

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

Honorable Stephen L. Johnson

Tuesday, October 13, 2015

Current as of 9/30/2015 at 10:33 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

10:00 AM **15-50280** Carlos Orellana

Ch 7

Trustee: Bowyer

Moving: Jennifer C. Wong

Opposing:

Debtor or Plaintiff Attorney: Edward R. Ramirez

Matter: **Motion for Relief from Stay RS #JCW-10241, Filed by PNC Bank, N.A. (45)**

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DISCHARGE 5/12/15

10:00 AM **15-52907** William F. Anderson

Ch 7

Trustee: Bowyer

Moving: Christina J. O

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: **Motion for Relief from Stay RS #CJO-540, Filed by Federal National Mortgage Association (12)**

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**U.S. BANKRUPTCY COURT
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Tuesday, October 13, 2015

Current as of 9/30/2015 at 10:33 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

10:30 AM **11-50149** Mark Steven McConville and
Ch 13 Teresa Jane McConville
Trustee: Derham-Burk

Moving: Halie Leonard

Opposing:

Debtor or Plaintiff Attorney: Robert L. Goldstein

Matter: [Motion for Relief from Stay RS #LSR-1020, Filed by U.S. Bank, N.A. \(125\)](#)

1

10:30 AM **11-50986** Steven Donald Bowman and
Ch 13 Uzma Ghani
Trustee: Derham-Burk

Moving: Parada K. Ornelas

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: [Restored Motion for Relief from Stay RS #PK-853, Filed by Deutsche Bank National Trust Company \(62\)](#)

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10:30 AM **11-56094** Tyler E. Smith and
Ch 13 Maria L. Smith
Trustee: Derham-Burk

Moving: Megan E. Lees

Opposing:

Debtor or Plaintiff Attorney: Saman Taherian

Matter: [Motion for Relief from Stay RS #MEL-018, Filed by Wilmington Savings Fund Society, FSB \(52\)](#)

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***Stipulation for AP fld 9/23 - need order?**

Comment (fr 8/18)

10:30 AM **11-59988** Ralph Theodule and
Ch 13 Deborah L. Theodule
Trustee: Derham-Burk

Moving: Megan E. Lees

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

Matter: **a) Motion for Relief from Stay RS #ALG - 156, Filed by WILMINGTON SAVINGS FUND SOCIETY, FSB (72)**

b) Opposition by Debtor (77)

Comment (fr 9/1)

10:30 AM **12-54558** German Magadia
Ch 13
Trustee: Derham-Burk

Moving: Megan E. Lees

Opposing:

Debtor or Plaintiff Attorney: David Anh Trinh

Matter: **Motion for Relief from Stay RS #MEL-23, Filed by WILMINGTON SAVINGS FUND SOCIETY, FSB, (43)**

10:30 AM **12-58144** Francisco Lara
Ch 13
Trustee: Derham-Burk

Moving: Mark D. Estle

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

Matter: **Motion for Relief from Stay RS #MDE-1550 & from Co-Debtor Stay fld by U.S. BANK N.A. (53)**

Comment (fr 7/21, 8/18)

10:30 AM **13-51539** Agnieszka Teresa Poplawska
Ch 13
Trustee: Derham-Burk

Moving: Asya Landa

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

Matter: **Motion for Relief from Stay and Co-Debtor Stay RS #LSR-1007 Filed by HSBC Bank USA, N.A. (32)**

Comment (fr 9/15)

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10:30 AM **13-53677** Robin Evan Fladeboe and
Ch 13 Linda Ruth Prosser
Trustee: Derham-Burk

Moving: Arnold L. Graff

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **a) Motion for Relief from Stay RS #MEL-016, Filed by U.S. Bank N.A. (51)**

b) Opposition by Debtor (53)

Comment (fr 7/21, 8/11)

10:30 AM **13-54260** Jason A. Bass and
Ch 13 Allison E. Bass
Trustee: Derham-Burk

