

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

Honorable Stephen L. Johnson

Thursday, June 18, 2015

Current as of 6/16/2015 at 4:03 PM

U.S. Courthouse and Federal Bldg.

280 S 1st Street

San Jose, CA 95113

San Jose Courtroom 3099

10:00 AM **13-55411** Shawn Lynette Hegarty

Ch 13

Trustee: Derham-Burk

Moving: Michael K. Mehr

Opposing:

Matter: [Motion to Incur Debt Filed by Debtor \(53\)](#)

[*Trustee's Statement of Non-Opposition fld 6/11/15](#)

Comment [Tentative Ruling: Based on trustee's non-opposition, motion is granted.](#)

10:00 AM **13-56563** Barbara Ann Bullard and

Ch 13

Kelly Lynn Bullard

Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: [Application for Compensation of Fees: \\$16,008.78 & Reimbursement of Expenses: \\$228.28 Filed by Evans Law Office, Counsel for Debtor \(77\)](#)

Comment [Tentative Ruling: Granted under § 330\(a\)\(4\)\(B\).](#)

10:00 AM **14-51438** Oscar Lazaro Duran

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Nikhil Bhatnagar

Matter: [Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307\(c\)\(1\), in addition to Motion to Disgorge Fees Filed by Trustee \(34\)](#)

Comment [Tentative Ruling: No opposition filed. Motion granted for reasons noted in moving papers.](#)

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10:00 AM **14-51496** Mario Bravo and
Ch 13 Rosalina Bravo
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Anthony Delas

Matter: a) **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1), And Motion to Disgorge Fees Filed by Trustee (34)**

b) **Opposition by Debtor (36)**

Comment Tentative Ruling: Motion to dismiss granted; motion to disgorge denied.

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10:00 AM **14-51596** Albert Rodriguez and
Ch 13 Ronda Rodriguez
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Anthony Delas

Matter: a) **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1), in addition to Motion to Disgorge Fees Filed by Trustee (32)**

b) **Opposition by Debtor & Counsel for Debtor (34)**

Comment Tentative Ruling: Motion to dismiss will be granted; motion to disgorge will be called. Debtor's counsel should be prepared to address the upfront cost of filing this case and the reasonable costs of that effort.

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10:00 AM **14-52675** Vanessa Monique Lopez
Ch 13
Trustee: Derham-Burk

Moving: Brette L. Evans
Opposing:

Matter: a) **Application for Compensation of Fees: \$14,105.00 & Reimbursement of Expenses: \$164.04 Filed by Evans Law Office, Counsel for Debtor (53)**

b) **Motion to Modify Plan Filed by Debtor (50)(fr 5/21)**

c) **Opposition by Trustee (59)**

d) **Motion for Sale of Property Filed by Debtor (63)**

***Order shortening time**

Trustee filed a Statement of Non-Opposition 6/16/15

Comment Tentative Ruling: This matter will be called. The court needs to know if debtor has abandoned the motion to modify her plan and has questions about the proposed sale of the real property.

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10:00 AM **14-52760** William Patrick Kain, III and
Ch 13 Kathryn Marie Kain
Trustee: Derham-Burk

Moving: Devin L. Pace
Opposing: Dean L. Woerner

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (30)**

b) Opposition by Debtor (39)

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

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10:00 AM **14-53096** Jenny Nguyen
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas
Opposing: Drew Henwood

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

b) Opposition by Debtor (37)

Comment **Tentative Ruling: Case will be dismissed.**

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10:00 AM **14-53718** John Lester Schraub
Ch 13
Trustee: Derham-Burk

Moving: Michael K. Mehr
Opposing:

Matter: **a) Amended Motion for Sale of Property (17756 Big Basin Way, Boulder Creek, CA) Filed by Debtor (29)**

b) Statement of Limited Opposition by Trustee (33)

***Condition Non-Opposition filed by Green Tree Servicing LLC 6/4/15 - Jennifer Wong**

c) Motion for Approval of Sale of Real Property (1575 38th Ave., Capitola, CA) (31)

d) Objection by Trustee (34)

Comment **Tentative Ruling: Both matters to be called. (1) sale of Big Basin Way property -- does Green Tree's security cover the vacant lot? (2) what is status of Romac's co-ownership on 38th Avenue property.**

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10:00 AM **14-54698** Ronald V. Austin and
Ch 7 Janice L. Austin
Trustee: Hjelmset
Moving: Susan D. Silveira
Opposing:

Matter: **Application for Compensation of Fees: \$10,950.00 & Reimbursement of Expenses: \$42.03 Filed by Silveira Law Offices, Counsel for Debtor (43)**

