

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

October 11, 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.	16-90304-D-13	JOHN DEMING	MOTION TO CONFIRM PLAN
	DCJ-4		8-30-16 [88]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the plan proposes to pay two secured claims of Mercedes-Benz Financial Services at less than the full amounts of the claims based on the alleged values of the creditor's collateral, whereas the debtor has failed to file motions to value that collateral, as required by LBR 3015-1(j).

For this reason, the motion will be denied and the court need not reach the other issues raised by the trustee at this time. The motion will be denied by minute order. No appearance is necessary.

2. 16-90512-D-13 MITCHEL/DAWN FRIDAY MOTION TO CONFIRM PLAN
ALF-2 8-29-16 [29]

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. 16-90715-D-13 GABRIEL/LOUISA NEW MOTION TO VALUE COLLATERAL OF
JAD-2 AMERICAN CREDIT ACCEPTANCE, LLC
9-13-16 [21]

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.

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

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.

5. 16-90633-D-13 RAMON/LETICIA GARCIA OBJECTION TO CONFIRMATION OF
RDG-1 PLAN BY RUSSELL D. GREER
9-13-16 [20]

6.	16-90638-D-13	JOHN HART	OBJECTION TO CONFIRMATION OF
	RDG-1		PLAN BY RUSSELL D. GREER
			9-13-16 [17]

7.	13-91241-D-13	OSCAR DE LA O AND KATRINA	MOTION TO MODIFY PLAN
	JCK-3	RODRIGUEZ	9-1-16 [45]

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.

8.	16-90643-D-13	MAURICE MOODY	OBJECTION TO CONFIRMATION OF
	RDG-2		PLAN BY RUSSELL D. GREER
			9-13-16 [24]

9.	16-90648-D-13	MOHAMMAD BHUIYAN AND	OBJECTION TO CONFIRMATION OF
	RDG-1	MOSAMMAT AKTER	PLAN BY RUSSELL D. GREER
			9-13-16 [31]

10. 16-90649-D-13 JEDFREY/NORMA HAHN
RDG-1
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
9-13-16 [14]
11. 16-90655-D-13 FABIAN MORALES
RDG-1
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
9-13-16 [16]
12. 15-90466-D-13 HELEN QUINTANA
CJY-1
MOTION TO MODIFY PLAN
8-31-16 [21]
13. 16-90572-D-13 LUCY GUERRERO
ADR-2
CALNEV INVESTMENTS, INC. VS.
MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
9-12-16 [45]

14. 16-90075-D-13 DANIEL JAMES AND PAULA MOTION TO CONFIRM PLAN
EAT-6 FOX-JAMES 8-29-16 [93]

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.

15. 16-90685-D-13 VICTOR MENDOZA MOTION FOR RELIEF FROM
ETL-1 AUTOMATIC STAY
WELLS FARGO BANK, N.A. VS. 8-31-16 [24]

DEBTOR DISMISSED 9/28/16

16. 15-90293-D-13 ROBERT/JOOLET ALVAGI MOTION TO MODIFY PLAN
CJY-1 8-25-16 [34]

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. 11-91296-D-13 TODD/YOLANDA MALDONADO MOTION FOR EXEMPTION FROM
CJY-6 FINANCIAL MANAGEMENT COURSE
AND/OR MOTION TO EXCUSE DEBTOR
TODD C. MALDONADO FROM
COMPLETING 11 U.S.C. SECTION
1328 CERTIFICATE OR CERTIFICATE
OF CHAPTER 13 DEBTOR RE: 11
U.S.C. SECTION 522(Q)
EXEMPTIONS
9-15-16 [78]

18.	13-91302-D-13 PLG-2	ALLAN/GINGER CRUZ	NOTICE AND MOTION FOR SUBSTITUTION AND WAIVER OF THE CERTIFICATION REQUIREMENTS FOR ENTRY OF DISCHARGE 9-19-16 [65]
19.	15-90909-D-13 CJY-2	MA RHEA PERSIC	MOTION TO APPROVE LOAN MODIFICATION 9-21-16 [41]
20.	15-90909-D-13 CJY-1	MA RHEA PERSIC	CONTINUED MOTION TO MODIFY PLAN 8-3-16 [31]
21.	11-92734-D-13 CJY-1	OTONIEL/EUNICE ORTIZ	MOTION TO SUBSTITUTE OTONIEL ORTIZ AS THE REPRESENTATIVE FOR EUNICE M. ORTIZ 9-23-16 [50]

22. 11-92734-D-13 OTONIEL/EUNICE ORTIZ
CJY-2
MOTION FOR EXEMPTION FROM
FINANCIAL MANAGEMENT COURSE
AND/OR MOTION TO EXCUSE
CO-DEBTOR EUNICE M. ORTIZ FROM
COMPLETING 11 U.S.C. SECTION
1328 CERTIFICATE AND/OR 11
U.S.C SECTION 522(Q) EXEMPTIONS
CERTIFICATE
9-23-16 [55]

23. 16-90836-D-13 CYNTHIA HOLLIDAY
DCN-1
AMENDED MOTION TO EXTEND
AUTOMATIC STAY .
9-27-16 [15]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

24. 16-90740-D-13 JUAN/WENDY GARCIA
CJY-1
MOTION TO VALUE COLLATERAL OF
AMERICREDIT FINANCIAL SERVICES,
INC.
9-19-16 [13]

Tentative ruling:

This is the debtors' motion to value collateral of AmeriCredit Financial Services, Inc. The motion will be denied because the notice of hearing purports to require the filing of written opposition at least 14 days prior to the hearing date, whereas the moving parties gave only 22 days' notice of the hearing rather than 28 days', as required by LBR 9014-1(f)(1). Alternatively, the court will consider opposition at the hearing.

The court will hear the matter.

25. 11-92941-D-13 JASON/AMY OBERST
CJY-3
MOTION TO APPROVE LOAN
MODIFICATION
9-27-16 [64]