

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

Honorable Stephen L. Johnson

Thursday, June 16, 2016

Current as of 6/14/2016 at 2:14 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

280 S 1st Street

San Jose, CA 95113

10:00 AM **11-54766** Richard R. Lane

Ch 13

Trustee: Derham-Burk

Moving: Edward G. Schloss

Opposing: Stanley A. Zlotoff

Matter: [a\) Motion for Reconsideration of Order Sustaining Debtor's Objection to Claim #5 Filed by BAYVIEW LOAN SERVICING, LLC \(68\)](#)

[b\) Response by Debtor \(70\)](#)

Comment Tentative Ruling: This matter will be called

10:00 AM **11-56092** Kourosch Nosrati

Ch 13

Trustee: Derham-Burk

Moving: Gary Paul

Opposing:

Matter: [a\) Amended Motion to Modify Plan Filed by Debtor \(90\)](#)

[b\) Objection by Trustee \(92\)](#)

Comment *Off calendar - Notice of Hearing withdrawn 6/8/16

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

Ch 13

Trustee: Derham-Burk

Moving: Jason Vogelpohl

Opposing: Dana M. Douglas

Matter: [a\) Motion to Avoid Lien of Satish Shetty, Successor-in-interest To Jorge Rocha And Value Collateral Filed by Debtor \(118\)](#)

[b\) Opposition by Satish Shetty \(140\)](#)

[c\) Opposition by Satish Shetty \(142\)](#)

Comment Tentative Ruling: This matter will be called to set evidentiary hearing. The parties should have availability of counsel and appraisers for trial setting.

10:00 AM **13-53943** Vianey Villegas
Ch 13
Trustee: Derham-Burk

Moving: Nina C. Decker

Opposing:

Matter: **Supplemental Application for Compensation of Fees: \$13,300.00 & Reimbursement of Expenses: \$494.86 Filed by The Mlnarik Law Group, Inc., Attorneys for Debtor (50)**

***Statement by Trustee Filed 6/3/16**

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

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

Moving: Nanette Dumas

Opposing:

Matter: **Motion to Hold Debtor's Counsel in Contempt of Court Filed by Devin Derham-Burk (45)**

Comment **Tentative Ruling: Motion is unopposed and will be granted under § 105 and court's inherent authority to hold party in contempt.**

10:00 AM **15-50496** Harold R. Tippet
Ch 13
Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing: Cassandra J. Richey

Matter: **Hearing re Objection to Claim #1 of Wilimington Trust, N.A. (71)**

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

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

Moving: Dolores Yee

Opposing:

Matter: **a) Final Application for Compensation of Fees: \$58,763.50 & Reimbursement of Expenses: \$1,074.27 Filed by The Mlnarik Law Group, Inc., Former Attorneys for Debtor (76)**

b) Objection by Debtor (93)

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

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10:00 AM **15-51962** Lisa M. Provenzano
Ch 13
Trustee: Derham-Burk
Moving: Brian H. Tran
Opposing: Cathleen Cooper Moran

Matter: **Hearing re Objection to Confirmation of Plan Filed by U.S. Bank N.A. (33)**

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

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10:00 AM **15-53866** Manuel De Jesus Garcia
Ch 13
Trustee: Derham-Burk
Moving: Sidney C. Flores
Opposing: Henry D. Paloci III

Matter: **a) Motion For Valuation of Residence and Avoidance of Junior Lien with Trinity Financial Services, LLC Filed by Debtor (17) (fr 5/19)**

b) Opposition by Trinity Financial Services LLC (20)

Comment **Tentative Ruling: Unless the parties resolved this matter, the court will set evidentiary hearing re valuation. Parties should have availability dates for counsel and expert witnesses at the hearing.**

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10:00 AM **16-50404** Romeo Mallari
Ch 13
Trustee: Derham-Burk
Moving: Devin L. Pace
Opposing: Paul Seabrook

Matter: **a) Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e) Filed by Devin Derham-Burk (25)**

b) Opposition by Debtor (30)

***Off calendar, case Dismissed 6/8/16**

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10:00 AM **16-50431** Fernando Hortia
Ch 13
Trustee: Derham-Burk
Moving: Devin L. Pace
Opposing: Nikhil Bhatnagar

Matter: **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 Pursuant to 11 U.S.C. ?1§105 and 329(b) Filed by Devin Derham-Burk (17)**

