

# Eastern District of California

Honorable Robert S. Bardwil  
Bankruptcy Judge  
Modesto, California

**October 23, 2018 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.	17-90400-D-13	JAMELIA ROBINSON
	17-9005	KLN-1
	ROBINSON V.	PACIFIC MOTORS

DEBTOR DISMISSED: 08/01/2018

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF NEELEY LAW FIRM,  
PLC AND PRICE LAW GROUP, APC  
FOR KENNETH L. NEELEY,  
PLAINTIFFS ATTORNEY(S)  
9-11-18 [79]

2. 18-90506-D-13 ROBIN HAMADE-GAMMON  
RDG-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
8-31-18 [20]

3. 18-90108-D-13 ELVA RESENDEZ  
RAS-1  
CHAMPION MORTGAGE COMPANY  
VS.

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-20-18 [64]

**Final ruling:**

This matter is resolved without oral argument. This is Champion Mortgage Company's motion for relief from automatic stay. The court 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 the creditor's interest in the property is not adequately protected. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

4. 18-90408-D-13 ROGER HIEB  
JAD-1

OBJECTION TO CLAIM OF JOANN  
HIEB, CLAIM NUMBER 1  
8-23-18 [33]

**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 sustain the debtor's objection to priority status of the claim of Joann Hieb, Claim No. 1. Moving party is to submit an appropriate order. No appearance is necessary.

5. 18-90408-D-13 ROGER HIEB  
RDG-1

CONTINUED OBJECTION TO  
CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
7-20-18 [14]

6. 18-90409-D-13 SEEMA GOSAI  
MSN-1

MOTION TO CONFIRM PLAN  
8-30-18 [26]

**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.

7. 16-90415-D-13 KYLE WATKINS  
MSN-6

MOTION TO MODIFY PLAN  
9-6-18 [82]

**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. 17-90818-D-13 LISA GARCIA  
RKW-2

MOTION TO MODIFY PLAN  
8-30-18 [65]

**Final ruling:**

This is the debtor's motion to confirm a first modified chapter 13 plan. On October 16, 2018 the debtor filed a notice of withdrawal of the motion to modify plan. The debtor's purported withdrawal of the motion was ineffective because the trustee had earlier filed opposition to the motion. See Fed. R. Civ. P. 41(a)(1) and (2), incorporated herein by Fed. R. Bankr. P. 7041 and 9014(c). As a result, the motion will be denied as moot by minute order. No appearance is necessary.

9. 18-90526-D-13 CARRIE PHILLIPS  
WS-1

MOTION TO CONFIRM PLAN  
9-14-18 [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.

10. 18-90528-D-13 ENRIQUE VILLALOBOS  
JCK-4

MOTION TO CONFIRM PLAN  
9-5-18 [38]

**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. 17-91032-D-13 JOSEPH/TERI FREITAS CONTINUED OBJECTION TO CLAIM OF  
RDG-2 DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE, CLAIM  
NUMBER 21-1  
8-22-18 [32]

12. 14-91034-D-13 THOMAS/RENEE SMITH MOTION TO MODIFY PLAN  
LBG-401 9-13-18 [108]

13. 17-91036-D-13 DEBORAH KIRKLE CONTINUED MOTION TO CONFIRM  
DCJ-1 PLAN  
5-31-18 [33]

**Final ruling:**

This is the debtor's motion to confirm an amended chapter 13 plan. On October 9, 2018, the debtor filed a "notice of abandonment" of the motion - the equivalent of an attempt to withdraw the motion. The debtor was not free to unilaterally withdraw the motion because the trustee had earlier filed opposition. See Fed. R. Civ. P. 41(a)(1) and (2), incorporated herein by Fed. R. Bankr. P. 7041 and 9014(c). However, the "notice of abandonment" makes clear that the debtor does not wish to contest the trustee's opposition to the motion; thus, the motion will be denied. The motion will be denied by minute order. No appearance is necessary.

14. 17-91036-D-13 DEBORAH KIRKLE CONTINUED MOTION TO VALUE  
DCJ-2 COLLATERAL OF WALLACE MILLER  
6-12-18 [43]

**Final ruling:**

This is the debtor's motion to value collateral of Wallace Miller. On October 9, 2018, the debtor filed a "notice of settlement" of the motion - the equivalent of an attempt to withdraw the motion. The debtor was not free to unilaterally withdraw the motion because Miller had earlier filed opposition. See Fed. R. Civ. P. 41(a)(1) and (2), incorporated herein by Fed. R. Bankr. P. 7041 and 9014(c). However, the "notice of settlement" makes clear that the debtor does not wish to contest Miller's opposition to the motion; thus, the motion will be denied. The motion will be denied by minute order. No appearance is necessary.

15. 18-90457-D-13 MAHESH GANDHI  
DCJ-2

MOTION TO CONFIRM PLAN  
9-11-18 [30]

16. 18-90569-D-13 WILANN MOTON  
GSJ-1

MOTION TO VALUE COLLATERAL OF  
WELLS FARGO DEALER SERVICES  
9-19-18 [16]

**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.

17. 16-90775-D-13 KANDACE ATKINS  
BSH-1

MOTION TO MODIFY PLAN  
9-11-18 [57]

**Final ruling:**

This is the debtor's motion to confirm a modified chapter 13 plan. The motion will be denied for the following reasons. First, an earlier motion was denied because the debtor had filed two different plans in the case, both entitled "Chapter 13 Plan," making it impossible to determine from the proof of service which of the plans was served. This time, the plan is entitled "Amended Chapter 13 Plan" but the proof of service refers only to a "Chapter 13 Plan." Thus, again, there is insufficient evidence as to which of the three plans filed in this case was served. Second, as with the earlier motion, the proof of service does not sufficiently evidence the manner of service in that it does not state that the documents were placed in envelopes or that the envelopes were mailed with postage fully prepaid. Third, as with the earlier motion, the moving party failed to serve the creditors filing Claim Nos. 1 and 4 through 8 at the addresses on their proofs of claim, as required by Fed. R. Bankr. P. 2002(g).

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

18. 18-90190-D-13 CHARAE GILBERT CONTINUED MOTION TO CONFIRM  
BSH-1 PLAN  
7-23-18 [28]
19. 18-90569-D-13 WILANN MOTON CONTINUED OBJECTION TO  
RDG-1 CONFIRMATION OF PLAN BY RUSSELL  
D. GREER  
9-17-18 [13]
20. 18-90572-D-13 ROSALIE RODRIGUEZ OBJECTION TO CONFIRMATION OF  
RDG-1 PLAN BY RUSSELL D GREER  
10-1-18 [33]
21. 18-90575-D-13 GRISELDA SOLORZANO OBJECTION TO CONFIRMATION OF  
RDG-3 PLAN BY RUSSELL D. GREER  
10-1-18 [24]

**Final ruling:**

The debtor filed an amended plan on October 16, 2018, making this objection moot. As a result the court will overrule the objection without prejudice by minute order. No appearance is necessary.

22. 18-90594-D-13 AMANDA SMITHCAMP  
RDG-1

OBJECTION TO CONFIRMATION OF  
PLAN BY RUSSELL D. GREER  
10-1-18 [21]

23. 17-90696-D-13 KEVIN MCLAIN  
CJO-1  
LOANCARE, LLC VS.

MOTION TO APPROVE STIPULATION  
FOR RELIEF FROM THE AUTOMATIC  
STAY  
10-8-18 [19]