

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

**Honorable Stephen L. Johnson**

**Thursday, April 16, 2015**

*Current as of 4/15/2015 at 1:17 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 **08-57523** Lucio Chagolla and  
Ch 13 Maria D Hernandez Murueta  
Trustee: Derham-Burk

**Moving:** David A. Boone

**Opposing:**

**Matter:** [Motion to Avoid Lien with JPMorgan Chase Bank, N.A. Filed by Debtor \(70\)](#)

**Comment** [Tentative Ruling: This matter will be called.](#)

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1

10:00 AM **10-53187** Elizabeth J MacDougall  
Ch 13  
Trustee: Derham-Burk

**Moving:** Lars T. Fuller

**Opposing:** Steven B. Mains

**Matter:** [a\) Hearing re Objection to Claim #1 of Wells Fargo Bank, N.A. \(48\) \(fr 2/19\)](#)

[b\) Hearing re Objection to Claim #9 of Florists' Transworld Delivery, Inc. \(47\) \(fr 2/19\)](#)

[c\) Hearing re Objection to Claim #10 of Wells Fargo Bank, N.A. \(49\) \(fr 2/19\)](#)

**Comment** [Tentative Ruling: Matter will be called. Parties advised court matter was resolved at prior hearing and requested continuance. WFB appears to concede overpayment of \\$1,658.36 on Claim #1 and \\$4220.61 on Claim #10. To be heard with item #4.](#)

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2

10:00 AM **10-53580** Vincent Navarra  
Ch 13  
Trustee: Derham-Burk

**Moving:** Susan D. Silveira

**Opposing:**

**Matter:** [Application for Compensation for Fees: \\$2,775.00 & Reimbursement of Expenses: \\$14.57 Filed by Silveira Law Offices, Counsel for Debtor \(34\)](#)

**Comment** [Tentative Ruling: Fees are allowable under sec. 330\(a\)\(4\)\(B\).](#)

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3

10:00 AM **10-53838** William Ferris and  
Ch 13 Donna Ferris  
Trustee: Derham-Burk

**Moving:** Lars T. Fuller  
**Opposing:** Steven B. Mains

**Matter:** a) **Hearing re Objection to Claim #1 (Wells Fargo Bank, N.A.)(67) (fr 2/19)**

b) **Hearing re Objection to Claim #11 (Florists' Transworld Delivery, Inc.)(66) (fr 2/19)**

c) **Hearing re Objection to Claim #12 (Wells Fargo Bank, N.A.) (68) (fr 2/19)**

**Comment** **Tentative Ruling: Matter will be called to ensure Trustee's concerns are addressed. See Tentative Ruling for #2.**

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10:00 AM **10-63343** Carol A. Signor  
Ch 13  
Trustee: Derham-Burk

**Moving:** Vinod Nichani  
**Opposing:**

**Matter:** **Motion to Avoid Three Judicial Liens Held by Creditor Citibank and One Judicial Lien held by Capital One Bank Pursuant to 11 U.S.C. Section 522(f)(1)(A) Filed by Debtor (81)**

**Comment** **Tentative Ruling: Mtn granted re 3 liens held by Citibank; motion denied re Capital One lien b/c it was recorded postpetition. § 522(f) determination is made as of petition date, when the lien did not exist. In re Chiu, 266 B.R 743 (9th Cir BAP 2001)**

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10:00 AM **11-53129** Dion Velasquez and  
Ch 13 Raelene V. Velasquez  
Trustee: Derham-Burk

**Moving:** Scott J. Sagaria  
**Opposing:**

**Matter:** **Motion to Vacate Discharge for the Purpose of Satisfying Claim Filed by Debtor (58)**

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

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10:00 AM **12-50115** Nuttawee P Taasevigen  
Ch 13  
Trustee: Derham-Burk

**Moving:** Karen Yiu  
**Opposing:** Norma L. Hammes

**Matter:** a) **Motion to Dismiss, or, in the Alternative, to Convert to a Chapter 7 Case Filed by California State Board of Equalization (39)**

b) **Opposition by Debtor (44)**

**\*OFF CALENDAR - RENOTICED FOR MAY 21 AT 10:00 AM**

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4

5

6

7

10:00 AM **12-58723** Lorenzo Mendez and  
Ch 13 Veronica Rodriguez  
Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:** Megan E. Lees

