

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

**Honorable Stephen L. Johnson  
Tuesday, December 15, 2015**

*Current as of 12/10/2015 at 1:41 PM*

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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 **15-53539** Andrea Berkis

Ch 7

Trustee: Poonja

**Moving:** Stephen C. Durringer

**Opposing:**

**Debtor or Plaintiff Attorney:** ProSe / None

**Matter:** **MOTION FOR RELIEF FROM THE AUTOMATIC STAY (Unlawful Detainer) OR FOR  
ORDER CONFIRMING THAT THE AUTOMATIC STAY DOES NOT APPLY UNDER 11  
U.S.C. § 362(I) Filed by Primary Resources Network, Inc. (Lamplighter Apts) (10)**

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

**Honorable Stephen L. Johnson  
Tuesday, December 15, 2015**

*Current as of 12/14/2015 at 8:56 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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10:30 AM **12-52552** Cassandra Christine Gaddy  
Ch 13  
Trustee: Derham-Burk

**Moving:** Austin P. Nagel

**Opposing:**

**Debtor or Plaintiff Attorney:** Theresia C. Sandhu

**Matter:** **Motion for Relief from Stay RS #APN-2767, Filed by Capital One Auto Finance (32)**

**Comment** (fr 10/27, 11/10)

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1

10:30 AM **13-55613** Virginia Lee Fiorentino  
Ch 13  
Trustee: Derham-Burk

**Moving:** Megan E. Lees

**Opposing:**

**Debtor or Plaintiff Attorney:** Scott J. Sagaria

**Matter:** **Motion for Relief from Stay RS #MEL-022, Filed by Wells Fargo Bank N.A. (75)**

**\*Off calendar per Stipulated APO 12/11/15**

**Comment** (fr 9/15, 10/27)

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2

10:30 AM **14-50177** Desiree Martha Salguero  
Ch 13  
Trustee: Derham-Burk

**Moving:** Megan E. Lees

**Opposing:**

**Debtor or Plaintiff Attorney:** Norma L. Hammes

**Matter:** **Motion for Relief from Stay RS #MEL-026, Filed by WILMINGTON SAVINGS FUND SOCIETY (30)**

**Comment** (fr 10/27, 12/1)

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3

10:30 AM **14-50312** Daniel Michael Flynn  
Ch 13  
Trustee: Derham-Burk

**Moving:** Brian H. Tran

**Opposing:**

**Debtor or Plaintiff Attorney:** David S. Henshaw

**Matter:** **Motion for Relief from Stay re: Real Property located at 1066 Empey Way, San Jose, California 95128 RS #BHT-7168, Filed by Wells Fargo Bank N.A. (37)**

**\*Off calendar per Stipulated for APO 12/11/15**

**Comment** (fr 7/21, 9/15, 10/27, 12/1)

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4

10:30 AM **15-51540** Teresa Jimenez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Megan E. Lees

**Opposing:**

**Debtor or Plaintiff Attorney:** Michael K. Mehr

**Matter:** **Motion for Relief from Automatic Stay & Co-Debtor Stay RS #MEL-030 by U.S. Bank N.A. (37)**

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5

10:30 AM **15-51835** Ricardo T. Gabriel and  
Ch 13 Estelita G. Gabriel  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

**Debtor or Plaintiff Attorney:** Lars T. Fuller

**Matter:** **Motion to Extend Automatic Stay Further as to All Creditors Filed by Debtor (25)**

**\*Order shortening time**

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6

10:30 AM **15-51992** Patricia Lee Swigart  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:** Devin L. Pace

**Debtor or Plaintiff Attorney:** Ryan C. Wood

**Matter:** **a) Amended Motion to Approve Sale of Real Property Free and Clear Under 363(f) Filed by Debtor (47)**

**b) Opposition by Trustee (57)**

**c) Conditional Non-Opposition by Deutsche Bank National Trust Co. - Megan Lees**

**\*Order shortening time**

**Comment** \*Trustee calling in

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7

10:30 AM **15-52534** Jason Chau  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Michael W. Malter  
**Opposing:**  
**Debtor or Plaintiff Attorney:** David A. Boone

8

**Matter:** [Motion for Relief from Stay RS #MWM-249, Filed by Ponderosa Towne Home Association \(16\)](#)  
**Comment** (fr 12/1)

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10:30 AM **15-52743** Rosa P Vargas Millan  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Brian H. Tran  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Nancy Weng

9

**Matter:** [Motion for Relief from Stay Regarding Real Property located at 800 S. White Road, San Jose, California 95127 RS #BHT-1567, Filed by The Bank of New York Mellon \(18\)](#)  
**Comment** (fr 12/1)

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10:30 AM **15-53482** Nick Saldivar, III  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Arasto Farsad  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Arasto Farsad

10

**Matter:** [Motion to Extend Automatic Stay with Memoradum of Points & Authorities Filed by Nick Saldivar](#)  
**Comment** (fr 12/1)

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10:30 AM **15-53688** Jacquelyn Michele Hernandez  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Norma L. Hammes  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Norma L. Hammes

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**Matter:** [Motion to Extend Automatic Stay Filed by Debtor \(8\)](#)

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

**Honorable Stephen L. Johnson  
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*Current as of 12/10/2015 at 1:43 PM*

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**San Jose Courtroom 3099**

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1:15 PM **14-05136** Yee v. US Department of Education Chela et al  
† Ch 7  
14-54638 Rebecca Lynn-Yee

