

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

**Honorable Stephen L. Johnson  
Thursday, November 19, 2015**

*Current as of 11/17/2015 at 3:22 PM*

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**San Jose Courtroom 3099**

**U.S. Courthouse and Federal Bldg.  
280 S 1st Street  
San Jose, CA 95113**

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10:00 AM **09-52000** Alejandro Obis and  
Ch 13 Virgenia Obis  
Trustee: Derham-Burk

**Moving:** Lars T. Fuller

**Opposing:**

**Matter:** [Motion For Declaratory Relief and For Contempt for Violation of Discharge Injunction and for Failure to Comply with FRBP 3002.1\(G\) Filed by Debtor \(86\) \(fr 9/17\)](#)

**Comment** **Tentative Ruling: CONT TO 12/17/15 AT 10:00 PER STIPULATED ORDER OF 11/15/15**

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10:00 AM **10-54102** Dominic J. DeMario and  
Ch 13 Audrey L. DeMario  
Trustee: Derham-Burk

**Moving:** Susan D. Silveira

**Opposing:**

**Matter:** [a\) Application for Compensation of Fees: \\$7,375.00 & Reimbursement of Expenses: \\$86.67 Filed by Silveira Law Offices, counsel for debtor \(38\)](#)

[c\) Opposition by Trustee \(42\)](#)

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

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10:00 AM **10-56856** Fernando Luna  
Ch 13  
Trustee: Derham-Burk

**Moving:** Ben E. Dupre

**Opposing:**

**Matter:** [a\) Hearing re Notice of Default in Chapter 13 Plan Payments and Demand for Cure Filed by Trustee \(48\)](#)

[b\) Opposition by Debtor \(54\)](#)

**Comment** **Tentative Ruling: If case is not paid in full by date of hearing, will be dismissed. Counsel for Debtor should explain procedure employed to put this matter on calendar in this fashion.**

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10:00 AM **11-50027** Susan Lea Cooper  
Ch 13  
Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:**

**Matter:** **a) Motion for Order Allowing Sale of Residential Real Property Filed by Debtor (59)**

**b) Opposition by Trustee (68)**

**c) Conditional Non-Opposition by U.S. Bank, N.A. (69)**

**d) Application for Compensation of Fees: \$5,358.08 & Reimbursement of Expenses: \$0.00 Filed by Evans Law Offices, Counsel for Debtor (63)**

**e) Limited Opposition by Trustee (67)**

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

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10:00 AM **11-54884** Francisco C. Leon and  
Ch 13 Maria G. Leon  
Trustee: Derham-Burk

**Moving:** Michael K. Mehr

**Opposing:** Devin L. Pace

**Matter:** **a) Motion to Delay Discharge Filed by Debtor (53)**

**b) Response by Trustee (55)**

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

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10:00 AM **14-50629** Joseph C Lam  
Ch 13  
Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:**

**Matter:** **Second Interim Application for Compensation of Fees: \$10,956.00 & Reimbursement of Expenses: \$65.40 Filed by Evans Law Offices (134)**

**Comment** **Tentative Ruling: Fees are approved under § 330(a)(4)(B).**

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10:00 AM **14-50898** Mary Lou Mendoza  
Ch 13  
Trustee: Derham-Burk

**Moving:** Sara J. Lipowitz

**Opposing:**

**Matter:** **a) Motion to Modify Plan Filed by Debtor (51)**

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

**Comment** **Tentative Ruling: Trustee's objection to modification sustained because there is excess equity in assets under liquidation test. See § 1325(a)(4). Remainder is overruled because prior mod w/drawn and service is proper.**

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10:00 AM **14-53348** Patrice Monique Robles  
Ch 13  
Trustee: Derham-Burk

**Moving:** Elise M. Mitchell

**Opposing:** David A. Boone

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**Matter:** **a) Motion to Vacate DEFAULT ORDER AND REINSTATE CLAIM NUMBER 7 AS AN AMENDED CLAIM Filed by Shane Eklof (35)**

**b) Opposition by Debtor (37)**

**\*Amended motion to be filed by 10/29**

**Comment** **Tentative Ruling: Motion is DENIED. In an order entered on 9/16/15, the court directed creditor to file an amended motion by 10/29. As of 11/16, no amended motion has been filed.**

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10:00 AM **14-54006** Pedro Centeno Tapia  
Ch 13  
Trustee: Derham-Burk

**Moving:** Nanette Dumas

**Opposing:** Lauro Nick Pacheco Jr.

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**Matter:** **Motion to Disgorge Fees Pursuant to 11 U.S.C. 11 §§105 and 329(b) Filed by Devin Derham-Burk (40)**

**Comment** **Tentative Ruling: Granted due to lack of opposition and substantive correctness of motion. See § 329(b).**

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10:00 AM **14-54274** Mario Gervacio Rivera  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Lars T. Fuller

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**Matter:** **a) Motion to Re-Convert Case to Chapter 7 Filed by Devin Derham-Burk (50)**

**b) Opposition by Debtor (57)**

**Comment** **Tentative Ruling: \*Motion withdrawn 11/16/15**

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10:00 AM **14-54857** Maria DeJesus Vasquez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Anthony Sales

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**Matter:** **Motion to Hold Debtor's Counsel in Contempt of Court Filed by Devin Derham-Burk (34)**

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

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10:00 AM **15-52125** Michael David Long  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Michael David Long  
**Opposing:** Brandye N. Foreman

**Matter:** **Hearing re Objection to Claim #1 of Ditech Financial LLC (FKA Green Tree Servicing LLC)  
Filed by Debtor (21)**

