

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

December 17, 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. | 18-25003 -B-13
BLG-3 | DEVISTEEN CONLEY | MOTION TO BORROW
12-3-19 [50] |
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| 2. | 19-26207 -B-13
RDG-1 | BEATRICE GOMEZ | OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-26-19 [15] |

December 17, 2019 at 10:00 a.m.

3. [19-26307](#)-C-13 LINDA STORELLI
[RDG](#)-1

OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-26-19 [[33](#)]

4. [19-25214](#)-B-13 MICHAEL YBARRA
[DEF](#)-1

MOTION TO CONFIRM PLAN
10-16-19 [[20](#)]

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 creditor listed on his Schedule H as co-debtor on a number of credit accounts. 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 this 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, those creditors have 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, he will do when he files another motion. However, he also has a responsibility to be sure his 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 his 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.

5. [19-26922](#)-B-13 MARIAMA SANE MOTION TO AVOID LIEN OF MIDLAND
[JCK](#)-1 FUNDING LLC
11-14-19 [[9](#)]

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 debtor is entitled. As a result, the court will grant the debtor's 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.

6. [19-26922](#)-B-13 MARIAMA SANE MOTION TO AVOID LIEN OF ONEMAIN
[JCK](#)-2 FINANCIAL SERVICES, INC.
11-14-19 [[13](#)]

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 debtor is entitled. As a result, the court will grant the debtor's 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.

7. [18-22523](#)-B-13 PATRICIA FULLWOOD MOTION TO MODIFY PLAN
[SLE](#)-1 10-29-19 [[25](#)]

8. [19-26933](#)-C-13 SABRINA TORRES-ROYAL MOTION TO VALUE COLLATERAL OF
[SJT](#)-1 PATELCO CREDIT UNION
11-12-19 [[9](#)]

9. [19-26237](#)-B-13 BERTHA RUIZ-MCNEIL
[RDG-1](#) OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-25-19 [[13](#)]
10. [19-27437](#)-C-13 JACARE PALMER
[MS-1](#) MOTION TO VALUE COLLATERAL OF
CAPITAL ONE AUTO FINANCE
11-27-19 [[8](#)]
11. [19-24347](#)-B-13 JOHN/COZETTA EASTER
[FF-4](#) MOTION TO CONFIRM PLAN
10-31-19 [[61](#)]

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.

12. [19-26647](#)-C-13 ROBERT BISHOP
[PGM-2](#) CONTINUED MOTION TO EXTEND
AUTOMATIC STAY
10-30-19 [[22](#)]

13. [19-27151](#)-C-13 MAUREEN CLINE MOTION TO EXTEND AUTOMATIC STAY
[SDH-1](#) 11-18-19 [[8](#)]
14. [19-26152](#)-B-13 OLIVO/NATIVIDAD OBJECTION TO CONFIRMATION OF
[RDG-1](#) CIENFUEGOS PLAN BY RUSSELL D. GREER
11-25-19 [[20](#)]
- Final ruling:**
- Objection withdrawn by moving party. Matter removed from calendar.**
15. [19-27455](#)-C-13 BORIS TIBULSCHI AND MOTION TO VALUE COLLATERAL OF
[MS-1](#) GALINA TIBULSCAIA FORD MOTOR CREDIT COMPANY, LLC
12-1-19 [[8](#)]
16. [19-27455](#)-C-13 BORIS TIBULSCHI AND MOTION TO VALUE COLLATERAL OF
[MS-2](#) GALINA TIBULSCAIA FORD MOTOR CREDIT COMPANY, LLC
12-1-19 [[12](#)]
17. [19-27455](#)-C-13 BORIS TIBULSCHI AND MOTION TO VALUE COLLATERAL OF
[MS-3](#) GALINA TIBULSCAIA FORD MOTOR CREDIT COMPANY, LLC
12-1-19 [[16](#)]

18. [19-27455](#)-C-13 BORIS TIBULSCHI AND GALINA TIBULSCAIA MOTION TO VALUE COLLATERAL OF THE GOLDEN 1 CREDIT UNION 12-1-19 [[20](#)]
19. [18-22957](#)-B-13 DEREK/ALICIA WOOD MOTION TO SELL 11-25-19 [[26](#)]
[JCK-1](#)
20. [19-26557](#)-B-13 IGNACIO EROSA MOTION TO VALUE COLLATERAL OF RTH VISALIA, LLC 11-4-19 [[10](#)]
[JCK-1](#)
21. [19-26958](#)-B-13 JOSE/DEBORAH INIGUEZ MOTION TO VALUE COLLATERAL OF WELLS FARGO BANK, NATIONAL ASSOCIATION 11-10-19 [[18](#)]
[RK-1](#)

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.

22. [19-26958](#)-B-13 JOSE/DEBORAH INIGUEZ MOTION TO VALUE COLLATERAL OF
RK-2 ALLY FINANCIAL, INC.
11-10-19 [[9](#)]

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.

23. [19-26958](#)-B-13 JOSE/DEBORAH INIGUEZ MOTION TO VALUE COLLATERAL OF
RK-3 INTERNAL REVENUE SERVICE
11-10-19 [[13](#)]

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.

