

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

October 8, 2019 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 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. [19-20200](#)-B-13 KIMAKO STRICKLAND
[WLG](#)-2

MOTION TO CONFIRM PLAN
8-27-19 [[57](#)]

October 8, 2019, at 10:00 a.m.

2. [19-23000](#)-B-13 JUAN/DENISE SANZBERRO MOTION TO CONFIRM PLAN
[SLE](#)-1 8-16-19 [[27](#)]

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.

3. [19-25701](#)-B-13 MARCIE GONZALEZ MOTION TO EXTEND AUTOMATIC STAY
[GSJ](#)-1 9-24-19 [[21](#)]

4. [15-28909](#)-B-13 WESLEY OBERMAN MOTION TO SELL
[JCK](#)-2 9-19-19 [[95](#)]

5. [19-24610](#)-B-13 MONIQUE ZE OBJECTION TO CONFIRMATION OF
[MJ-1](#) PLAN BY AMERICAN FINANCIAL
NETWORK, INC.
9-11-19 [[34](#)]

6. [16-26711](#)-B-13 JONEE MCGEE
[MC-3](#)

MOTION TO MODIFY PLAN
8-27-19 [[56](#)]

Final ruling:

The relief requested in the motion is supported by the record, the trustee withdrew his opposition on September 25, 2019, and no other 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. [15-22818](#)-B-13 SURINDER SINGH
[PGM-5](#)

MOTION TO MODIFY PLAN
9-2-19 [[139](#)]

8. [19-23718](#)-B-13 JAMES SHROPSHIRE
[JCK-3](#)

MOTION TO CONFIRM PLAN
8-26-19 [[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. [19-23718](#)-B-13 JAMES SHROPSHIRE
[JCK-4](#)

MOTION TO RECONSIDER
9-18-19 [[63](#)]

10. [19-22519](#)-B-13 CURTIS/BIANCA PERNICE
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
6-10-19 [[23](#)]

Final ruling:

This objection has been resolved by the parties and an order confirming plan was entered on September 16, 2019. As such, the objection is removed from calendar. No appearance is necessary.

11. [19-23719](#)-B-13 DAVID MAESTAS
[APN](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-23-19 [[12](#)]

WELLS FARGO BANK, N.A. VS.

Final ruling:

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'s motion for relief from automatic stay. The court's 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 debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). Accordingly, the court will grant relief from stay and waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

12. [14-28026](#)-B-13 MIGUEL/MARTHA GOMEZ
[RLG](#)-5

MOTION TO AVOID LIEN OF ASSET
ACCEPTANCE LLC
8-30-19 [[139](#)]

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. The court finds the judicial lien described in the motion impairs an exemption to which the debtors are entitled. As a result, the court will grant the debtors' motion to avoid the lien. Moving party is to submit an appropriate order, which order shall specifically identify the real property subject to the lien and specifically identify the lien to be avoided. No appearance is necessary.

13. [19-23232](#)-B-13 DAVID VEDDER
[ASW](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY U.S. BANK NA
9-9-19 [[42](#)]

Final ruling:

This is the trustee's objection to confirmation of the debtor's original chapter 13 plan. On September 17, 2019, the debtor filed an amended plan and set it for hearing. As a result of the filing of the amended plan, this objection is moot. The objection will be overruled by minute order. No appearance is required.

14. [19-24434](#)-B-13 JAVON HUDSON AND ANGELINA
[RDG](#)-1 HILL

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
9-10-19 [[19](#)]

15. [18-27740](#)-B-13 HENRIETTA DEBROUWER
[MJD](#)-5

CONTINUED MOTION FOR
COMPENSATION BY THE LAW OFFICE
OF STUTZ LAW OFFICE, P.C. FOR
MATTHEW J. DECAMINADA, DEBTORS
ATTORNEY(S)
8-7-19 [[90](#)]

16. [18-22741](#)-B-13 MICHAEL/ORINA WHITE
[JHW](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-30-19 [[84](#)]

FORD MOTOR CREDIT COMPANY
LLC VS.

Final ruling:

This matter is resolved without oral argument. This is Ford Motor Credit Company, LLC's motion seeking relief from automatic stay to pursue available insurance proceeds. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is cause for granting limited relief from stay to allow the moving party to collect against available insurance proceeds. Accordingly, the court will grant limited relief from stay to allow the moving party to pursue available insurance proceeds on the 2014 Ford Escape. There will be no further relief afforded. Moving party is to submit an appropriate order. No appearance is necessary.