**Moving:  
Opposing:**

**Matter: Pre-Trial Conference RE: Complaint to Determine Dischargeability of Student Loans**

**Atty for Pl - Pro Per**

**Atty for ECMC (Great Lakes) - Miriam Hiser**

**Atty for Navient Solutions, Inc. (Sallie Mae) - Cheryl Rouse**

**Atty for Nat. Collegiate Student Loan Tr - Raymond Moats**

**Def: William & Fudge, Purpose Advantage - no answers filed**

**Comment \*One day trial scheduled for 1/14/16**

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1:30 PM **15-05114** Wheelwright et al v. United States of America Internal Revenue Service  
† Ch 13  
10-51308 Daniel James Wheelwright and Izumi Sugimoto Wheelwright

**Moving:  
Opposing:**

**Matter: Telephonic Case Management RE: Complaint to Determine Dischargeability of Debt and For Declaratory and Injunctive Relief**

**Atty for Pl - Leela Menon (408) 291-6000**

**Atty for Def - Cynthia Stier (415) 436-7000**

**\*Set per Order 8/20/15 (Stip & Order to cont to 2/25)**

**Comment (fr 10/29)**

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1:30 PM **15-05071** Clare et al v. United States of America Internal Revenue Service  
† Ch 13  
10-54380 David Michael Clare and Rae Charlene Clare

**Moving:  
Opposing:**

**Matter: Telephonic Case Management RE: Complaint to Determine Dischargeability of Debt and for Declaratory and Injunctive Relief**

**Atty for Pl - Leela Menon (408) 291-6000**

**Atty for Def - Cynthia Stier (415) 436-7000**

**\*Set per Order 7/16/15**

**Comment (fr 8/13)**

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2

1:30 PM **12-05180** Doe et al v. McLaughlin  
† Ch 13  
12-53708 Andrew McLaughlin

**Moving:** Shelley R. O'Brien

**Opposing:** Saman Taherian

**Matter:** **a) Motion to Reopen Adversary Proceeding Filed by Plaintiff (12)**

**b) Conditional Opposition by Defendant (15)**

**Comment** (fr 6/30, 9/22)

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1:30 PM **15-05011** Poonja v. East West Bank  
† Ch 7  
13-50821 TWN Investment Group, LLC

**Moving:**

**Opposing:**

**Matter:** **Telephonic Case Management RE: Amended Complaint For: (1) Avoidance of Fraudulent Transfer; (2) Unjust Enrichment; (3) Money had and Received; and (4) Attorneys' Fees and Costs JURY TRIAL DEMAND (14)**

**Atty for Pl - Michael Gomez (559) 228-6700**

**Atty for Def - Gerald Sims (619) 687-5200**

**\*Motion to Dismiss by Def set for 1/19/16**

**Comment** (fr 6/30, 9/24) **\*Motion for additional findings under submission**

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1:30 PM **15-05138** Pretscher-Johnson v. Aurora Loan Services et al  
† Ch 13  
15-52553 Marianne Pretscher-Johnson

**Moving:** Bernard Kornberg

**Opposing:** Marianne Pretscher-Johnson

**Matter:** **a) Motion to Dismiss Adversary Proceeding Filed by Defendant, Aurora Loan Services, LLC et al (6)**

**b) Motion to Dismiss Adversary Proceeding Filed by Defendant, Quality Loan Service Corporation (8)**

**Comment** **\*CMC scheduled for 1/28/16 at 2:00 pm**

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

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Wednesday, December 16, 2015**

*Current as of 12/10/2015 at 1:44 PM*

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**San Jose Courtroom 3099**

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1:30 PM **10-63154** Tasann Ting Group, Inc. A Calif. Corp  
Ch 7  
Trustee: Wu

**Moving:** Elizabeth Berke-Dreyfuss

**Opposing:**

**Matter:** **Third Interim Application for Compensation of Fees: \$34,963.50 & Reimbursement of Expenses: \$1,996.09 Filed by Wendel, Rosen, Black & Dean LLP, Counsel for Trustee (311)**

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1:30 PM **14-54801** Michelle Leyson  
Ch 7  
Trustee: Hjelmeset

**Moving:** Gregg S. Kleiner

**Opposing:**

**Matter:** **a) Notice of Hearing on Trustee's Final Account (Fred Hjelmeset) & Application for Compensation for Fees: \$3,550.00 & Reimbursement of Expenses: \$41.42**

**b) First & Final Application for Compensation for Fees: \$4,915.00 & Reimbursement of Expenses: \$120.76 by Dentons US LLP, Counsel to Trustee (48)**

**c) Application for Compensation for Fees: \$1,599.00 & Reimbursement of Expenses: \$70.38 by Kokjer, Pierotti, Maiocco & Duck LLP, Accountant to Trustee (49)**

**Comment** \*Trustee & Counsel for Trustee on phone standby

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2

1:30 PM **15-53827** Latosia Jackson  
Ch 7  
Trustee: Kaelin

**Moving:**

**Opposing:**

**Matter:** **Order to Appear and Show Cause Re: Dismissal and Setting Hearing on Application for Waiver of Filing Fee (10 & 3)**

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**U.S. BANKRUPTCY COURT  
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*Current as of 12/10/2015 at 1:45 PM*

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**San Jose Courtroom 3099**

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280 S 1st Street  
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2:30 PM **15-05076** AquaLegacy Development, LLC v. 2012 Canrow Owner, LLC et al

† Ch 11

14-50279

AquaLegacy Development, LLC

**Moving:** Eric C. Schaffer

**Opposing:** Gavin E. Kogan

**Matter:** **a) Motion to Dismiss First Amended Complaint for Failure to State A Claim Filed by Defendants, 2012 Canrow Owner, LLC and Medallion Servicing, LLC (24)**

**b) Opposition by Plaintiff (28)**

**c) Case Management RE: First Amended Complaint For Breach of Written Contract; Alternatively, For Specific Performance; and for Promissory Estoppel (22) (fr 11/12)**

**Comment** (fr 11/24)

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