CORP.
8-16-16 [31]