

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

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

Current as of 3/17/2015 at 2:35 PM

San Jose Courtroom 3099

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

10:00 AM **09-54072** Jay D. Jinguji

Ch 13

Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing: Leslie Klott

Matter: [Hearing re Response to Notice of Final Cure Mortgage Payment \(Court Claim #13\) Filed by Deutsche Bank c/o OCWEN](#) 1

Comment **Tentative Ruling:** This matter will be called. There is a yawning chasm between the debtor and creditor's view of loan status. Parties are encouraged to discuss by telephone prior to the hearing.

10:00 AM **10-55652** Lisa Lifrak

Ch 13

Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing: Gregory Steshenko 2

Matter: [Hearing re Objection to Claim of Gregory Steshenko \(Claim No. 10\) \(58\)](#)

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

10:00 AM **11-60891** David G. Findley

Ch 13

Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing: 3

Matter: [Supplemental Application for Compensation of Fees: \\$11,001.25 & Reimbursement of Expenses: \\$576.55 Filed by Moran Law Group, Inc., Counsel for Debtor \(90\)](#)

Comment **Tentative Ruling:** Fees awarded under 330(a)(4)(B).

10:00 AM **12-50684** Guillermo Delapaz Ramos and
Ch 13 Carolyn Hamilton Ramos
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **a) Motion to Vacate Order Dismissing Chapter 13 Case And for Reinstatement by Debtor (57)**

b) Response by Trustee

Comment **Tentative Ruling: Granted because debtor's explanation justifies relief. Debtor's counsel could've filed the motion earlier or requested a suspension of payments from trustee. Because case is closed, Debtor needs to file an application to reopen first.**

10:00 AM **12-58185** Francis Mousa Nijmeh and
Ch 13 Rima Francis Nijmeh
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: **Motion to Withdraw as Attorney of Record Filed by Evans Law Offices (109)**

Comment **Tentative Ruling: Granted for reasons stated in Motion. Debtors received reasonable notice and did not oppose. Counsel to include in the order the mailing address for Debtors where court notices are to be sent.**

10:00 AM **13-53182** John Kerry Pittenger and
Ch 13 Tammy Lynn Pittenger
Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing:

Matter: **Application for Compensation of Fees: \$6,350.00 & Reimbursement of Expenses: \$989.88 & unreimbursed Expenses of : \$708.88 Filed by Moran Law Group, Counsel for Debtor (60)**

Comment **Tentative Ruling: Granted under 330(a)(4)(B)**

10:00 AM **13-53669** Charles Robert Payne, III
Ch 13
Trustee: Derham-Burk

Moving: Mark D. Estle

Opposing: Michael K. Mehr

Matter: **Hearing re Objection to Confirmation of Plan Filed by Nationstar Mortgage, LLC (14)**

Comment **Tentative Ruling: Court inclined to overrule Nationstar's objection for the reasons indicated in Debtor's response and SC statement.**

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10:00 AM **13-56293** Ana K Garcia

Ch 13

Trustee: Derham-Burk

Moving: Robert P. Zahradka

Opposing: Michael H. Luu

Matter: **Hearing re Objection to Confirmation of Plan Filed by Wells Fargo Bank, N.A. (19)**
***OBJECTION WITHDRAWN 2/17/15**

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Comment **Tentative Ruling: Matter dropped from calendar. Case dismissed on 2/24.**

10:00 AM **13-56563** Barbara Ann Bullard and

Ch 13

Kelly Lynn Bullard

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Brette L. Evans

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (52)**

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b) Opposition by Debtor

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

10:00 AM **14-50021** Charlly J. Sung

Ch 13

Trustee: Derham-Burk

Moving: Jason Vogelpohl

Opposing:

Matter: **Final Application for Compensation of Fees: \$5,587.50 (\$23.00 has been paid) Filed by Central Coast Bankruptcy, Inc. Counsel for Debtor (62)**

10

Comment **Tentative Ruling: Fees allowed under 330(a)(4)(B)**

10:00 AM **14-50159** Lori Ann McKeown

Ch 13

Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: Theresia C. Sandhu

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Trustee (31) (cont fr 2/19)**

