

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

Honorable Stephen L. Johnson

Thursday, October 20, 2016

Current as of 10/19/2016 at 11:20 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

11:30 AM **15-53948** Myriam Lonaker

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Lars T. Fuller

Debtor or Plaintiff Attorney: Lars T. Fuller

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

b) Opposition filed by Debtor (54)

Comment **Tentative Ruling: Will be continued to November 2016 calendar to determine outcome of case management conference in AP 16-5014.**

11:30 AM **16-50036** Christopher David Huber

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Brette L. Evans

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (41)**

b) Opposition by Debtor (47)

Comment **Tentative Ruling: Based on review for contested confirmation, case appears close to confirmation. Court will allow 90 days to confirm a plan.**

11:30 AM **16-50046** Gerard Philip Siersema
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Michael K. Mehr
Debtor or Plaintiff Attorney: Michael K. Mehr

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (38)**

b) Objection by Debtor (40)

Comment **Tentative Ruling: In view of the trustee's 10/17/2016 amended objection, the Court will allow 60 days to confirm a plan. If not confirmed, case will be dismissed.**

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11:30 AM **16-50078** Felix Alberto Serna
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Michael H. Luu
Debtor or Plaintiff Attorney: Michael H. Luu

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

b) Opposition by Debtor (22)

Comment **Tentative Ruling: Court will allow 60 days to confirm a plan. If not confirmed, case will be dismissed.**

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11:30 AM **16-50171** Chris Garcia and
Ch 13 Ana Marie Garcia
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Jason Vogelpohl
Debtor or Plaintiff Attorney: Jason Vogelpohl

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (41)**

b) Opposition by Debtor (44)

Comment **Tentative Ruling: Court will allow 60 days to confirm a plan. If not confirmed, case will be dismissed. However, if debtors are not current on their plan payments, case will be dismissed at the hearing.**

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11:30 AM **16-50257** John B. Fogolin and
Ch 13 Mary F. Fogolin
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Scott J. Sagaria

Debtor or Plaintiff Attorney: Scott J. Sagaria

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Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (31)**

b) Opposition by Debtor (33)

Comment **Tentative Ruling: Off calendar. Trustee's objection to confirmation was withdrawn on 10/18/2016.**

11:30 AM **16-50302** Ernest Ybarra Batrez, Jr. and
Ch 13 Adrienne Michelle Gomez-Batrez
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: W. Kirk Moore

Debtor or Plaintiff Attorney: W. Kirk Moore

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

b) Opposition by Debtor (27)

Comment **Tentative Ruling: Court will allow 60 days to confirm a plan. If not confirmed, case will be dismissed.**

11:30 AM **16-50303** Lynn Mary Midkiff
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: W. Kirk Moore

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

b) Opposition by Debtor (32)

Comment **Tentative Ruling: Off calendar. Motion to dismiss w/drawn on 10/18/2016.**