17. [19-24543](#)-B-13 SHARON DALTON
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
9-9-19 [[31](#)]

18. [19-24347](#)-B-13 JOHN/COZETTA EASTER
[FF-2](#)

MOTION TO CONFIRM PLAN
8-26-19 [[26](#)]

Final ruling:

This is the debtor's motion to confirm the First Amended Plan. On September 17, 2019, the debtor filed another Amended Plan and set it for hearing. As a result of the filing of the amended plan, this motion is moot. The motion will be denied by minute order. No appearance is required.

19. [19-20749](#)-B-13 MIKE/THELMA DOUGHERTY
[CLH](#)-2

MOTION TO CONFIRM PLAN
8-22-19 [[60](#)]

20. [19-20350](#)-B-13 LUIS CAVAZOS
[MS-2](#)

OBJECTION TO CLAIM OF LVNV
FUNDING, LLC, CLAIM NUMBER 1
8-16-19 [[40](#)]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection has been filed and the objection is supported by the record. Accordingly, the court will issue a minute order sustaining the debtor's objection to the claim of LVNV Funding, LLC, Claim No. 1. No appearance is necessary.

21. [19-20350](#)-B-13 LUIS CAVAZOS
[MS-3](#)

MOTION TO MODIFY PLAN
9-3-19 [[46](#)]

22. [19-21550](#)-B-13 DANIEL/JAMIE DOLE
[JCK-2](#)

MOTION TO CONFIRM PLAN
6-27-19 [[27](#)]

23. [19-24650](#)-B-13 SHANE DOSIO
[EAT-1](#)

OBJECTION TO CONFIRMATION OF
PLAN BY WELLS FARGO BANK, N.A.
8-20-19 [[36](#)]

24. [19-24650](#)-B-13 SHANE DOSIO
[RDG](#)-2

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
9-10-19 [[43](#)]

25. [19-23952](#)-B-13 MARIA MARTINEZ
[ASW](#)-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR RELIEF FROM CO-DEBTOR STAY
9-9-19 [[21](#)]

26. [19-22564](#)-B-13 JOSEFINO BLANCO
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
9-9-19 [[34](#)]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

27. [19-24370](#)-B-13 ANTHONY/JEWELLE BASA
[CAS](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY CAPITAL ONE AUTO
FINANCE
9-9-19 [[19](#)]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

28. [17-21375](#)-B-13 DAVID/KATHRYN SCROGGINS MOTION TO MODIFY PLAN
[BSH](#)-2 8-27-19 [[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.

29. [19-21675](#)-B-13 ARNOLD ANDRADE MOTION TO CONFIRM PLAN
[DCP](#)-1 7-12-19 [[31](#)]

Final ruling:

The relief requested in the motion is supported by the record, the trustee has withdrawn his opposition, and no other 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.

30. [19-21675](#)-B-13 ARNOLD ANDRADE MOTION TO DISMISS CASE
[RDG](#)-1 7-9-19 [[26](#)]

31. [19-23379](#)-B-13 RAMON/NANCY CASTILLO MOTION TO CONFIRM PLAN
[JCK](#)-2 8-20-19 [[35](#)]

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.

32. [19-24282](#)-B-13 JUAN/MARIA SALAS
[PGM](#)-2

MOTION TO VALUE COLLATERAL OF
GREAT WESTERN TRUST
9-2-19 [[35](#)]

Final ruling:

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

33. [19-23989](#)-B-13 WILLIAM/ELVIRA VARQUEZ
[HWW](#)-2

MOTION TO CONFIRM PLAN
8-29-19 [[29](#)]

Final ruling:

This is the debtors' motion to confirm a Chapter 13 plan. On October 1, 2019 the debtors 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.

34. [19-23390](#)-B-13 KAREEM SYKES
[PGM](#)-1

MOTION TO CONFIRM PLAN
8-23-19 [[31](#)]

35. [19-23390](#)-B-13 KAREEM SYKES
[RDG](#)-1

CONTINUED MOTION TO DISMISS
CASE
7-16-19 [[18](#)]

36. [19-25893](#)-B-13 ANAMARIA MALDONADO
[MKM](#)-1

MOTION TO EXTEND AUTOMATIC STAY
9-24-19 [[10](#)]

37. [19-24295](#)-B-13 STACY ESTANTINO
[RDG](#)-2

OBJECTION TO DEBTOR'S CLAIM OF
EXEMPTIONS
8-26-19 [[17](#)]

38. [19-22299](#)-B-13 RICHARD/STACIE FRANK
[RWF](#)-4

MOTION TO CONFIRM PLAN
8-16-19 [[58](#)]

39. [19-22750](#)-B-13 DEBRA ROY
[MKM](#)-4 Michael K. Moore

MOTION TO VACATE O.S.T.
9-26-19 [[81](#)]

DEBTOR DISMISSED: 09/28/2019