

HONORABLE STEPHEN JOHNSON, CALENDAR FOR TUESDAY, SEPT. 6, 2016, AT 9:55 A.M.

Courtroom: 3099

Courtroom Deputy: Tanya Bracegirdle

Court Recorder:

Law Clerk: Laurent Chen

**SEE ATTACHED CHAPTER 13
UNCONTESTED AND CONTESTED
CONFIRMATION CALENDAR**

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 early 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, September 6, 2016 and 9:55 AM

From: 341 Meetings of Creditors, August 19 & 22, 2016

The following cases shall be **CONFIRMED**:

- | | |
|---------------------------------------|---------------|
| 5. LYNETTE GUZINSKI
16-51958 SLJ | ATTY – BOONE |
| 6. DONG & SEONOK SHIN
16-51983 SLJ | ATTY – AHN |
| 7. DOLLY NISHITA
16-51991 SLJ | ATTY – FULLER |

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

JUDGE JOHNSON, September 9, 2016 at 9:55 AM

From: 341 Meetings of Creditors, August 19 & 22, 2016

TO BE PLACED ON TRUSTEE'S PENDING LIST:

- | | |
|---|--|
| 8. RICARDO DORREGO
16-51939 SLJ | ATTY – SAGARIA
OBJECTION BY – TRUSTEE |
| 9. ANGELITA FERNANDEZ
16-51940 SLJ | ATTY – SAGARIA
OBJECTION BY – TRUSTEE & WELLS
FARGO BANK |
| 10. MARTHA FIERROS
16-51942 SLJ | ATTY – PARR LAW
OBJECTION BY – TRUSTEE & US BANK |
| 11. TUAN MAI
16-51979 SLJ | ATTY – BOONE
OBJECTION BY – TRUSTEE & TOYOTA
MOTOR CREDIT |
| 12. JUAN ESPARZA
16-51980 SLJ | ATTY – EDGAR LAW
OBJECTION BY – TRUSTEE & TROJAN
CAPITAL INVESTMENTS |
| 13. MARTIN YANEZ
16-51986 SLJ | ATTY – LAGO
OBJECTION BY – TRUSTEE |
| 14. RONALD GEZZI SR
16-51993 SLJ | ATTY – MOORE
OBJECTION BY – TRUSTEE |
| 15. DAVID & KAREN BOHRK
16-51995 SLJ | ATTY – MOORE
OBJECTION BY – TRUSTEE |

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

**Honorable Stephen L. Johnson
Tuesday, September 6, 2016**

Current as of 9/2/2016 at 9:24 AM

San Jose Courtroom 3099

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

10:00 AM **16-50390** Boom Limo LLC
Ch 11

Moving: Austin P. Nagel

Opposing:

Debtor or Plaintiff Attorney: John G. Downing

Matter: **Motion for Relief from Stay RS #APN-2900, Filed by BMW Bank of North America (43)**

Case Dismissed 8/14/16 & Closed 8/15/16

Comment (fr 8/9)

10:00 AM **16-52108** Far Western Graphics, Inc.
Ch 11

Moving: Julie H. Rome-Banks

Opposing:

Debtor or Plaintiff Attorney: Lars T. Fuller

Matter: **a) Motion for Relief from Stay or in the Alternative for Adequate Protection and for Related Relief RS #JHR-097, Filed by Leonard Family Limited Partnership, LP (41)**

b) Motion for Approval of Stipulation for Relief from Stay RS #JAR-001 and for Turnover of Property, Filed by SVBUSINESS CAPITAL (48) - Alexandra Rhim

c) Motion to Pay Secured Creditors from Proceeds of Sale of Collateral by Debtor (57)

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

**Honorable Stephen L. Johnson
Tuesday, September 6, 2016**

Current as of 9/2/2016 at 9:25 AM

San Jose Courtroom 3099

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

10:30 AM **11-59298** Basilio R Miles and
Ch 13 Jina Q. Miles
Trustee: Derham-Burk

Moving: Erin M. McCartney

Opposing:

Debtor or Plaintiff Attorney: Saman Taherian

Matter: [Motion for Relief from Stay 3851 Edenwood Drive, San Jose, CA 95121 RS #EMM-16797, Filed by The Bank Of New York Mellon \(54\)](#)

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10:30 AM **13-53416** Jenny Le Diep and
Ch 13 Steven H. Khuu
Trustee: Derham-Burk

Moving: Erin M. McCartney

Opposing:

Debtor or Plaintiff Attorney: Cathay Fulton Ericksen

Matter: [Motion for Relief from Stay re: Real Property Located at 1424 Stone Creek Drive, San Jose, California 95132 RS #EMM-16730, Filed by Wilmington Savings Fund Society \(63\)](#)

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10:30 AM **13-54988** Victoria A. Urueta
Ch 13
Trustee: Derham-Burk

Moving: Austin P. Nagel

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: [Restored Motion for Relief from Stay RS #APN-2472, Filed by Stonegate Homeowners Association \(31\)](#)