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b) Response by Debtor

Comment **Tentative Ruling: The trustee's objection to the 4th amended plan appears easily correctible. Court will give debtor a short time to get plan confirmed or case will be dismissed.**

10:00 AM **14-50218** Tracie Lara Soder

Ch 13

Trustee: Derham-Burk

Moving: David L. Speckman

Opposing:

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Matter: **Application for Allowance of Compensation of Fees & Reimbursement of Expenses: \$4,000.00 (\$3,300.00 paid, unpaid balance of: \$700.00 to be paid as an administrative expense) Filed by Speckman Law Firm, Counsel for Debtor (82)**

Comment **Tentative Ruling: Fees allowed under 330(a)(4)(B). Payment is not immediate, but consistent with the Trustee's treatment for attorney admin claims**

10:00 AM **14-50629** Joseph C Lam

Ch 13

Trustee: Derham-Burk

Moving: Robert P. Zahradka

Opposing: Brette L. Evans

13

Matter: **a) Hearing re Objection to Confirmation of Plan Filed by U.S. Bank N.A. (35) *OBJECTION WITHDRAWN 2/18/15**

b) Hearing re First Amended Objection to Confirmation of Chapter 13 Plan by Trustee (34) *OBJECTION WITHDRAWN 3/5/15

***CONFIRMED ON UNCONTESTED CALENDAR**

Comment **Tentative Ruling: Both matters have been withdrawn and dropped from calendar.**

10:00 AM **14-50690** Tracy Lea Halmos

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Henry G. Rendler

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Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (24)**

b) Response by Zsolt Halmos

Comment **Tentative Ruling: The only motion pending is the trustee's which seeks dismissal. Debtor did not object to that relief and it is granted. Any creditor seeking conversion should make an appropriate motion.**

10:00 AM **14-50840** Audrey Ralston
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 Trustee (37)**
b) Response by Debtor

***CONFIRMED ON UNCONTESTED CALENDAR**

Comment **Tentative Ruling: Motion withdrawn on 3/13. Matter dropped from Calendar.**

10:00 AM **14-52434** Cesar Santa Cruz and
Ch 13 Rizalia Santa Cruz
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Brette L. Evans

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (17)**
b) Opposition by Debtor

c) Motion to Value Collateral of Capital One Auto Finance by Debtor (22)

d) Opposition by Creditor - Mark Estle

Comment **Tentative Ruling: Both matters will be called.**

10:00 AM **14-52824** Julie Frasersmith Fagan
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone
Opposing: Mark D. Estle

Matter: **a) Motion to Void And Strip Lien of E*Trade Bank/Specialized Loan Servicing LLC Filed by Debtor (27) (fr 1/15)**
b) Opposition by Specialized Loan Servicing LLC

Comment **Tentative Ruling: Motion was granted by order entered on 2/19/15. Matter dropped from calendar.**

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17

10:00 AM **14-54517** Angelica Zuniga
Ch 13
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: **Motion for Order to Sell Residential Real Property (108 Lynbrook Court, Watsonville, CA 95076) Filed by Debtor (20)**

18

***Statement of Non-Opposition filed by Trustee 3/5/15**

Comment **Tentative Ruling: No opposition filed. Motion is granted.**

10:00 AM **14-54584** Richard Alan Pierce
Ch 13
Trustee: Derham-Burk

Moving: Michael C. Fallon

Opposing: Norma L. Hammes

Matter: **a) Motion to Dismiss Case Filed by Pace Supply Corp (54)**

19

b) Opposition by Debtor

Comment **Tentative Ruling: Ct inclined to grant mtn under 109(e). Claim was filed, is prima facie evidence of claim, and no obj has been filed by debtor. A disputed claim is included in 109(e) eligibility calc. Nicholes, 184 B.R. 82 (9th Cir BAP 1995)**

10:00 AM **14-54624** Gregorio Sandoval Trejo
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **Motion to Void & Strip Lien of Franklin Credit Management Corporation/BOSCO Credit LLC Filed by Debtor (25)**

