

**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 11:14 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

10:00 AM **11-52568** Mia Chung

Ch 13

Trustee: Derham-Burk

Moving: Stanley A. Zlotoff

Opposing: Bonni S. Mantovani

Matter: [Hearing re Objection to Claim #4-2, Capital One, N.A. Filed by Debtor \(46\)](#)

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

1

10:00 AM **11-56093** Kelly J. Wise

Ch 13

Trustee: Derham-Burk

Moving: Jane Z. Bohrer

Opposing: Michael K. Mehr

Matter: [a\) Motion to Clarify Notice of Final Cure and to Determine Amount Owed and Paid to Secured Creditor Under Debtor's Plan Filed by Devin Derham-Burk \(105\)](#)

[b\) Response filed by Deutsche Bank \(107\)](#)

Comment **Tentative Ruling:** Motion will be denied. The creditor's 3002.1 notice appears correct (as adj by trustee). Debtor has not paid arrears due on mortgage. Rule 3002.1 does not authorize an order approving trustee's payments.

2

10:00 AM **11-59814** Barry Alan Adams and

Ch 13

Cindy Leigh Adams

Trustee: Derham-Burk

Moving: Henry G. Rendler

Opposing:

Matter: [a\) Supplemental Application for Compensation of Fees: \\$2,695.00 Filed by Henry Rendler, Counsel for Debtor \(65\)](#)

[b\) Statement filed by Trustee \(69\)](#)

Comment **Tentative Ruling:** Fees will be allowed under § 330(a)(4)(B). Trustee to administer funds per her objection.

3

10:00 AM **13-50520** Koorosh Nehchiri and
Ch 13 Rania Manawel-Khoury Nehchiri
Trustee: Derham-Burk
Moving: Raeon Roulston
Opposing:

Matter: a) **Motion for Hardship Discharge Pursuant to 11 U.S.C. 1328(b) Filed by Debtor (59)**

b) **Opposition by Trustee (64)**

Comment Tentative Ruling: Off calendar, motion withdrawn 10/17/16

4

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

Moving: Brette L. Evans
Opposing:

Matter: **Motion for Order Allowing Sale of Residential Real Property Pursuant to 11 U.S.C. §363(b) Filed by Debtor (147)**

*Statement of Non-Opposition fld by Trustee 9/26/16

**Conditional Non-Opposition fld by U.S. Bank 10/13/16

Comment Tentative Ruling: Motion will be granted. Commission and referral fee to be limited to \$30,000 in total.

5

10:00 AM **15-50221** Johnny Larry Lonardo and
Ch 13 Tanya Lisa Lonardo
Trustee: Derham-Burk

Moving: Brette L. Evans
Opposing:

Matter: a) **Second Amended Motion to Modify Plan Filed by Debtor (66)**

b) **Objection by Trustee (68)**

Comment Tentative Ruling: Matter will be called.

6

10:00 AM **15-53519** Nancy Velazquez
Ch 13
Trustee: Derham-Burk

Moving: Lars T. Fuller
Opposing:

Matter: **Hearing re Objection to Confirmation of Chapter 13 Plan Filed by Pinnacle Bank (32) (fr 9/15)**

Comment Tentative Ruling: If Bank does not appear through counsel, the objection will be stricken.

7

10:00 AM **15-53600** Dan Charles Dunn
Ch 13
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: [Hearing re Third Amended Objection to Confirmation of Chapter 13 Plan Filed by Derham-Burk, Devin \(61\)](#)

Comment **Tentative Ruling:** Matter will be continued because Trustee filed 3d amended obj on 10/3/2016.

8

10:00 AM **16-50036** Christopher David Huber
Ch 13
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: [Hearing re Fourth Amended Objection to Confirmation of Chapter 13 Plan Filed by Derham-Burk, Devin \(50\)](#)

Comment **Tentative Ruling:** This matter would be resolved by filing of 3d amended plan (per 10/3/2016 statement by debtor's counsel). If filed, would this plan resolve trustee's objection?

9

10:00 AM **16-50629** Muzyen M Abdulkadir
Ch 13
Trustee: Derham-Burk

Moving: Nima Stephen Vokshori

Opposing: Nancy Weng

Matter: [a\) Application for Compensation of Fees: \\$4,600.00 Filed by Vokshori Law Group, Former Counsel of Debtor \(50\) \(fr 9/15\)](#)

[b\) Opposition by Debtor \(55\)](#)

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

10

10:00 AM **16-50863** Robert Carbajal Lopez and
Ch 13 Mafi Halaapiapi Lopez
Trustee: Derham-Burk

Moving: Breck E. Milde

Opposing: Stanley A. Zlotoff

Matter: [a\) Hearing re Objection to Confirmation of Plan Filed by Huamin Zhang and William Chang \(13\) \(fr 9/15\)](#)

[b\) Hearing re First Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk \(40\)](#)

Comment **Tentative Ruling:** item (a) withdrawn. Item (b) will be called to set briefing schedule as the parties did not state what are the add'l provisions and whether they comply with Code.