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10:30 AM **14-53453** Kwon Wong Shaikh
Ch 13
Trustee: Derham-Burk

Moving: Edward G. Schloss

Opposing:

Debtor or Plaintiff Attorney: Andrew A. Moher

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Matter: **Motion for Relief from Stay RS #EGS-188, Filed by FCI Lender Services, Inc. (30)**

***Trustee's Statement filed 8/26/16**

10:30 AM **14-55069** Meltam Isaac and
Ch 13 Joliana Chamaky
Trustee: Derham-Burk

Moving: Christina J. O

Opposing:

Debtor or Plaintiff Attorney: Lars T. Fuller

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Matter: **Motion for Relief from Stay RS #CJO-638, Filed by JPMorgan Chase Bank, N.A. (46)**

10:30 AM **15-50361** Kathleen Ann Wesley
Ch 13
Trustee: Derham-Burk

Moving: Brandye N. Foreman

Opposing:

Debtor or Plaintiff Attorney: James Jingming Cai

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Matter: **Motion for Relief from Stay RS #CJO-640, Filed by U.S. Bank Trust, N.A. (35)**

10:30 AM **15-51054** Skip Kern and
Ch 13 Azalea E. Kern
Trustee: Derham-Burk

Moving: Megan E. Lees

Opposing:

Debtor or Plaintiff Attorney: James S.K. Shulman

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Matter: **Motion for Relief from Stay RS #GRY -086, Filed by WELLS FARGO BANK, N.A. (21)**

10:30 AM **15-53301** John Salsedo and
Ch 13 Rita Salsedo
Trustee: Derham-Burk

Moving: Austin P. Nagel

Opposing:

Debtor or Plaintiff Attorney: Ralph P. Guenther

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Matter: **Motion for Relief from Stay RS #APN-2922, Filed by W.H. Weeks Townhomes Inc. Homeowners Association for Tract 1126 Victorian Village (39)**

10:30 AM **15-53348** Pedro Noe Ibarra, Jr. and
Ch 13 Nicole Danielle Ibarra
Trustee: Derham-Burk
Moving: Jennifer C. Wong
Opposing:
Debtor or Plaintiff Attorney: Brian M. Kandel

Matter: [Motion for Relief from Stay RS #JCW-10484, Filed by Wilmington Trust, N.A. \(50\)](#)

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10:30 AM **15-54064** Peter Perez
Ch 13
Trustee: Derham-Burk
Moving: Gilbert R. Yabes
Opposing:
Debtor or Plaintiff Attorney: Jason Vogelpohl

Matter: [Motion for Relief from Stay from Automatic Stay RS #GRY-085, Filed by WELLS FARGO BANK, N.A. \(31\)](#)

10

10:30 AM **16-50385** Andrew Gonzales
Ch 13
Trustee: Derham-Burk
Moving: Edward A. Treder
Opposing:
Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: [Motion for Relief from Stay and Co-Debtor Stay RS #EAT-1666, Filed by HSBC Bank USA, N.A. \(56\)](#)

11

10:30 AM **16-50629** Muzyen M Abdulkadir
Ch 13
Trustee: Derham-Burk
Moving: Reilly Wilkinson
Opposing:
Debtor or Plaintiff Attorney: Nancy Weng

Matter: [Motion for Relief from Stay & from Co-Debtor Stay RS #RDW-749 Filed by CAM XI TRUST \(45\)](#)

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Comment (fr 8/9, 8/30)

10:30 AM **16-51596** Rosabel Annie Lee
Ch 13
Trustee: Derham-Burk
Moving: Dean R. Prober
Opposing:
Debtor or Plaintiff Attorney: Stanley Phan

Matter: [a\) Motion for Relief from Stay RS #LSR 1119, Filed by The J.C. Boucher 2005 Family Trust \(28\)](#)
[b\) Statement filed by Trustee \(30\)](#)

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

**Honorable Stephen L. Johnson
Tuesday, September 6, 2016**

Current as of 9/2/2016 at 9:36 AM

San Jose Courtroom 3099

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

1:30 PM **16-05025** Afnani v. Duke Partners, LLC et al

† Ch 13

10-54931

Sasan Afnani

Moving: David M. Poitras

Opposing:

Matter: **a) Motion for Summary Judgment re Complaint for Quiet Title and Declaratory Relief Filed by Defendants, Duke Partners, LLC (30)**

b) Opposition by Plaintiff (38)

c) Motion for Leave to Amend Adversary Complaint Filed by Plaintiff (36)

d) Opposition by Lenders T.D. Service, Inc., & 26th Corp. (41) - Douglas Weeks

e) Opposition by Defendant Duke Partners, LLC (42)

Comment *CMC scheduled for 9/22/16 at 2:30 PM

1:30 PM **16-05006** Everett v. Teruel et al

† Ch 7

10-55788

Pacific Metro, LLC

Moving: Jennifer E. Duty

Opposing: J. Barrett Marum

Matter: **a) Motion To Dismiss The First Amended Complaint Filed by Defendants (20)**

b) Opposition by Plaintiff (25)

c) Telephonic Case Management RE: First Amended Complaint For: (1) Fraudulent Concealment; and (3) Breach of Fiduciary Duty (19) (fr 8/23)