20

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

10:00 AM **14-54979** Xuan Thi Casey
Ch 13
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Matter: **Motion to Value and Render Unenforceable the Lien Secured by Debtor's Real Property re creditor FENG-CHOU & CHIU KING CHAO Filed by Debtor (18)**

21

Comment **Tentative Ruling: Service is defective. Rule 7004(b)(1) requires service to individuals be mailed to the individual's "dwelling house," "usual place of abode," or place of business. The motion was served on individual creditors at a PO Box.**

10:00 AM **14-55017** Hadley O. Johnson and
Ch 13 Madeleine Johnson
Trustee: Derham-Burk
Moving: Matthew W. Quall
Opposing: Michael K. Mehr

22

Matter: **Hearing re Objection to Confirmation of Plan Objection to Confirmation of Chapter 13 Plan Filed by Los Alamos National Bank (15)**

Comment **Tentative Ruling: If not resolved, matter will be set for full briefing.**

10:00 AM **15-50448** Blanca Castaneda
Ch 13
Trustee: Derham-Burk
Moving: Edward R. Ramirez Jr.
Opposing:

23

Matter: **Order (1) Denying Debtor's Application to Pay Filing Fee in Installments and (2) Requiring Debtor to Appear in Person and Show Cause Why this Case Should not be Dismissed with Prejudice (15)**

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

10:05 AM **11-61851** Reginald M. Green
Ch 13
Trustee: Derham-Burk
Moving: Brette L. Evans
Opposing:

24

Matter: **Motion for Order Allowing Debtor to Sell Residential Real Property Filed by Debtor (52)**

***Order shortening time/**Statement of Non-Opp fld by Tr 3/16/15**

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

UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – March 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**:

- | | |
|---|-----------------|
| 25. GARY & JULIE BUCK
13-5-1839 SLJ | ATTY – PARR |
| 26. GRACE PAK
13-5-5453 SLJ | ATTY – HANN |
| 27. VIRGINIA FIORENTINO
13-5-5613 SLJ | ATTY – SAGARIA |
| 28. NIDIA GAONA
13-5-5794 SLJ | ATTY – NICHANI |
| 29. ROBIN PERA
13-5-5887 SLJ | ATTY – BOONE |
| 30. SIED ZARRINSARAY
14-5-0169 SLJ | ATTY – HENSHAW |
| 31. RONALD & BRENDA ARTHUR
14-5-0496 SLJ | ATTY – ERICKSEN |
| 32. JOSEPH LAM
14-5-0629 SLJ | ATTY – EVANS |
| 33. AUDREY RALSTON
14-5-0840 SLJ | ATTY – MEHR |

34. DIANA ELSTON
14-5-2171 SLJ

ATTY – MOORE

35. JONATHAN WANG
14-5-2959 SLJ

ATTY – LIN & WOOD

36. DANEANNE LEISINGER
14-5-4844 SLJ

ATTY – SAGARIA

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 hearing 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 – March 19, 2015 at 10:00 a.m.

The following cases shall be **CONFIRMED**:

- | | |
|--|----------------------|
| 37. ELAZER & BAHAREH PINEIRO
15-5-0107 SLJ | ATTY – GOLD & HAMMES |
| 38. DERRICK & CHARMAINE VERADOR
15-5-0108 SLJ | ATTY – SHULMAN |
| 39. ADAM WALSWORTH
15-5-0129 SLJ | ATTY – EVANS |
| 40. KIMBERLY HERRERA
15-5-0154 SLJ | ATTY – BOONE |
| 41. STEVEN WOLDEN
15-5-0160 SLJ | ATTY – SHULMAN |

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

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

From: 341 MEETING OF CREDITORS, March 2, 2015

TO BE PLACED ON TRUSTEE'S PENDING LIST:

42. ELIZABETH MILLER
15-5-0082 SLJ

ATTY – SCHEIN & CAI
OBJECTION BY – TRUSTEE & SANTA
CLARA COUNTY FEDERAL CREDIT UNION

43. MERCEDES MUNOZ
15-5-0104 SLJ

ATTY – FULLER
OBJECTION BY – CASHCALL

44. PENELOPE ESPINEIRA
15-5-0130 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE