

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Thursday, January 21, 2016

Current as of 1/19/2016 at 2:07 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

10:00 AM **10-62955** Francisco Valenzuela

Ch 13

Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: [Application for Compensation of Fees: \\$6,527.68 & Reimbursement of Expenses: \\$227.68 Filed by Evans Law Offices \(75\)](#)

1

Comment **Tentative Ruling: Fees approved under sec. 330.**

10:00 AM **11-50391** Manuel Gonzalez Pereyra and

Ch 13

Maria Guadalupe Martinez Gonzalez

Trustee: Derham-Burk

Moving: Michel J. Rouhani

Opposing:

Matter: [Motion to Be Relieved As Counsel for Debtors Filed by Law Offices of Michel J. Rouhani \(47\)](#)

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Comment **Tentative Ruling: Counsel is not employed personally, his firm was. The court will prepare an order indicating taking him off PACER and indicating counsel is Mr. Dhaliwal's law office.**

10:00 AM **12-50058** Richard Gallardo

Ch 13

Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing:

Matter: [Application for Compensation of Fees: \\$13,986.25 & Reimbursement of Expenses: \\$1173.64 Filed by Moran Law Group, Inc. \(158\)](#)

3

Comment **Tentative Ruling: Fees approved under sec. 330.**

10:00 AM **12-53500** Robert C. Kerslake and
Ch 13 Gaylynn J. Kerslake
Trustee: Derham-Burk
Moving: Charles B. Greene
Opposing:

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Matter: a) **Motion to Modify Plan Filed by Debtor (70) (fr 12/17)**

b) **Amended Objection by Trustee (76)**

Comment **Tentative Ruling: This matter is dropped from the calendar. Debtor filed an amended motion to modify plan on 1/13/16, making this hearing on the original motion moot.**

10:00 AM **12-57468** Elaine L. Brosio
Ch 13
Trustee: Derham-Burk
Moving: Angie YC Tong
Opposing: Devin L. Pace

5

Matter: a) **Final Application for Compensation of Fees: \$66,985.00 & Reimbursement of Expenses: \$2,119.28 Filed by The Mlnarik Law Group, Inc., Counsel for Debtor (93)**

b) **Opposition by Trustee (95)**

Comment **Tentative Ruling: Matter will be called.**

10:00 AM **14-50898** Mary Lou Mendoza
Ch 13
Trustee: Derham-Burk
Moving: Sara J. Lipowitz
Opposing:

6

Matter: a) **Motion to Modify Plan Filed by Debtor (51) (fr 11/19)**

b) **Objection filed by Trustee (54)**

c) **Hearing re First Amended Motion to Modify Plan Filed by Debtor (58)(fr 12/17)**

d) **Objection by Trustee (60) *WITHDRAWN 1/14/16**

e) **Hearing re Second Amended Motion to Modify Plan Filed by Debtor (63)**

Comment **Tentative Ruling: Original motion and first amended motion dropped from calendar as moot. Notice of 2nd Amended Motion is defective. It states obj are due 21 days after service rather than 7 days prior to hrg.**

10:00 AM **15-51015** Denisse Madriz-Jinks
Ch 13
Trustee: Derham-Burk
Moving: Cathay Fulton Ericksen
Opposing: David W. Brody

7

Matter: **Hearing re Objection to Confirmation of Plan Filed by CashCall, Inc. (17)**

Comment **Tentative Ruling: Debtor's counsel indicates obj resolved thru amended claim. Is this correct? Can plan be confirmed?**

10:00 AM **15-51339** Dolores Yee
Ch 13
Trustee: Derham-Burk

Moving: Nina C. Decker

Opposing:

Matter: **Motion for Order Confirming No Stay in Effect Filed by Debtor (47) (fr 12/17)**

***Motion to Dismiss scheduled for 11:30 a.m. calendar**

Comment **Tentative Ruling: Motion will be granted as prior issues are resolved.**

10:00 AM **15-51456** Roberto M Herrera and
Ch 13 Rosalba Herrera- Reyes
Trustee: Derham-Burk

Moving: Edward G. Schloss

Opposing: James Jingming Cai

Matter: **Hearing re Objection to Confirmation of First Amended Plan Filed by BAYVIEW LOAN SERVICING, LLC (24)**

Comment ***Objection withdrawn 12/28/15**

10:00 AM **15-52320** Alan Vance McAllister
Ch 13
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: **Application for Compensation of Fees: \$13,685.00 & Reimbursement of Expenses: \$0.00 Filed by Evans Law Offices, Counsel for Debtor (29)**

Comment **Tentative Ruling: Fees approved under sec. 330.**

10:00 AM **15-52855** Elias Azdar Torres
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **Motion to Void & Strip Lien of Franklin Credit Management Corporation/Deutsche Bank National Trust Company, as certificate trustee on behalf of Bosco Credit II Trust Series 2010-1 Filed by Debtor (29)**

Comment **Tentative Ruling: Motion is granted. See Docket Text Order.**

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10

11

10:00 AM **15-52951** Lornita Madariaga Sagaysay
Ch 13
Trustee: Derham-Burk
Moving: Devin L. Pace
Opposing: Stanley Phan

12

Matter: a) **Hearing re Motion to Dismiss Case for Failure to Make Plan Payments Filed by Devin Derham-Burk (20) (fr 12/17)**

b) **Objection by Debtor (21)**

Comment **Tentative Ruling: This matter will be called.**

10:00 AM **15-52958** Ana Maria Magana Pena
Ch 13
Trustee: Derham-Burk
Moving: Devin L. Pace
Opposing: Stanley Phan

13

Matter: a) **Motion to Dismiss Case for Failure to Make Plan Payments Filed by Devin Derham-Burk (21) (fr 12/17)**

b) **Objection by Debtor (22)**

Comment **Tentative Ruling: Matter will be called.**

10:00 AM **15-53567** Arthur Mrozowski
Ch 13
Trustee: Derham-Burk
Moving: Gary Paul
Opposing: Megan E. Lees

14

Matter: a) **Motion For Order Imposing the Automatic Stay As to All Creditors Filed by Debtor (6)**

b) **Opposition by Wells Fargo Bank, N.A. (14)**

***No COS**

Comment **Tentative Ruling: Matter will be called. Court not inclined to extend stay given prior filings, status of tax returns, nature of trustee's obj to plan, and lack of pending loan mod.**

10:00 AM **15-53822** Alex A Gaters and
Ch 13 Priscilla Gaters
Trustee: Derham-Burk
Moving: Michael H. Luu
Opposing:

15

Matter: **Order (1) Denying Debtors Application to Pay Filing Fee in Installments and (2) Requiring Debtor to Appear in Person to Show Cause Why This Case Should Not be Dismissed With Prejudice (11)**

Comment **Tentative Ruling: This matter will be called.**

10:00 AM **15-53979** Maria Del Carmen Yanez
Ch 13
Trustee: Derham-Burk

Moving:
Opposing:

Matter: **Order to Appear and Show Cause for Dismissal Failure to Use Mandatory Bankruptcy Forms (13)**

16

Comment **Tentative Ruling: This matter will be called.**

10:00 AM **15-54021** Gennaro Chimienti
Ch 13
Trustee: Derham-Burk

Moving:
Opposing:

Matter: **Order (1) Denying Motion For Extension Of Time For Filing Required Documents And (2) Requiring Debtor To Appear In Person To Show Cause Why This Case Should Not Be Dismissed With Prejudice (13)**

17

Comment **Tentative Ruling: This matter will be called.**

10:00 AM **16-50010** Jose Gonzalez.
Ch 13
Trustee: Derham-Burk

Moving:
Opposing:

Matter: **Order (1) Denying Motion For Extension Of Time For Filing Required Documents And (2) Requiring Debtor To Appear In Person To Show Cause Why This Case Should Not Be Dismissed With Prejudice (9)**

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Comment **Tentative Ruling: This matter will be called.**

10:00 AM **15-50507** Israel Garcia Gomez
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Richard L. Sturdevant

Matter: **a) Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (34)**

32

b) Opposition by Debtor (40)

Comment **Tentative Ruling: This matter will be called.**

UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – January 21, 2016 at 10:00 a.m.

**With respect to the following cases, objections were filed and subsequently withdrawn;
therefore, the Court confirms the following cases:**

The following cases shall be **CONFIRMED**:

- | | |
|---|----------------------|
| 19. ISMAEL & MARYELLEN PARRA
15-5-0014 SLJ | ATTY – GOLD & HAMMES |
| 20. DIANA GUTIERREZ
15-5-2061 SLJ | ATTY – BOONE |
| 21. JAY WHITAKER
15-5-3150 SLJ | ATTY – BOONE |
| 22. HARNEET SINGH
15-5-3603 SLJ | ATTY – CENTRAL COAST |

The Court has determined that it is in the best interests of creditors and the estates to hold the Confirmation Hearings earlier than 21 days after the meetings of creditors. No objections to the earlier hearings have been filed; therefore, the following plans are either confirmed or placed on the Trustee's Pending List:

**INITIAL CONFIRMATION CALENDAR FOR CASES
WITH NO OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – January 21, 2016 at 10:00 a.m.

The following cases shall be **CONFIRMED**:

23. ARLEENE TURNER
15-5-3628 SLJ

ATTY – BOONE

24. IRENE AGUILAR
15-5-3650 SLJ

ATTY – BROOKS

**INITIAL CONFIRMATION CALENDAR FOR POST BANKRUPTCY REFORM ACT CASES
WITH OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – January 21, 2016 at 10:00 a.m.

From: 341 MEETING OF CREDITORS, January 4, 2016

TO BE PLACED ON TRUSTEE’S PENDING LIST:

25. DZEMAL MEDAR 15-5-3626 SLJ	ATTY – TRINH OBJECTION BY – TRUSTEE
26. STEVE SILVA 15-5-3636 SLJ	ATTY – EDGAR LAW OBJECTION BY – TRUSTEE
27. MANUEL & MARIA CORTEZ 15-5-3642 SLJ	ATTY – BROOKS OBJECTION BY – TRUSTEE
28. REBECCA VASQUEZ 15-5-3645 SLJ	ATTY – LEGAL OBJECTION BY – TRUSTEE
29. NELSON VILLALPANDO 15-5-3652 SLJ	ATTY – ZERBINI OBJECTION BY – TRUSTEE
30. DAVID DUREN 15-5-3679 SLJ	ATTY – GOLD & HAMMES OBJECTION BY – TRUSTEE
31. JACQUELYN HERNANDEZ 15-5-3688 SLJ	ATTY – GOLD & HAMMES OBJECTION BY - TRUSTEE