**Matter:** **Motion for Sale of Residential Real Property Filed by Debtor (54)**

**\*Conditional Non-Opposition by Wells Fargo Bank, N.A. filed 4/8/15**

**\*\*Statement of Non-Opposition by Trustee filed 4/14/15**

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

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8

10:00 AM **13-53449** Maria Isabel Martinez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Jason Vogelpohl

**Opposing:** David P. Morales

**Matter:** **a) Motion to Avoid Lien with Noel Huerta Filed by Debtor (27)**

**b) Renewed Objection by Noel Huerta (66)**

**Comment** **Tentative Ruling: Motion denied; debtor is not on title to property.**

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9

10:00 AM **13-56039** Cory Patrick Riley and  
Ch 13 Amanda Christine Riley  
Trustee: Derham-Burk

**Moving:** Ben E. Dupre

**Opposing:**

**Matter:** **Hearing re First Amended Objection to Claim #6-2 by Department of Treasury-IRS (34)**

**\*ON 1:30 OSC CALENDAR**

**Comment** **Tentative Ruling: Court may set this matter for trial. In August 2014, US reported it was attempting to resolve informally; status appears unchanged. Case is subject to dismissal and this matter needs resolution.**

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10

10:00 AM **14-50008** Nicholas Joseph Lunares  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (26)**

**b) Opposition by Debtor (31)**

**\*OFF CALENDAR - MOTION WITHDRAWN 4/8/15**

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11

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

**Moving:** Brette L. Evans

**Opposing:**

**Matter:** **Application for Compensation for Fees & Reimbursement of Expenses:\$20,170.95 Filed by Evans Law Offices, Counsel for Debtor (75)**

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

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12

10:00 AM **14-50844** Gabriel Meza  
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)(1) Filed by Trustee (46)**

**b) Opposition by Debtor (48)**

**Comment** **Tentative Ruling: Although Debtor objected to the motion, Debtor filed his own motion to dismiss on 4/7. As Debtor does not wish to prosecute this case, Trustee's motion is granted.**

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13

10:00 AM **14-51119** James Edward Huber  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Scott J. Sagaria

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (21)**

**Comment** **Tentative Ruling: No objection to motion filed. Motion to dismiss is granted.**

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14

10:00 AM **14-51163** Manuel Cortez and  
Ch 13 Magdalena Cortez  
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)(1) Filed by Trustee (35)**

**b) Opposition by Debtor (41)**

**Comment** **Tentative Ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 4/25/2014.**

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15

10:00 AM **14-51639** Gloria Escobar  
Ch 13  
Trustee: Derham-Burk

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

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c) Filed by Trustee (31)**

**b) Response by Debtor (34)**

**Comment** **Tentative Ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 5/15/2014.**

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16

10:00 AM **14-51642** Samuel S. Rodriguez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Ekaterina Berman  
**Opposing:** James S.K. Shulman

**Matter:** **Hearing re Objection to Confirmation of Plan Filed by Denise Rosa (22)**  
**\*OBJECTION WITHDRAWN 4/10/15**

**Comment** **Tentative Ruling: Objection withdrawn on 4/10. Can Trustee recommend confirmation?**

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17

10:00 AM **14-51893** Teresa C M Lopez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** Jennifer Reichhoff

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (21)**

**b) Response by Debtor (23&33)**

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

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18

10:00 AM **14-51970** Bruce Ray Michaud  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** Robert L. Goldstein

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (22)**

**b) Response by Debtor (26)**

**Comment** **Tentative Ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 6/13/2014.**

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19

10:00 AM **14-51998** Deborah V. Torres  
Ch 13  
Trustee: Derham-Burk

**Moving:** David A. Boone

**Opposing:**

**Matter:** **a) Motion to Void & Strip Lien of Franklin Credit Management Corporation/Deutsche Bank National Trust Company, as Certificate Trutee on behalf of Bosco Credit II Trust Series 2010-1 Filed by Debtor (25)**

**b) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (22)**

**c) Opposition by Debtor (29)**

**Comment** **Tentative Ruling: Motion to avoid lien is granted per Docket Text Order. Does this resolve Trustee's remaining objection?**

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20

10:00 AM **14-52023** Sarah Murphy  
Ch 13  
Trustee: Derham-Burk

**Moving:** Jane Z. Bohrer

**Opposing:** Jason Vogelpohl

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c)(1) Filed by Trustee (40)**