Moving: John C. Clark

Opposing:

Debtor or Plaintiff Attorney: James S.K. Shulman

Matter: **Motion for Relief from Automatic Stay, Nunc Pro Tunc RS #15-013, Filed by Linda Jones (19)**

10:30 AM **13-56191** Ana S. Casillas
Ch 13
Trustee: Derham-Burk

Moving: Michelle R. Ghidotti-Gonsalves

Opposing:

Debtor or Plaintiff Attorney: Michael K. Mehr

Matter: **Motion for Relief from Stay RS #MRG-1, Filed by Wilmington Savings Fund Society, FSB (46)**

Comment (fr 9/15)

10:30 AM **14-50450** Milisa J. Mendoza and
Ch 13 Esteban V. Mendoza
Trustee: Derham-Burk

Moving: Katherine Gates Heidbrink

Opposing:

Debtor or Plaintiff Attorney: James S.K. Shulman

Matter: **Motion for Relief from Stay (Personal Property) re: 2008 Toyota Rav4 Filed by Consumer Portfolio Services, Inc. (31)**

10:30 AM **14-54439** Hector B. Ibarra and
Ch 13 Nereida Diaz Ibarra
Trustee: Derham-Burk

Moving: Jennifer C. Wong

Opposing:

Debtor or Plaintiff Attorney: Marc Voisenat

Matter: **Motion for Relief from Stay RS #JCW-10163, Filed by U.S. Bank N.A. (71)**

10:30 AM **15-50319** Ben Behzad Parvizi and
Ch 13 Shahla Moshrefnoory
Trustee: Derham-Burk

Moving: Megan E. Lees

Opposing:

Debtor or Plaintiff Attorney: John Iaccarino

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Matter: **Motion for Relief from Stay RS #MEL-024, Filed by GMAT Legal Title Trust 2014-1, U.S. Bank, N.A. (46)**

10:30 AM **15-52662** Theresa Lee Garza
Ch 13
Trustee: Derham-Burk

Moving: Mark S. Blackman

Opposing:

Debtor or Plaintiff Attorney: Stanley A. Zlotoff

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Matter: **Motion for Relief from Stay RS #ABG-107, Filed by Kinecta Federal Credit Union (10)**

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

**Honorable Stephen L. Johnson
Wednesday, October 14, 2015**

Current as of 9/25/2015 at 5:11 PM

San Jose Courtroom 3099

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

9:00 AM **15-50448** Blanca Castaneda
Ch 13
Trustee: Derham-Burk

Moving: Anthony Palik

Opposing:

Matter: **Trial**

a) Order to Show Cause re: Sanctions Against Edward R. Ramirez Jr. (22)(fr 4/16)

b) Response filed by Debtor's Former Counsel Edward Ramirez (25) - Anthony Palik

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

**Honorable Stephen L. Johnson
Thursday, October 15, 2015**

Current as of 10/14/2015 at 8:46 AM

San Jose Courtroom 3099

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

10:00 AM **09-60405** Stephen Allen Seidlinger and
Ch 13 Victoria Nolan
Trustee: Derham-Burk

Moving: Brian M. Kandel

Opposing:

Debtor or Plaintiff Attorney: Brian M. Kandel

Matter: **Ex Parte Motion For Order (1) Directing Chapter 13 Trustee To Cease Payment On Proof Of Claim 27-1; (2) Authorizing Debtors To Obtain Their Debtor Education Certificate; And (3) Allowing Debtors To Complete Chapter 13 Plan And Vacating Conditional Order Of Dismissal Entered On September 11, 2015 Filed by Victoria Nolan (91)**

***Order setting hearing**

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

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

Moving: Susan D. Silveira

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

Matter: **Hearing re: Objection to Claim #4, Bank of America, N.A. for The Bank of New York Mellon with Notice of Opportunity for Hearing and Certificate of Service Filed by Audrey DeMario (32)**