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2

1:30 PM **16-05004** Lane v. The Bank of New York Mellon et al

† Ch 13

11-54766

Richard R. Lane

Moving: Edward G. Schloss

Opposing: Stanley A. Zlotoff

Matter: **Motion Under Rule 56(f) to Deny or to Continue Plaintiff's Motion for Summary Judgment to Conduct Further Discovery Filed by Defendants (23)**

Comment *MSJ heard on 8/9 under submission; **CMC scheduled for 10/19/16 at 2:30 PM

3

1:30 PM **13-05077** Farrokhzadi v. Dinyari

† Ch 7

13-51088

Farbod Dinyari

Moving: David B. Rao

Opposing: Stanley A. Zlotoff

Matter: **Motion to Withdraw as Counsel for Plaintiff Filed by Binder & Malter, LLP (26)**

Comment *CMC scheduled for 10/19/16 at 2:30 PM

4

1:30 PM **15-05076** AquaLegacy Development, LLC v. 2012 Canrow Owner, LLC et al

† Ch 11

14-50279

AquaLegacy Development, LLC

Moving: Gavin E. Kogan

Opposing: Eric C. Schaffer

Matter: **a) MOTION TO QUASH DEPOSITION NOTICES AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND TANGIBLE THINGS Filed by Plaintiff (68)**

b) Opposition by Defendants (73)

Comment *Def's MSJ scheduled for 9/20/16

5

1:30 PM **15-05167** Smith v. Shaw

† Ch 7

15-50656

Daniel Joseph Shaw and Amber June McClain Shaw

Moving: Ryan Penhallegon

Opposing:

Matter: **Motion to Quash Subpoenas Filed by Defendant (36)**

***Order shortening Time**

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

**Honorable Stephen L. Johnson
Wednesday, September 7, 2016**

Current as of 9/2/2016 at 3:12 PM

San Jose Courtroom 3099

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

10:30 AM **16-50640** Step 3 Ventures, Inc.

Ch 7

Trustee: Poonja

Moving: Bennett G. Young

Opposing: Patrick M. Costello

Matter: **Hearing re Discovery Dispute regarding Order Granting Comerica's Third Ex Parte Application Pursuant To Rule 2004 For Issuance Of Subpoenas To (1) Dan Yue; (2) Ling Xiao; (3) Bradley Serwin; (4) Alice Lin; And (5) Michael Cammarano; To Appear For Examinations On Limited Subjects, And To (1) Dan Yue And (2) Ling Xiao To Produce Documents On Limited Subjects (Related Doc # 37) (44)**

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

**Honorable Stephen L. Johnson
Wednesday, September 7, 2016**

Current as of 8/31/2016 at 11:13 AM

San Jose Courtroom 3099

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

1:30 PM 15-50553 AQH, LLC
Ch 11

Moving: Matthew Jon Olson

Opposing: Christina L. Chen

Matter: a) **First & Final Application for Compensation of Fees: \$223,575.75 & Reimbursement of Expenses: \$8,760.67 Filed by Administrative Claimant, Macdonald Fernandez LLP (224)**

b) **Objection by Debtor (226)**

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

**Honorable Stephen L. Johnson
Wednesday, September 7, 2016**

Current as of 9/2/2016 at 9:30 AM

San Jose Courtroom 3099

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

2:00 PM **10-51074** Chau Do Papatheodorou
Ch 11

Moving: David B. Rao
Opposing: Kelly Raftery

Matter: **a) Motion to Approve Sale of Real Property Free and Clear of Liens Including Payment of Real Estate Commission (2317 St. Francis Drive, Palo Alto, California) Filed by Debtor (409)**
b) Response filed by HSBC Bank USA, NA (412)

1

2:00 PM **13-53893** Mi Pueblo San Jose, Inc.
Ch 11

Moving: Scott H. McNutt
Opposing:

Matter: **a) Corrected Application for Entry of Final Decree and Order Closing Case Filed by Debtor (1221)**
b) Objection filed by Richard H. Donckers (1243)

2

Comment (fr 8/10)

2:00 PM **16-50082** Mohammad Tayarani-Beegham
Ch 7
Trustee: Kaelin

Moving: Rattan Dev S. Dhaliwal
Opposing: Sandi Meneely Colabianchi

Matter: **a) Motion to Reconsider (RE: related document(s) 45 Order on Motion to Convert Case To Chapter 13) Filed by Debtor (46)**
b) Opposition by Trustee (56)

3

2:00 PM 16-52221

Linda Cantrell

Ch 7

Trustee: Barris

Moving: Mariam S. Marshall

Opposing:

Matter: **Motion to Sell Personal Property of the Estate and Pay Auctioneer Fees and Costs Filed by Trustee, Audrey Barris (13)**

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