

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Modesto, California

November 28, 2017 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.	17-90520-D-13	DENNIS/SONYA GILBREATH	MOTION TO CONFIRM PLAN
	RS-1		10-17-17 [31]

2.	17-90031-D-13	JAIME SANCHEZ	MOTION TO CONFIRM PLAN
	TOG-5		10-10-17 [125]

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. 17-90438-D-13 KYLE FREITAS MOTION TO CONFIRM PLAN
BSH-3 10-10-17 [71]

4. 17-90440-D-13 JOE BENTO MOTION TO CONFIRM PLAN
TOG-3 9-11-17 [70]

Final ruling:

This case was dismissed on September 19, 2017. As a result the motion will be denied by minute order as moot. No appearance is necessary.

5. 16-90645-D-13 TIMOTHY MARTIN MOTION FOR COMPENSATION BY THE
MF-3 LAW OFFICE OF MACDONALD
FERNANDEZ, LLP FOR MATTHEW J.
OLSON, DEBTOR'S ATTORNEY(S)
10-25-17 [84]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion. Moving party is to submit an appropriate order. No appearance is necessary.

6. 17-90760-D-13 JEFFREY WENGEL OBJECTION TO CONFIRMATION OF
JHW-1 PLAN BY TD AUTO FINANCE, LLC
10-19-17 [16]

7.	17-90472-D-13	CONSUELO ORTEGA	MOTION TO CONFIRM PLAN
	TOG-2		10-11-17 [71]

Final ruling:

This is the debtor's motion to confirm an amended chapter 13 plan. The motion will be denied because the moving party failed to serve all creditors, as required by Fed. R. Bankr. P. 2002(b). The mailing list attached to the proof of service is from a different case. As a result, with one exception (the IRS), the moving party failed to serve any of the creditors who have filed claims in this case at the addresses on their proofs of claim, failed to serve the party requesting special notice at its designated address, and failed to serve any of the creditors listed on her schedules (except the IRS).

As a result of this service defect, 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.

8.	17-90475-D-13	BRIAN BRECKENRIDGE	CONTINUED MOTION TO CONFIRM
	DCJ-2		PLAN
			8-6-17 [25]

9.	17-90484-D-13	MAURICE/SHARRON HARDY	MOTION TO CONFIRM PLAN
	MJD-2		10-12-17 [36]

10.	17-90727-D-13	EILEEN SPEER	OBJECTION TO CONFIRMATION OF
	RDG-2		PLAN BY RUSSELL D. GREER
			11-6-17 [27]

11.	17-90732-D-13 RDG-1	NITA GUNNARSON	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 11-6-17 [18]
12.	17-90732-D-13	NITA GUNNARSON	OBJECTION TO CONFIRMATION OF PLAN BY NATIONSTAR MORTGAGE LLC 11-7-17 [21]
13.	17-90751-D-13 RDG-1	DEBBIE DEAN	OBJECTION TO CONFIRMATION OF PLAN BY RUSSELL D. GREER 11-6-17 [15]
14.	17-90472-D-13 TOG-4	CONSUELO ORTEGA	MOTION TO VALUE COLLATERAL OF SANTANDER CONSUMER USA INC. 11-14-17 [99]