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

10:00 AM **10-62300** Richard Arthur Bilodeau and
Ch 13 Wendy Lynn Bilodeau
Trustee: Derham-Burk

Moving: Henry G. Rendler

Opposing:

Debtor or Plaintiff Attorney: Henry G. Rendler

Matter: **Supplemental Application for Compensation of Fees: \$7,665.00 & Reimbursement of Expenses: \$485.54 Filed by Henry Rendler, Counsel for Debtor (66)**

Comment **Tentative Ruling: Fees approved per 11 USC § 330(a)(4)(B).**

10:00 AM **11-59558** Patrick J Gunning and
Ch 13 Myrtle M. Gunning
Trustee: Derham-Burk

Moving: Mufthiha Sabaratnam

Opposing:

Debtor or Plaintiff Attorney: Michael D. Lee

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Matter: **a) Motion to Sell Real Property Located at 327 Pennsylvania Ave., Los Gatos, CA 95030 Filed by Debtor (65)**

b) Conditional Non-Opposition filed by US Bank (67)

c) Objection filed by Chapter 13 Trustee (68)

OFF CALENDAR- MOTION WITHDRAWN 10/6/15

Comment **Tentative Ruling: This matter is off calendar. Motion withdrawn on 10/6.**

10:00 AM **11-59988** Ralph Theodule and
Ch 13 Deborah L. Theodule
Trustee: Derham-Burk

Moving: Susan D. Silveira

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

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Matter: **Application for Compensation of Fees: \$13,175.00 & Reimbursement of Expenses: \$91.38 Filed by Silveira Law Offices, Counsel for Debtor (80)**

Comment **Tentative Ruling: Approved per 11 USC § 330(a)(4)(B).**

10:00 AM **13-54775** Collie C. Turner
Ch 13
Trustee: Derham-Burk

Moving: Lars T. Fuller

Opposing:

Debtor or Plaintiff Attorney: Lars T. Fuller

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Matter: **a) Application for Compensation of Fees: \$10,906.00 & Reimbursement of Expenses: \$0.00 Filed by The Fuller Law Firm, PC, Counsel for Debtor (47)**

b) Conditional Objection filed by Creditor Janet Syphers (49)

Comment **Tentative Ruling: Fees allowed per 11 USC § 330(a)(4)(B). Objection to fees overruled because trustee has duty to follow § 507(a) priority scheme.**

10:00 AM **13-55962** Travis Warren Payton
Ch 13
Trustee: Derham-Burk

Moving: Megan E. Lees
Opposing: Brette L. Evans
Debtor or Plaintiff Attorney: Brette L. Evans

Matter: **a) Hearing re Objection to Claim # 11-1 of U.S. Bank N.A. (41) (fr 8/20)**

b) Opposition filed by US Bank (44)

Comment **Tentative Ruling: Matter was continued for resolution from last calendar. If not resolved, will be set for evidentiary hearing.**

10:00 AM **14-50507** Leslie Vasquez
Ch 13
Trustee: Derham-Burk

Moving: Cathleen Cooper Moran
Opposing:
Debtor or Plaintiff Attorney: Cathleen Cooper Moran

Matter: **Application for Compensation of Fees: \$5,001.25 & Reimbursement of Expenses: \$866.58 Filed by Moran Law Group, Inc., Counsel for Debtor (68)**

Comment **Tentative Ruling: Compensation authorized under 11 USC § 330(a)(4)(B).**

10:00 AM **14-51746** Enrique Rios and
Ch 13 Ide Rios
Trustee: Derham-Burk

Moving: Jane Z. Bohrer
Opposing: Ralph P. Guenther
Debtor or Plaintiff Attorney: Ralph P. Guenther

