

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Sacramento, California

October 22, 2019 at 10:00 a.m.

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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.	<a href="#">18-21606</a> -B-13	PHILLIP/KIMBERLY ORTIZ	CONTINUED MOTION TO INCUR DEBT
	<a href="#">JCK</a> -2		8-9-19 [ <a href="#">46</a> ]

2.	<a href="#">19-24610</a> -B-13	MONIQUE ZE	OBJECTION TO DEBTOR'S CLAIM OF
	<a href="#">RDG</a> -2		EXEMPTIONS
			9-9-19 [ <a href="#">31</a> ]

**Final ruling:**

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

October 22, 2019 at 10:00 a.m.

3. [18-26115](#)-B-13 ANTHONY GOMEZ MOTION TO CONFIRM PLAN  
[GS-4](#) 7-19-19 [[69](#)]
4. [18-26115](#)-B-13 ANTHONY GOMEZ MOTION TO DISMISS CASE  
[RDG-4](#) 7-9-19 [[65](#)]
5. [18-26721](#)-B-13 KEITH JOHNSTON MOTION TO EMPLOY COLDWELL  
[GSJ-2](#) BANKER AS REALTOR(S)  
10-7-19 [[50](#)]
6. [18-25722](#)-B-13 MOSES/APRIL GONZALES MOTION TO MODIFY PLAN  
[GSJ-3](#) 8-29-19 [[43](#)]

**Final ruling:**

This is the debtor's motion to confirm an amended plan. The motion will be denied as the moving party failed to serve all of their creditors as required by Fed. R. Bankr. P. 2002(g). Specifically, moving party failed to serve the San Joaquin County Tax Collector and Brookside Optometric Group, both listed on movants' Schedule E/F. As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

7. [19-24823](#)-B-13 ANDREW/SARAH SANGUINETTI OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY TRUSTEE RUSSELL D.  
GREER  
9-25-19 [[15](#)]

**Final ruling:**

**Objection withdrawn by moving party. Matter removed from calendar.**

8. [18-27726](#)-B-13 EDWARD COLOMA AND MOTION TO CONFIRM PLAN  
[JBR](#)-1 KATHERINE SANCHEZ  
8-28-19 [[112](#)]

**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. [17-22229](#)-B-13 DENNIS/SHERRY CRUZ MOTION TO MODIFY PLAN  
[TBK](#)-6 8-29-19 [[120](#)]

**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.

10. [19-21229](#)-B-13 MELISSA ELIZABETH SIMPSON MOTION TO CONFIRM PLAN  
[TBK](#)-3 9-11-19 [[44](#)]

**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. [19-24730](#)-B-13 DEMETRIUS HARDSON  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
9-25-19 [[14](#)]

**Final ruling:**

This is the trustee's objection to confirmation of the debtor's proposed chapter 13 plan. On October 18, 2019, the debtor filed an amended plan and a motion to confirm it. As a result of the filing of the amended plan, the present objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

12. [19-22134](#)-B-13 MAGDALENA ALVARADO  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
5-24-19 [[29](#)]

**Final ruling:**

This objection to confirmation has been resolved and an order confirming plan was entered on September 20, 2019. As such, the objection will be overruled as moot by minute order. No appearance is necessary.

13. [19-24736](#)-B-13 JEAN CURUTCHET  
[RDG](#)-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
9-25-19 [[20](#)]

14. [19-24138](#)-B-13 ANN LORRAINE CARVAJAL  
[LTF](#)-1

MOTION TO CONFIRM PLAN  
8-30-19 [[27](#)]

**Final ruling:**

This is the debtor's motion to confirm a Chapter 13 plan. On October 8, 2019 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.

15. [19-25940](#)-B-13 LORENA LOPEZ-ALVAREZ MOTION TO EXTEND AUTOMATIC STAY  
[PGM](#)-1 10-7-19 [[10](#)]

16. [19-24543](#)-B-13 SHARON DALTON OBJECTION TO DEBTOR'S CLAIM OF  
[RDG](#)-2 EXEMPTIONS  
9-9-19 [[34](#)]

**Final ruling:**

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

17. [19-24745](#)-B-13 AMANDA LOPEZ OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
9-25-19 [[13](#)]

18. [19-24347](#)-B-13 JOHN/COZETTA EASTER MOTION TO CONFIRM PLAN  
[FF](#)-3 9-17-19 [[42](#)]

**Final ruling:**

This is the debtors' motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons. First, the proof of service refers to a Chapter 13 Plan whereas the motion refers to the Amended Chapter 13 Plan Filed on September 17, 2019. It is impossible to determine from the proof of service which of the several plans that have been filed in this case was served. Second, the moving party failed to serve the creditors filing Claim Nos. 4-1, 5-1, 6-1, 8-1, and 9-1 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g). As a result of these service defects, the motion will be denied by minute order. No appearance is necessary.