11

10:00 AM **16-51244** Jacinto Llanto Gonzales and
Ch 13 Renee Ouano Gonzales
Trustee: Derham-Burk

Moving: Paul Seabrook

Opposing: Erica Loftis

Matter: **a) Motion to VALUE COLLATERAL UNDER 11 USC §506(a)(1) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 3012 AND TO AVOID LIEN OF CREDITOR U.S. BANK ON REAL PROPERTY UNDER §1322(b)(2) Filed by Debtor (18)**

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b) Opposition filed by US Bank NA (22)

Comment **Tentative Ruling: Unless matter is resolved, court will set evidentiary hearing re valuation dispute. Parties should have availability of counsel and witnesses for trial setting.**

10:00 AM **16-51333** Jayesh Dinesh Patel

Ch 13

Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: Brette L. Evans

Matter: **Motion to Dismiss Case Pursuant to 11 U.S.C. section 109(e) Filed by Devin Derham-Burk (29)**

13

Comment **Tentative Ruling: Debtor is over secured debt limit per Sch D. No opposition filed. Motion is granted.**

10:00 AM **16-51346** Patrick Calhoun

Ch 13

Trustee: Derham-Burk

Moving: David A. Boone

Opposing: Iris Kwon

Matter: **Hearing re Objection to Confirmation of Plan Filed by Wells Fargo bank, N.A. (19)**

14

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

10:00 AM **16-51709** Idalia Guzman Torres

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Matter: **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Secs. 109(h), 521(b) and 1307(c) Filed by Devin Derham-Burk (21)**

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Comment **Tentative Ruling: No opposition filed. Debtor completed credit counseling 4 days after petition date and did not qualify for temporary waiver. Motion is granted.**

10:00 AM **16-52760** Shawn Frederick Rafoth
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Matter: Order To Show Cause Re; Dismissal And Setting Hearing On Application To Pay Filing Fee In Installments (5)

16

Comment Tentative Ruling: This matter will be called.

10:00 AM **16-52880** Luis Nieto Moreno
Ch 13
Trustee: Derham-Burk

Moving: Luis Nieto Moreno

Opposing:

Matter: Order To Show Cause Re; Dismissal And Setting Hearing On Application To Pay Filing Fee In Installments (8)

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Comment Tentative Ruling: This matter will be called.

UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON, THURSDAY, OCTOBER 20, 2016 @ 10:00 AM

With respect to the following cases, objections were filed and subsequently withdrawn; therefore, the Court confirms the plans in the following cases:

The plans in the following cases shall be **CONFIRMED**:

- | | |
|------------------------------------------------|----------------|
| 18. LYNN MIDKIFF
16-50303 SLJ | ATTY – MOORE |
| 19. MARC RAGONE
16-50468 SLJ | ATTY – BOONE |
| 20. ARMANDO & ILIANA SOLORZANO
16-50704 SLJ | ATTY – BOONE |
| 21. CHARLES MCKEE II
16-50752 SLJ | ATTY – SHULMAN |
| 22. JESSICA OSEGUEDA
16-51046 SLJ | ATTY – SHULMAN |
| 23. NATHAN ANTOINE
16-51089 SLJ | ATTY – BOONE |
| 24. CARIN LEVINE
16-51126 SLJ | ATTY – SHULMAN |
| 25. ELLEN ANDERSON
16-51838 SLJ | ATTY – SHULMAN |
| 26. JOHN & KAREN SCHMIDT
16-51856 SLJ | ATTY – SHULMAN |
| 27. YUNLING WU
16-51922 SLJ | ATTY – FULLER |

28. TUAN MAI
16-51979 SLJ

ATTY – BOONE

29. FELIZA BAUTISTA
16-52259 SLJ

ATTY – SMART LEGAL SERVICES

30. JOHN SULLIVAN
16-52296 SLJ

ATTY – SHULMAN

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

JUDGE JOHNSON, THURSDAY, OCTOBER 20, 2016 @ 10:00 A.M.

From: 341 Meetings of Creditors, October 3, 2016

TO BE PLACED ON TRUSTEE'S PENDING LIST:

- | | |
|----------------------------------------|--------------------------------------------------------------------------------------------|
| 31. THOMAS HERBST
16-51679 SLJ | ATTY – DOUGLAS
OBJECTION BY – TRUSTEE |
| 32. CRIS GUEVARRA
16-52328 SLJ | ATTY – GOLD & HAMMES
OBJECTION BY – TRUSTEE
ADDITIONAL PROVISIONS IN PLAN |
| 33. JOSEPH SCHMANEK
16-52335 SLJ | ATTY – GOLD & HAMMES
OBJECTION BY – TRUSTEE
ADDITIONAL PROVISIONS IN PLAN |
| 34. LEONARD TYSON
16-52363 SLJ | ATTY – BELVEDERE LEGAL PC
OBJECTION BY – CHEVY CHASE
FUNDING |
| 35. CORNELIA RAMOS
16-52364 SLJ | ATTY – VOISENAT
OBJECTION BY – TRUSTEE |
| 36. SHIRLEY PIANAVILLA
16-52372 SLJ | ATTY – MEHR
OBJECTION BY – TRUSTEE |
| 37. MARILYN CLEMENT
16-52373 SLJ | ATTY – PRO SE
OBJECTION BY – TRUSTEE |
| 38. CECILIA MADRID
16-52381 SLJ | ATTY – MAYDANIK
OBJECTION BY – TRUSTEE |
| 39. ARTEMIO MORALES
16-52385 SLJ | ATTY – BOONE
OBJECTION BY – TRUSTEE |

40. HAMID & ELHAM PIRZADEH
16-52387 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE &
FORD MOTOR CREDIT

41. JOSEPH HERNANDEZ
16-52402 SLJ

ATTY – MOORE
OBJECTION BY – TRUSTEE

42. EDUARDO & STEPHANIE GUZMAN
16-52403 SLJ

ATTY – MOORE
OBJECTION BY – TRUSTEE