

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

**Honorable Stephen L. Johnson**

**Thursday, April 21, 2016**

*Current as of 4/19/2016 at 8:49 AM*

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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 **10-52527** Marsha Howard

Ch 13

Trustee: Derham-Burk

**Moving:** Cathleen Cooper Moran

**Opposing:** Peter J. Van Zandt

**Matter:** **a) Motion To Deem Mortgage Current Filed by Debtor (94) (fr 3/17)**

**b) Opposition by PNC Bank, N.A. (101)**

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

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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:** **Application for Compensation of Fees \$7,775.00 & Reimbursement of Expenses: \$19.71 Filed by Silveira Law Offices, Counsel for Debtor (56)**

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

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10:00 AM **11-54694**

Tina Christal

Ch 13

Trustee: Derham-Burk

**Moving:** Susan D. Silveira

**Opposing:**

**Matter:** **Application for Compensation of Fees: \$1,925.00 & Reimbursement of Expenses: \$24.79 Filed by Silveira Law Offices, Counsel for Debtor (37)**

**\*Trustee's Statement filed 4/18/16**

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

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10:00 AM **11-56190** Hector Badillo

Ch 13

Trustee: Derham-Burk

**Moving:** Jason Vogelpohl

**Opposing:** Dana M. Douglas

**Matter:** **a) Hearing re Debtor's Request For Entry Of Judgment Voiding Lien Of Satish Shetty, Successor In Interest To Jorge Rocha Filed by Debtor (118)**

**b) Opposition by Satish Shetty (129)**

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

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4

10:00 AM **11-61566** Anton Vassiliev

Ch 13

Trustee: Derham-Burk

**Moving:** Oxana Kozlov

**Opposing:**

**Matter:** **Motion to 1. Enforce the Terms of Stipulation with US Bank, N.A. as Trustee for Harbor View 2005-12 Trust; 2. For an Order Voiding the Lien and 3. Attorney's Fees of Oxana Kozlov Filed by Debtor (128)**

**Comment** **Tentative Ruling: Motion to enforce stipulation granted to extent creditor (not court) must release lien. The question of attorney's fees will be addressed at the hearing.**

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5

10:00 AM **14-51902** Byron Kay Wong

Ch 13

Trustee: Derham-Burk

**Moving:** Norma L. Hammes

**Opposing:**

**Matter:** **Motion for Order Allowing Sale of Real Property Filed by Debtor (32)**

**\*Statement of Non-Opposition filed by Trustee 4/8/16**

**Comment** **Tentative Ruling: No opposition filed. Granted.**

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6

10:00 AM **15-50778** Steven Thomas Sullivan

Ch 13

Trustee: Derham-Burk

**Moving:** Andy C. Warshaw

**Opposing:**

**Matter:** **a) Motion to Modify Plan Filed by Debtor (34)**

**b) First Amended Objection by Trustee (38)**

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

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7

10:00 AM **15-52684** Francisca Siggini-Bess  
Ch 13  
Trustee: Derham-Burk

**Moving:** Arasto Farsad

**Opposing:**

**Matter:** **Hearing RE Objection to Claim Number 4 of California Employment Development Department Filed by Debtor (36) (fr 3/17)**

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

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8

10:00 AM **15-52821** Felimon A Sangalang and  
Ch 13 Mercy Valerio Sangalang  
Trustee: Derham-Burk

**Moving:** Nanette Dumas

**Opposing:**

**Matter:** **a) Motion to Dismiss Case with a Bar to Re-filing Filed by Devin Derham-Burk (28) (fr 3/17)**

**b) Objection by Debtor (34)**

**Comment** **Tentative Ruling: Case will be dismissed on the Trustee's motion. Matter will be called for ruling.**

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9

10:00 AM **15-53453** David Allen Rego and  
Ch 13 Heather Ann Ferrick  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Scott J. Sagaria

**Matter:** **Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e) Filed by Devin Derham-Burk (20)**

**Comment** **Tentative Ruling: Due to lack of opposition and substantive merit of trustee's position, case will be dismissed under 109(e).**

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10

10:00 AM **15-53504** Tina Marie Jimenez  
Ch 13  
Trustee: Derham-Burk

**Moving:** James S.K. Shulman

**Opposing:** Halie Leonard

**Matter:** **a) Hearing re Objection to Confirmation of Plan Filed by Deutsche Bank National Trust Company (14) \*OBJECTION WITHDRAWN 4/13/16**

**b) Objection to Confirmation of Plan Filed by Bosco Credit, LLC (13)\*OBJECTION WITHDRAWN 3/24/16**

**Comment** **Tentative Ruling: Objections by Deutsche & Bosco w/drawn. If trustee has no pending objection, can plan be confirmed?**