19. [19-20248](#)-B-13 VALERIE MARIN  
[HWW](#)-4

MOTION TO CONFIRM PLAN  
9-6-19 [[69](#)]

**Final ruling:**

This is the debtor's motion to confirm a second amended chapter 13 plan. The motion will be denied because there is no proof of service on file and it is too late for a proof of service to be filed. See LBR 9014-1(e) (2) (proof of service must be filed with the documents served or within three days thereafter). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

20. [19-20749](#)-B-13 MIKE/THELMA DOUGHERTY  
[CLH](#)-2

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

21. [19-20749](#)-B-13 MIKE/THELMA DOUGHERTY  
[CLH](#)-3

MOTION TO VALUE COLLATERAL OF  
STATE LABOR COMMISSIONER CHIEF,  
DIVISION OF LABOR STANDARDS  
10-7-19 [[78](#)]

22. [16-21452](#)-B-13 MARIO ORTIZ  
[NFG](#)-3

MOTION TO ENFORCE TERMS OF  
CONFIRMED AMENDED PLAN  
5-20-19 [[117](#)]

**Final ruling:**

Pursuant to stipulation of the parties, the hearing on this motion is continued to November 19, 2019 at 10:00 a.m. No appearance is necessary on October 22, 2019.

23. [19-26152](#)-B-13 OLIVO/NATIVIDAD MOTION TO EXTEND AUTOMATIC STAY  
[JCK](#)-1 CIENFUEGOS 10-1-19 [[8](#)]
24. [17-25256](#)-B-13 DANIEL HERNANDEZ AND LUZ MOTION TO EMPLOY HOME BUYERS  
[GSJ](#)-3 DE LA HOYA-HERNANDEZ REALTY AS REALTOR(S)  
10-7-19 [[75](#)]
25. [19-25656](#)-B-13 OLGA GALINDO MOTION TO VALUE COLLATERAL OF  
[GB](#)-1 SAFEAMERICA CREDIT UNION  
9-10-19 [[11](#)]

**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.

26. [19-24260](#)-B-13 CLIFFORD/SANDRA MAYHUGH MOTION TO VALUE COLLATERAL OF  
[FAT](#)-1 CAPITAL ONE AUTO FINANCE  
9-17-19 [[32](#)]

**Final ruling:**

This is the debtors' motion to value the secured claim of Capital One Auto Finance. The motion will be denied because there is no proof of service on file and it is too late for a proof of service to be filed. See LBR 9014-1(e)(2) (proof of service must be filed with the documents served or within three days thereafter). Also, the moving party has used the docket control no. FAT-1 on a previous motion. As a result of these defects, the motion will be denied by minute order. No appearance is necessary.

27. [19-24260](#)-B-13 CLIFFORD/SANDRA MAYHUGH MOTION TO CONFIRM PLAN  
[FAT](#)-2 9-18-19 [[36](#)]

Final ruling:

This is the debtors' motion to confirm a second amended chapter 13 plan. The motion will be denied because there is no proof of service on file and it is too late for a proof of service to be filed. See LBR 9014-1(e)(2) (proof of service must be filed with the documents served or within three days thereafter). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

28. [19-21561](#)-B-13 BEVERLY LUCIO MOTION TO CONFIRM PLAN  
[KRW](#)-1 8-27-19 [[43](#)]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied for two reasons. First, the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(a)(9). The moving party failed to serve the creditors listed on her Schedule H as co-debtor on the debtor's home mortgage. Minimal research into the case law concerning § 101(5) and (10) of the Bankruptcy Code discloses an extremely broad interpretation of "creditor," certainly one that includes co-debtors on debts of the debtor.