Comment **Tentative Ruling: Motion is unopposed, appears proper and legally supported, and will be granted.**

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10:00 AM **16-50528** Shannon A. McFarland
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Matter: a) **Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e), and Motion to Disgorge Fees Pursuant to 11 U.S.C. §§105 and 329(b) Filed by Devin Derham-Burk (23)**

b) **Opposition to Disgorement of Fees Filed by Michael Mehr (26)**

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

12

10:00 AM **16-51469** Kris Sam Zankich, III
Ch 13
Trustee: Derham-Burk

Moving: Marc Voisenat

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 sShould Not be Dismissed with Prejudice (12)**

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

13

10:00 AM **15-53054** Carmen Salazar
Ch 13
Trustee: Derham-Burk

Moving: Marc Voisenat

Opposing:

Matter: **Motion for Order Authorizing the Sale of 695 So. Knickerbocker Drive, Unit #24, Sunnyvale, CA 94087 Filed by Debtor (75)**

***Order shortening time**

Comment **Tentative Ruling: Unless there is opposition at the hearing, the motion will be granted.**

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UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON, June 16, 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**:

- | | |
|---|-----------------------------|
| 15. LORNITA SAGAYSAY 15-52951 SLJ | ATTY – PHAN LAW |
| 16. YUAN YUAN 15-53082 SLJ | ATTY – RENDLER |
| 17. PEDRO & NICOLE IBARRA 15-53348 SLJ | ATTY – SANDRI & KENDEL |
| 18. JOSE & GLADYS MERIDA 15-53542 SLJ | ATTY – NICHANI |
| 19. JACQUELYN HERNANDEZ 15-53688 SLJ | ATTY – GOLD & HAMMES |
| 20. MARGIREY EVANGELISTA 16-50081 SLJ | ATTY – MLNARIK LAW |
| 21. GUADALUPE CORREA 16-50271 SLJ | ATTY – DOUGHERTY & GUENTHER |
| 22. ROGELIO VILLA JR & ELIANA REYNAGA 16-50955 SLJ | ATTY – MOORE |
| 23. ROSIE MIRABAL 16-50957 SLJ | ATTY – MOORE |

**INITIAL CONFIRMATION CALENDAR FOR CASES
WITH OUTSTANDING OBJECTIONS**

JUDGE JOHNSON, June 16, 2016 at 10:00 a.m.

From: 341 Meetings of Creditors, June 1 & 3, 2016

TO BE PLACED ON TRUSTEE'S PENDING LIST:

- | | |
|---|---|
| 24. SERGIO CABRERA 16-51079 SLJ | ATTY – BHATNAGAR OBJECTION BY – TRUSTEE |
| 25. HAROLD & THERESA GUIVER 16-51083 SLJ | ATTY – BOONE OBJECTION BY – TRUSTEE |
| 26. NATHAN ANTOINE 16-51089 SLJ | ATTY – BOONE OBJECTION BY – TRUSTEE |
| 27. ZOUHAIR DAIF 16-51118 SLJ | ATTY – LIPTON OBJECTION BY – TRUSTEE ***ADDL PROVISIONS IN PLAN*** |
| 28. HAILE OGBAZGHI 16-51119 SLJ | ATTY – SEABROOK OBJECTION BY – TRUSTEE ***ADDL PROVISIONS IN PLAN*** |
| 29. GLENDA GARLEJO 16-51121 SLJ | ATTY – LUU OBJECTION BY – TRUSTEE |
| 30. MARTIN MEDINA 16-51128 SLJ | ATTY – CENTRAL COAST OBJECTION BY – TRUSTEE ***ADDL PROVISIONS PLAN*** |
| 31. JUAN MEDEROS 16-51216 SLJ | ATTY – BHATNAGAR OBJECTION BY – TRUSTEE |

**INITIAL CONFIRMATION CALENDAR FOR CASES
WITH NO OBJECTIONS FILED BUT PLAN CONTAINS ADDITIONAL PROVISIONS**

JUDGE JOHNSON, June 16, 2016 at 10:00 a.m.

From: 341 Meetings of Creditors, June 1 & 3, 2016

TO BE PLACED ON TRUSTEE'S PENDING LIST:

32. WALTER & MARIA CARBAUGH
16-51124 SLJ

ATTY – GOLD & HAMMES

33. CARIN LEVINE
16-51126 SLJ

ATTY – SHULMAN