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11

10:00 AM **15-53645** Rebecca Marie Vasquez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Matthew G. Grech

**Opposing:**

**Matter:** **Hearing re Objection to Claim No. 7-1 Joe M. Tamarit Filed by Debtor (40)**

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

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12

10:00 AM **15-53774** Angelo Gus Vossos  
Ch 13  
Trustee: Derham-Burk

**Moving:** James T. Cois

**Opposing:** Catherine Schlomann Robertson

**Matter:** **a) Motion to Sell (Business) Filed by Debtor (28) (fr 3/17)**

**b) Objection by Lighthouse Bank (35)**

**c) Opposition by Trustee (38)**

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

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13

10:00 AM **16-50011** Colette Choates  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Daymon Ferguson

**Matter:** **a) Supplemental Motion to Dismiss Case by Chapter 13 Trustee Pursuant to 11 U.S.C. Secs. 109(h), 521(b) and 1307(c), and Motion to Disgorge Fees Filed by Devin Derham-Burk (51)**

**b) Response by Debtor (53&59)**

**Comment** **Tentative Ruling: Case will be dismissed due to debtor's failure to obtain pre-petition credit counseling. § 109(h)(1).**

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14

10:00 AM **16-50121** Macario Franco Ortiz  
Ch 13  
Trustee: Derham-Burk

**Moving:** Paul Seabrook

**Opposing:**

**Matter:** **a) Motion For Order Imposing Sanctions, Costs and Attorney's Fees on Eva Martelle for Violations of the Automatic Stay Filed by Debtor (26)**

**b) Opposition by Eva Martelle (28)**

**Comment** **Tentative Ruling: Motion withdrawn 4/15/16**

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15

10:00 AM **16-50344** Ali Farakesh  
Ch 13  
Trustee: Derham-Burk

**Moving:** Arasto Farsad

**Opposing:**

**Matter:** **Motion to Vacate Order of Dismissal Filed by Debtor (22)**

**Comment** **Tentative Ruling: Motion will be granted.**

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16

10:00 AM **16-50730** Serafin Mendez Lopez and  
Ch 13 Maria Christina Lopez  
Trustee: Derham-Burk

**Moving:** David A. Boone

**Opposing:**

**Matter:** **Motion to Void & Strip Lien of Sheila Blecher Kuniyoshi Filed by Debtor (11)**

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

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17

**UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION**

**JUDGE JOHNSON, April 21, 2016 @ 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**:

- |  |                |
|--|----------------|
| 18. JASON CHAU<br>15-52534 SLJ                   | ATTY – BOONE   |
| 19. BRADLEY BROWN<br>15-52733 SLJ                | ATTY – HENSHAW |
| 20. CHESTER FROST & DAVID NORRIS<br>15-52999 SLJ | ATTY – MOORE   |
| 21. MICAH & TAI TURCK<br>16-50104 SLJ            | ATTY – MOORE   |
| 22. DANIEL & JENNIFER BOWMAN<br>16-50304 SLJ     | ATTY – MOORE   |
| 23. VIRGINIA BALINGIT<br>16-50421 SLJ            | ATTY – SAGARIA |

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

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

From: 341 MEETING OF CREDITORS, April 4, 2016

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

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|--|--|
| 24. FERNANDO HORTIA<br>16-50431 SLJ        | ATTY – BHATNAGAR<br>OBJECTION BY – TRUSTEE & WELLS<br>FARGO BANK           |
| 25. WILFREDO & MELY REYES<br>16-50443 SLJ  | ATTY – BOONE<br>OBJECTION BY – TRUSTEE                                     |
| 26. JOHN & TERESA WHARTON<br>16-50444 SLJ  | ATTY – JACKSON<br>OBJECTION BY – TRUSTEE, IRS &<br>BANK OF NEW YORK MELLON |
| 27. LORENZO VASQUEZ<br>16-50449 SLJ        | ATTY – SALES<br>OBJECTION BY – TRUSTEE & HSBC BANK                         |
| 28. JOANNE ROSSO<br>16-50451 SLJ           | ATTY – BOONE<br>OBJECTION BY – TRUSTEE & ROBERT BORELLO                    |
| 29. PAUL & OLWEN SKOGERSON<br>16-50464 SLJ | ATTY – BOONE<br>OBJECTION BY – TRUSTEE                                     |
| 30. MARC RAGONE<br>16-50468 SLJ            | ATTY – BOONE<br>OBJECTION BY - TRUSTEE                                     |
| 31. KIMBERLY DAVIS<br>16-50478 SLJ         | ATTY – PHAN LAW<br>OBJECTION BY – TRUSTEE                                  |