Matter: **a) Motion to Modify Debtors' Chapter 13 Plan Filed by Devin Derham-Burk (35)**
***OFF CALENDAR- MOTION WITHDRAWN 10/1/15**

b) Motion to Modify Plan Filed by Debtor (29)

c) Amended Objection by Trustee (33)
***OBJECTION WITHDRAWN 10/1/15**

Comment **Tentative Ruling: Trustee withdrew her motion pre-hearing. Trustee also withdrew her objection to debtor's motion to modify, which will be granted if no opposition.**

10:00 AM **14-51779** John Lee Nabarrette and
Ch 13 Amparo P. Nabarrette
Trustee: Derham-Burk

Moving: Frank J. Alvarado
Opposing:
Debtor or Plaintiff Attorney: Frank J. Alvarado

Matter: **a) MOTION TO VACATE ORDER DISMISSING CASE Filed by Debtor (40)**

b) Response filed by Ch 13 Trustee (42)

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

10:00 AM **14-54151** Mehrangiz Ghahremanizadeh
Ch 13
Trustee: Derham-Burk

Moving: Lars T. Fuller

Opposing:

Debtor or Plaintiff Attorney: Lars T. Fuller

Matter: **Motion For Contempt and for Declaratory Relief Against PennyMac Loan Services, LC Filed by Debtor (25)**

Comment **Tentative Ruling: Motion is uncontested. Matter will be called.**

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10:00 AM **14-54844** Daneanne Vicki Leisinger
Ch 13
Trustee: Derham-Burk

Moving: Scott J. Sagaria

Opposing:

Debtor or Plaintiff Attorney: Scott J. Sagaria

Matter: **a) Motion for Order to Show Cause RE: Violation of the Automatic Stay Filed by Debtor (35)**

**b) Opposition filed by El Camino Hospital (39)
Atty for Creditor- Amanda Griffith (916) 283-8820**

Comment **Tentative Ruling: Motion is for an OSC re contempt. Assuming parties consent, court will treat as a motion for contempt and set trial and briefing schedule.**

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10:00 AM **15-50808** Maria Teresa Moll Pimentel
Ch 13
Trustee: Derham-Burk

Moving: Sandi Meneely Colabianchi

Opposing:

Debtor or Plaintiff Attorney: Eddy Hsu

Matter: **a) First & Final Application for Compensation of Fees: \$1,323.00 & Reimbursement of Expenses: \$0.00 Filed by Gordon & Rees LLP, Counsel to Former Trustee (43) (fr 9/17)**

b) Application for Compensation of Administrative Fees: \$2,587.50 & Reimbursement of Expenses: \$0.00 Filed by Doris Kaelin, Former Trustee (42) (fr 9/17)

Comment **Tentative Ruling: Granted, consistent with In re Hages, 252 BR 789.**

13

10:00 AM **15-52804** To-Quyen Thi Nguyen
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

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 Should Not be Dismissed With Prejudice (12)**

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

14

10:00 AM **15-52827**

Ch 13

Trustee: Derham-Burk

Patrick John Carnesecca and

Sherri Boltz Carnesecca

Moving: David A. Boone

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

Matter: **Motion to Void & Strip Lien of Green Tree Servicing LLC/GE Money Bank Filed by Debtor (13)**

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

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Courtroom: 3099

Courtroom Deputy: Anna Rosales

Court Recorder: Kristine Du

Law Clerk: Laurent Chen

**SEE ATTACHED CHAPTER 13
UNCONTESTED/CONTESTED
CONFIRMATION**

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 –October 15, 2015 at 10:00 a.m.

The following cases shall be **CONFIRMED**:

- | | |
|--|-----------------|
| 21. ANTHONY ROMERO
15-5-2579 SLJ | ATTY – MOORE |
| 22. JOHN & KATHERINE CROW
15-5-2584 SLJ | ATTY – MAYDANIK |
| 23. DAVID WATERS
15-5-2630 SLJ | ATTY – FULLER |
| 24. KAIF MIR
15-5-2641 SLJ | ATTY – MOORE |

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

JUDGE JOHNSON – October 15, 2015 at 10:00 a.m.