24. [19-24260](#)-B-13 CLIFFORD/SANDRA MAYHUGH MOTION TO CONFIRM PLAN
[FAT-3](#) 11-4-19 [[61](#)]

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.

25. [19-21561](#)-B-13 BEVERLY LUCIO MOTION TO CONFIRM PLAN
[KRW-2](#) 11-12-19 [[59](#)]

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.

26. [19-25962](#)-B-13 GARY RICAFRENTE CONTINUED OBJECTION TO
[AP-1](#) CONFIRMATION OF PLAN BY U.S.
BANK TRUST NATIONAL ASSOCIATION
11-7-19 [[20](#)]

27. [19-25962](#)-B-13 GARY RICAFRENTE CONTINUED OBJECTION TO
[RDG-1](#) CONFIRMATION OF PLAN BY RUSSELL
D. GREER
11-8-19 [[23](#)]

28. [19-26162](#)-B-13 MITCHELL SHANNON OBJECTION TO CONFIRMATION OF
[RDG-1](#) PLAN BY RUSSELL D. GREER
11-26-19 [[16](#)]

Final ruling:

Objection withdrawn by moving party. Matter removed from calendar.

29. [19-27064](#)-C-13 BENJAMIN GUYTON AND MOTION TO VALUE COLLATERAL OF
[SS-1](#) SHIRLEY LEGARDA-GUYTON FORD MOTOR CREDIT COMPANY, LLC
12-3-19 [[15](#)]
30. [19-23166](#)-B-13 DANILO/WENDILINA DIWA CONTINUED MOTION TO CONFIRM
[JBR-1](#) PLAN
9-1-19 [[36](#)]
31. [19-26166](#)-B-13 BRYANT DEMPSEY OBJECTION TO CONFIRMATION OF
[KMK-1](#) PLAN BY U.S. BANK TRUST
NATIONAL ASSOCIATION
11-27-19 [[16](#)]
32. [19-26166](#)-B-13 BRYANT DEMPSEY OBJECTION TO CONFIRMATION OF
[RDG-1](#) PLAN BY RUSSELL D. GREER
11-25-19 [[13](#)]

33. [19-27468](#)-C-13 EDDIE/CARYN GARDNER MOTION TO IMPOSE AUTOMATIC STAY
[PGM](#)-1 12-3-19 [[10](#)]
34. [19-21573](#)-B-13 SHANNON FOLEY MOTION TO MODIFY PLAN
[SMJ](#)-1 11-1-19 [[40](#)]
35. [18-26974](#)-B-13 FERNANDO CANTILLO CONTINUED MOTION TO MODIFY PLAN
[JCK](#)-5 9-13-19 [[68](#)]
36. [18-26974](#)-B-13 FERNANDO CANTILLO OBJECTION TO CLAIM OF JUSTICE
[JCK](#)-6 FEDERAL CREDIT UNION, CLAIM
NUMBER 12-1
10-25-19 [[85](#)]

37. [19-25874](#)-B-13 STEFANI MILLER MOTION TO CONFIRM PLAN
[GMW](#)-2 10-17-19 [[20](#)]
38. [19-27475](#)-C-13 ELLE RUBINGER MOTION TO EXTEND AUTOMATIC STAY
[MS](#)-1 12-2-19 [[8](#)]
39. [19-24585](#)-B-13 TRACI STEWART MOTION TO INCUR DEBT
[JCK](#)-2 11-25-19 [[27](#)]
40. [19-24690](#)-B-13 RICHARD/JENE ROSE SAMSON MOTION TO CONFIRM PLAN
[SMJ](#)-2 11-1-19 [[36](#)]

Final ruling:

This is the debtor's motion to confirm an amended plan. The motion will be denied because the moving party failed to serve the U.S. Dept. of Education at its address on the Roster of Governmental Agencies, as required by LBR 2002-1(b). As a result of this service defect, the motion will be denied by minute order. No appearance is necessary.

41. [19-26392](#)-C-13 BRENDA JACOBSON
[RDG](#)-1
OBJECTION TO CONFIRMATION OF
PLAN BY RUSSELL D. GREER
11-25-19 [[17](#)]
42. [17-27693](#)-B-13 ANTHONY MOORE
CONTINUED COUNTER MOTION TO
DISMISS CASE/PROCEEDING
9-3-19 [[148](#)]
43. [17-27693](#)-B-13 ANTHONY MOORE
[PGM](#)-3
CONTINUED MOTION TO MODIFY PLAN
8-12-19 [[138](#)]
44. [19-26793](#)-B-13 CHARMAINE MARTIN
[SMR](#)-1
MOTION FOR RELIEF FROM
AUTOMATIC STAY
11-6-19 [[10](#)]
PACIFIC COMMONS LP VS.

Final ruling:

This case was dismissed on November 18, 2019. As a result the motion will be denied by minute order as moot. No appearance is necessary.

45. [16-22897](#)-B-13 CRISANTO/EVELYN ACOSTA MOTION TO SUBSTITUTE PARTY, AS
[HWW](#)-3 TO DEBTOR
12-3-19 [[38](#)]
46. [16-22897](#)-B-13 CRISANTO/EVELYN ACOSTA MOTION FOR AUTHORIZATION TO
[HWW](#)-4 WITHDRAW EXEMPT IRA FUNDS
12-3-19 [[42](#)]