**b) Opposition by Debtor (42)**

**Comment** **Tentative Ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 6/19/2014.**

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21

10:00 AM **14-52092** Nora Esthela Flores-Weekley  
Ch 13  
Trustee: Derham-Burk

**Moving:** Jane Z. Bohrer

**Opposing:** David A. Boone

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c)(1) Filed by Trustee (22)**

**b) Opposition by Debtor (24)**

**Comment** **Tentative Ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 7/17/2014.**

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22

10:00 AM 14-52119

Nestor Baysa Constantino

Ch 13

Trustee: Derham-Burk

**Moving:** Jane Z. Bohrer

**Opposing:** Vinod Nichani

23

**Matter:** a) **Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c)(1) Filed by Trustee (45)**

**b) Amened Opposition by Debtor (52)**

**Comment** Tentative ruling; Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 6/19/2014.

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10:00 AM 14-52376

David Boyer

Ch 13

Trustee: Derham-Burk

**Moving:** Jane Z. Bohrer

**Opposing:**

24

**Matter:** a) **Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c)(1) Filed by Trustee (32)**

**b) Opposition by Debtor (38)**

**Comment** Tentative Ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 7/23/2014.

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10:00 AM 14-52434

Cesar Santa Cruz and

Ch 13

Rizalia Santa Cruz

Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:** Mark D. Estle

25

**Matter:** a) **Motion to Value Collateral of Capital One Auto Finance by Debtor (22) (fr 3/19)**

**b) Opposition by Creditor**

**Comment** Tentative Ruling: If the matter is not resolved, the court will set evidentiary hearing on the motion to value. The parties should have a schedule of their witnesses's availability for trial setting.

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10:00 AM **14-52442** Bryant Luis Hammer and  
Ch 13 Leeanna Hammer  
Trustee: Derham-Burk

**Moving:** Jane Z. Bohrer

**Opposing:** James S. Knopf

26

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

**b) Opposition by Debtor (26)**

**Comment** **Tentative ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 8/8/2014.**

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10:00 AM **14-52510** Alejandra Gomez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Jane Z. Bohrer

**Opposing:** David S. Henshaw

27

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c)(1) Filed by Trustee (16)**

**b) Opposition by Debtor (18)**

**Comment** **Tentative Ruling: Motion will be granted. Opposition does not comply with BLR 9014-1 as no evidence submitted to support contentions. Opposition shows debtor has not timely complied with trustee's objections to confirmation, pending since 7/21/14.**

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10:00 AM **14-53945** Cory Narog  
Ch 13  
Trustee: Derham-Burk

**Moving:** Vinod Nichani

**Opposing:** Jeffrey L. Fillerup

28

**Matter:** **a) Motion for Order Imposing Full Automatic Stay Due To Exceptional Circumstances; Motion to Strike Bankruptcy Case and Annul the Automatic Stay Filed by Debtor (52)**

**b) Opposition and Counter-Motion for Order Confirming That No Stay is in Effect by One Rincon Development, LLC (62)**

**c) Joinder by Allen Claybaugh, Gary Krippendorf and Elayne Pace (67) - Lawrence Miller**

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

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

29

**Matter:** **Hearing re Objection to Confirmation of Plan Objection to Confirmation of Chapter 13 Plan Filed by Los Alamos National Bank (15) (fr 3/19)**

**Comment** **Tentative Ruling: If not resolved, matter will be set for briefing schedule and/or evidentiary hearing. Parties should confirm that only remaining issue is disposable income test.**

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10:00 AM **15-50448** Blanca Castaneda  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Garry D. Barbadillo  
**Opposing:** Anthony Palik

30

**Matter:** **a) Order to Show Cause re: Sanctions Against Edward R. Ramirez Jr. (22)**

**b) Response filed by Debtor's Former Counsel Edward Ramirez (25)**

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

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10:00 AM **15-50629** Jackelyn Alvarado  
Ch 7  
Trustee: Hjelmset  
**Moving:**  
**Opposing:**

31

**Matter:** **Order (1) Denying 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 (7)**

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

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10:00 AM **15-50778** Steven Thomas Sullivan  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Andy C. Warshaw  
**Opposing:**

32

**Matter:** **Motion to Value Real Property Located at 9050 Freeman Court, Gilroy, CA 95020-7226 and to Reclassify Second Priority Lien Claim held by The Bank of New York Mellon Filed by Debtor (6)**

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

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10:00 AM **15-50830** Laurie Lynne Felder  
Ch 13  
Trustee: Derham-Burk