From: 341 MEETING OF CREDITORS, September 28; 2015

TO BE PLACED ON TRUSTEE’S PENDING LIST:

- | | |
|--|--|
| 25. PETER & JULIE DURAN
15-5-2592 SLJ | ATTY – BOONE
OBJECTION BY – TRUSTEE |
| 26. DARLENE GATTS
15-5-2603 SLJ | ATTY – BROOKS
OBJECTION BY – TRUSTEE |
| 27. JOHNSON AREMU
15-5-2611 SLJ | ATTY – EVANS
OBJECTION BY – TRUSTEE |
| 28. CHARLLY SUNG
15-5-2612 SLJ | ATTY – CENTRAL COAST
OBJECTION BY – TRUSTEE |
| 29. ARTURO ANDRADE &
ELISA MELGAREJO
15-5-2620 SLJ | ATTY – BOONE
OBJECTION BY - TRUSTEE |

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

Honorable Stephen L. Johnson

Thursday, October 15, 2015

Current as of 10/14/2015 at 8:49 AM

San Jose Courtroom 3099

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

11:30 AM **14-54340** Hee Jung Kim

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Leela Menon

Debtor or Plaintiff Attorney: Leela Menon

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (36)**

b) Opposition by Debtor (38)

Comment **Tentative Ruling: Trustee's objections are substantive and pending since 12/2014. 60 days to confirm or case will be dismissed.**

11:30 AM **15-50014** Ismael Parra, Sr and

Ch 13

Maryellen Parra

Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (35)**

b) Opposition filed by Debtors (37)

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

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11:30 AM **15-50025** Jason A Kahl and
Ch 13 Mandi L Kahl
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Michael H. Luu

Debtor or Plaintiff Attorney: Michael H. Luu

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Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (32)**

b) Opposition by Debtor (34)

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

11:30 AM **15-50033** Charles David Bautista and
Ch 13 Salve B Bautista
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Michael H. Luu

Debtor or Plaintiff Attorney: Michael H. Luu

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

b) Opposition by Debtor (26)

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

11:30 AM **15-50048** Michael Patrick Campbell and
Ch 13 Claudine Sarkis-Campbell
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Robert L. Goldstein

Debtor or Plaintiff Attorney: Robert L. Goldstein

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

b) Opposition by Debtor (58)

OFF CALENDAR- MOTION WITHDRAWN 10/9/15

11:30 AM **15-50167** Arthur L. Pritchard
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Michael W. Malter

Debtor or Plaintiff Attorney: Vinod Nichani

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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) Opposition by Debtor (42)

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

11:30 AM **15-50182** James Lee Kammerer and
Ch 13 Jaqueline Kammerer
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: David A. Boone

Debtor or Plaintiff Attorney: David A. Boone

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

b) Opposition by Debtor (34)

Comment **Tentative Ruling: Dismiss case. Response indicates a plan will be filed but none has been filed. Missing tax returns are still not complete. Case is not near confirmation despite 10 months since filing date.**

11:30 AM **15-50319** Ben Behzad Parvizi and
Ch 13 Shahla Moshrefnoory
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: John Iaccarino

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Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (43)**

b) Response filed by Debtors (48)

Comment **Tentative Ruling: Dismiss. Proposed plan is not confirmable. Debtors cannot fully service the secured debt and no sale has occurred despite passage of nearly 10 months since filing date.**

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

Honorable Stephen L. Johnson

Thursday, October 15, 2015

Current as of 10/13/2015 at 3:18 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

2:30 PM **15-50553** AQH, LLC
Ch 11

Moving: Reno F.R. Fernandez

Opposing:

Debtor or Plaintiff Attorney: Reno F.R. Fernandez

Matter: **Motion to Borrow , in addition to Motion to Approve Use of Space for Third-Party Hosing, and Resale Contract Filed by AQH, LLC (126)**

***Shorten Time**

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