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

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10:00 AM **15-52449** Emad Ayyad  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Nanette Dumas  
**Opposing:** Jason Vogelpohl

**Matter:** **a) Motion to Dismiss Case Pursuant to 11 U.S.C. sections 109(e) and 1307(c) Filed by Devin  
Derham-Burk (29)**

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**b) Opposition by Debtor (39)**

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

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10:00 AM **15-52745** Raquel Sampayan Tablang  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin L. Pace  
**Opposing:**

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Secs. 109(h), 521(b) and 1307(c)  
Filed by Devin Derham-Burk (23)**

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**Comment** **Tentative Ruling: Motion is not opposed and will be granted as substantively proper.**

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**UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION**

**JUDGE JOHNSON – November 19, 2015 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**:

- |   |                  |
|---|------------------|
| 15. MARIO RIVERA<br>14-54274 SLJ                      | ATTY – FULLER    |
| 16. MARK & DEBRA GARRIGA<br>14-5-4601 SLJ             | ATTY – BOONE     |
| 17. MELTAM ISAAC &<br>JOLIANA CHAMAKY<br>14-55069 SLJ | ATTY – FULLER    |
| 18. ISABELO & MARIA DELA MERCED<br>15-50641 SLJ       | ATTY – EDGAR LAW |
| 19. JOSE & STACEY INOCENCIO<br>15-5-1853 SLJ          | ATTY – MOORE     |
| 20. ALEJANDRA GOMEZ<br>15-5-2098 SLJ                  | ATTY – HENSHAW   |
| 21. MAHMOUDREZA HESHMATI<br>15-5-2230 SLJ             | ATTY – BOONE     |
| 22. MARCO & MAYLA CABRERA<br>15-5-2832 SLJ            | ATTY – MAYDANIK  |

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 – November 19, 2015 at 10:00 a.m.**

The following cases shall be **CONFIRMED**:

- |   |                      |
|---|----------------------|
| 23. DUVAN MENDOZA<br>15-5-2949 SLJ              | ATTY – GOLD & HAMMES |
| 24. ESMAIL & FAHIMEH ADELKHANI<br>15-5-2965 SLJ | ATTY – FULLER        |
| 25. CAROL MCMILLEN<br>15-5-2973 SLJ             | ATTY – SHULMAN       |
| 26. JAMES ROCK<br>15-5-2977 SLJ                 | ATTY – BOONE         |
| 27. EMMANUEL ALGANES<br>15-5-2992 SLJ           | ATTY – MOORE         |

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

**JUDGE JOHNSON – November 19, 2015 at 10:00 a.m.**

From: 341 MEETING OF CREDITORS, November 2 & 6; 2015

**TO BE PLACED ON TRUSTEE'S PENDING LIST:**

- |   |  |
|---|--|
| 28. LEE & MARY FORT<br>15-5-2522 SLJ              | ATTY – EDGAR LAW<br>OBJECTION BY – TRUSTEE     |
| 29. LORNITA SAGAYSAY<br>15-5-2951 SLJ             | ATTY – PHAN LAW<br>OBJECTION BY – TRUSTEE      |
| 30. RALPH & JULIE HALL<br>15-5-2955 SLJ           | ATTY – HERNANDEZ<br>OBJECTION BY – TRUSTEE     |
| 31. ANA PENA<br>15-5-2958 SLJ                     | ATTY – PHAN LAW<br>OBJECTION BY – TRUSTEE      |
| 32. GWENDOLYN TAITT-RELF<br>15-5-2983 SLJ         | ATTY – SANDHU<br>OBJECTION BY – TRUSTEE        |
| 33. CHESTER FROST & DAVID NORRIS<br>15-5-2999 SLJ | ATTY – MOORE<br>OBJECTION BY - TRUSTEE         |
| 34. DOMINADOR & SATURNINA NUVAL<br>15-5-3057 SLJ  | ATTY – CENTRAL COAST<br>OBJECTION BY – TRUSTEE |

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

**Honorable Stephen L. Johnson  
Thursday, November 19, 2015**

*Current as of 11/17/2015 at 3:43 PM*

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**San Jose Courtroom 3099**

**U.S. Courthouse and Federal Bldg.  
280 S 1st Street  
San Jose, CA 95113**

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11:30 AM **15-50163** Martha Francisca Gonzalez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** Michael K. Mehr

**Matter:** [a\) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307\(c\)\(1\) Filed by Devin Derham-Burk \(38\)](#)

[b\) Objection by Debtor \(46\)](#)

**Comment** Tentative Ruling: Confirm plan within 60 days or case will be dismissed.

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11:30 AM **15-50545** Danielle Diem Lam  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** Michael H. Luu

**Matter:** [a\) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307\(c\) Filed by Devin Derham-Burk \(26\)](#)

[b\) Opposition by Debtor \(29\)](#)

**Comment** Tentative Ruling: Matter will be called to obtain trustee's input on the response filed by debtor.

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11:30 AM **15-50592** Miguel Cardenas  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** James Jingming Cai

**Matter:** [a\) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307\(c\) Filed by Devin Derham-Burk \(25\)](#)

[b\) Opposition by Debtor \(30\)](#)

**Comment** Tentative Ruling: Matter will be called to obtain trustee's input on the response filed by debtor.

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11:30 AM **15-50641**

Ch 13

Trustee: Derham-Burk

Isabelo R. Dela Merced and

Maria Gloria Canete Dela Merced

**Moving:** Devin L. Pace

**Opposing:** Ronda N. Edgar

**Matter:** a) **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (49)**

b) **Opposition by Debtor (55)**

**\*Off calendar - motion withdrawn 11/10/15**

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