**Moving:** Anthony Sales

**Opposing:**

**Matter:** a) **Order to Appear and Show Cause re Failure to file the application to pay the filing fee in installments (6)**

33

b) **Response by creditor Michael Foltz**

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

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10:05 AM **15-50251** Mark David Morton and  
Ch 13 Michelle Lin Morton  
Trustee: Derham-Burk

**Moving:** Jason Vogelpohl

**Opposing:**

**Matter:** a) **Motion to Vacate Dismissal Filed by Debtor (36)**

34

b) **Response by Trustee (41)**

**\*Order shortening time**

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

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**UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION**

**JUDGE JOHNSON – April 16, 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**:

- |   |                |
|---|----------------|
| 35. BARBARA & KELLY BULLARD<br>13-5-6563 SLJ                | ATTY – EVANS   |
| 36. NICHOLAS LUNARES<br>14-5-0008 SLJ                       | ATTY – BOONE   |
| 37. LORI MCKEOWN<br>14-5-0159 SLJ                           | ATTY – SANDHU  |
| 38. MARIO ANGUIANO<br>14-5-1352 SLJ                         | ATTY – KNOPF   |
| 39. MADHUSUDAN & AARTI DILAWARI<br>14-5-2787 SLJ            | ATTY – HENSHAW |
| 40. CARLOS VARGAS &<br>ALEJANDRA GUTIERREZ<br>14-5-3152 SLJ | ATTY - PHAN    |
| 41. AL SILVAS<br>14-5-4416 SLJ                              | ATTY – BOONE   |
| 42. JANET ESTES<br>15-5-0066 SLJ                            | ATTY – MORAN   |

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 – April 16, 2015 at 10:00 a.m.**

The following cases shall be **CONFIRMED**:

43. ETHAN RUSKIN  
15-5-0305 SLJ

ATTY – MOORE

44. MARIA FISCHER  
15-5-0461 SLJ

ATTY – ZLOTOFF

45. ANNELIESE COLOMA  
15-5-0474 SLJ

ATTY – SHULMAN

46. JOEBEL BELECINA  
15-5-0481 SLJ

ATTY – MOORE

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

**JUDGE JOHNSON – April 16, 2015 at 10:00 a.m.**

From: 341 MEETING OF CREDITORS, March 18, 23, 25 & 30, 2015

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

- |   |   |
|---|---|
| 47. FRANCISCO & MARINA ARIAS<br>15-5-0330 SLJ | ATTY – CENTRAL COAST BANKRUPTCY<br>OBJECTION BY – TRUSTEE |
| 48. KATHLEEN WESLEY<br>15-5-0361 SLJ          | ATTY – SCHEIN & CAI<br>OBJECTION BY – TRUSTEE             |
| 49. FRANK & TONIA MARTINEZ<br>15-5-0391 SLJ   | ATTY – PAUL<br>OBJECTION BY – TRUSTEE                     |
| 50. GUDELIA MAMARIL<br>15-5-0403 SLJ          | ATTY – BOONE<br>OBJECTION BY – TRUSTEE                    |
| 51. PURESА JACOBO<br>15-5-0442 SLJ            | ATTY – BOONE<br>OBJECTION BY – TRUSTEE                    |
| 52. CHRISTOPHER MANACAP<br>15-5-0445 SLJ      | ATTY – LUU<br>OBJECTION BY – TRUSTEE & WELLS<br>FARGO     |
| 53. CANDICE WALLACE<br>15-5-0470 SLJ          | ATTY – BOONE<br>OBJECTION BY – TRUSTEE                    |
| 54. DANIEL & TONI MURPHY<br>15-5-0471 SLJ     | ATTY – EVANS<br>OBJECTION BY – TRUSTEE                    |
| 55. HYON YUN<br>15-5-0480 SLJ                 | ATTY – MOORE<br>OBJECTION BY – TRUSTEE                    |

56. HENRY & SIBILINA BERDAN  
15-5-0491 SLJ

ATTY – BOONE  
OBJECTION BY – TRUSTEE & BANK OF  
AMERICA

57. HAROLD TIPPETT  
15-5-0496 SLJ

ATTY – MORAN  
OBJECTION BY – TRUSTEE

58. ISRAEL GOMEZ  
15-5-0507 SLJ

ATTY – FINANCIAL RELIEF  
OBJECTION BY - TRUSTEE