Second, because the debtor's master address list does not include that creditor, the debtor has failed to comply with Fed. R. Bankr. P. 1007(a)(1), which requires a debtor to include on his or her master address list the names and addresses of all parties included or to be included on his or her schedules, including Schedule H. As a result, the court's creditor list, as reflected on the court's website for this case and on the PACER matrix, does not include those creditors. Thus, that creditor has not received and will not receive notices served by the Bankruptcy Noticing Center or by creditors in the case.

It is the moving party's responsibility to serve the motion on all creditors, which, presumably, she will do when she files another motion. However, she also has a responsibility to be sure her master address list includes "each entity included . . . on Schedules D, E/F, G, and H . . ." Fed. R. Bankr. P. 1007(a)(1). Thus, the plan cannot be confirmed because the debtor has failed to comply with her duty to file a complete list of creditors, as required by § 521(a)(1)(A), as implemented by Fed. R. Bankr. P. 1007(a)(1), and thus, has not complied with § 1325(a)(1).

For the reasons stated, the motion will be denied by minute order. No appearance is necessary.



29. [19-23166](#)-B-13 DANILO/WENDILINA DIWA MOTION TO CONFIRM PLAN  
[JBR](#)-1 9-1-19 [[36](#)]

**Final ruling:**

Pursuant to the amended notice of hearing filed by the moving party, the hearing on this motion is continued to November 19, 2019 at 10:00 a.m. No appearance is necessary on October 22, 2019.

30. [19-24173](#)-B-13 CLYDE FORD CONTINUED MOTION TO CONFIRM  
[JCK](#)-1 PLAN  
7-19-19 [[13](#)]

31. [19-24173](#)-B-13 CLYDE FORD MOTION TO VALUE COLLATERAL OF  
[JCK](#)-3 EMPLOYMENT DEVELOPMENT  
DEPARTMENT  
9-6-19 [[29](#)]

32. [19-24585](#)-B-13 TRACI STEWART MOTION TO VALUE COLLATERAL OF  
[JCK](#)-1 EMPLOYMENT DEVELOPMENT  
DEPARTMENT  
9-5-19 [[13](#)]

33. [18-21589](#)-B-13 ANTHONY/VIRGINIA MASTEL MOTION TO MODIFY PLAN  
[GSJ](#)-2 9-5-19 [[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.

34. [19-24690](#)-B-13 RICHARD/JENE ROSE SAMSON OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
9-25-19 [[28](#)]

35. [19-24990](#)-B-13 JARED/CHAVALA TRIGG MOTION TO VALUE COLLATERAL OF  
[GSJ](#)-1 TRAVIS CREDIT UNION  
9-17-19 [[15](#)]

**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.

36. [19-24990](#)-B-13 JARED/CHAVALA TRIGG OBJECTION TO CONFIRMATION OF  
[RDG](#)-1 PLAN BY RUSSELL D. GREER  
9-25-19 [[19](#)]

37. [19-22891](#)-B-13 VERNON/RHONDA SMITH MOTION TO AVOID LIEN OF ASSET  
[WW-4](#) ACCEPTANCE LLC  
9-9-19 [[49](#)]

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

38. [19-22891](#)-B-13 VERNON/RHONDA SMITH MOTION TO CONFIRM PLAN  
[WW-5](#) 9-9-19 [[53](#)]

39. [17-27693](#)-B-13 ANTHONY MOORE CONTINUED COUNTER MOTION TO  
DISMISS CASE  
9-3-19 [[148](#)]

40. [17-27693](#)-B-13 ANTHONY MOORE CONTINUED MOTION TO MODIFY PLAN  
[PGM-3](#) 8-12-19 [[138](#)]

41. [19-23294](#)-B-13 WILLIAM GRASSO AND  
[JCK](#)-2 LAUREN CANEPA  
DEBTOR DISMISSED: 09/04/2019  
AS TO WILLIAM GRASSO ONLY

MOTION TO CONFIRM PLAN  
9-5-19 [[38](#)]

42. [19-24295](#)-B-13 STACY ESTANTINO  
[RK](#)-1

MOTION TO CONFIRM PLAN  
9-2-19 [[20](#)]

**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.

43. [16-24973](#)-B-13 MARTIN/ANNETTE SNEZEK  
[SLE](#)-4

MOTION TO MODIFY PLAN  
9-4-19 [[107](#)]