***Case converted to chapter 7 on 5/7/15**

Comment **Tentative Ruling: Application re-noticed for 7/29/15 at 1:30 PM**

10:00 AM **14-54979** Xuan Thi Casey
Ch 13
Trustee: Derham-Burk

Moving:
Opposing:

Matter: **a) Hearing re Objection to Confirmation Filed by Feng-Chou Chao & Chiu King Chao (13)**

b) Hearing re Objection to Confirmation of Chapter 13 Plan Filed by Trustee (14) *MOOT - OBJECTION WITHDRAWN 6/5/15

Comment **Tentative Ruling: If the trustee recommends it, plan will be confirmed. Creditor objection (a) is not valid because court entered order valuing property on 5/28/2015.**

10:00 AM **14-55097** Bradley P Hartung and
Ch 13 Sharon H Hartung
Trustee: Derham-Burk

Moving: David S. Henshaw
Opposing: Brian M. Kandel

Matter: **Hearing re Objection to Confirmation of Plan Filed by Dr. Aaron Hinde (14)**

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

10:00 AM **15-50601** John Terzic
Ch 13
Trustee: Derham-Burk

Moving: Gary Paul
Opposing: Samyel Geshgian

Matter: **Hearing re Objection to Confirmation of Plan Filed by Bank of America, N.A., (19)**

Comment **Tentative Ruling: No response by Debtor; objection to confirmation is sustained. It is not lawful to propose a plan that calls for a sale of real property at an unspecified future date and does not provide for payment of secured creditor.**

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10:00 AM **15-50699** Nicole Dow
Ch 13
Trustee: Derham-Burk

Moving: Ronda N. Edgar

Opposing:

Matter: **a) Motion to Vacate Order of Dismissal Filed by Debtor (26)**

b) Response by Trustee (31)

Comment **Tentative Ruling: Motion denied. No evidence supports a conclusion of excusable neglect. The first payment was due within 30 days of the filing. Debtor's payment was almost a month late, and was not in good funds.**

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10:00 AM **15-51283** Fernando Goodwin Pratt
Ch 13
Trustee: Derham-Burk

Moving: Stanley A. Zlotoff

Opposing:

Matter: **Final hearing re Motion to Use Cash Collateral Filed by Debtor (7)**

Comment **Tentative Ruling: Approved under 363(c).**

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10:00 AM **15-51718** Dennis Maitoza
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Matter: **Order (1) Denying Debtor's Application to Pay Filing Fee in Installments and (2) Requiring Debtor to Appear in Person to Show Cause Why This Case Should not be Dismissed with Prejudice (8)**

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

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10:00 AM **15-51775** Sipriano Cardenas
Ch 13
Trustee: Derham-Burk

Moving: Anthony Sales

Opposing:

Matter: **Order (1) Denying Debtor's Application to Pay Filing Fee in Installments and (2) Requiring Debtor to Appear in Person to Show Cause Why This Case Should not be Dismissed with Prejudice (8)**

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

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UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – June 18, 2015 at 10:00 a.m.

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

The following cases shall be **CONFIRMED**:

- | | |
|---|-----------------------------|
| 18. JAMES HUBER
14-5-1119 SLJ | ATTY – SAGARIA |
| 19. THAI HUYNH
14-5-1252 SLJ | ATTY – PHAN LAW |
| 20. GLORIA ESCOBAR
14-5-1639 SLJ | ATTY – FINANCIAL RELIEF |
| 21. BRYANT & LEEANNA HAMMER
14-5-2442 SLJ | ATTY – KNOPF |
| 22. MYRA OREJEL
14-5-5080 SLJ | ATTY – DOUGHERTY & GUENTHER |
| 23. SCOTT SHORES & NANCY REDFORD
15-5-0215 SLJ | ATTY – HSU |
| 24. EDUARDO SY
15-5-0953 SLJ | ATTY – BROOKS |
| 25. GEORGE & SUZANNE DELEON
15-5-0993 SLJ | ATTY – BOONE |
| 26. STEPHEN & BLANCA SMITH
15-5-1150 SLJ | ATTY – MOORE |

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 hearing 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 – June 18, 2015 at 10:00 a.m.

The following cases shall be **CONFIRMED**:

- | | |
|---|----------------|
| 27. SHANNON THOMAS
15-5-1219 SLJ | ATTY – SHULMAN |
| 28. MOHAMMAD MOSHREF
15-5-1243 SLJ
Case dismissed order of dismissal signed 6/11/15 | ATTY – FULLER |
| 29. RAMON DE LA CRUZ
15-5-1246 SLJ | ATTY – BOONE |
| 30. FERNANDO PRATT
15-5-1283 SLJ | ATTY – ZLOTOFF |

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

JUDGE JOHNSON – June 18, 2015 at 10:00 a.m.

From: 341 MEETING OF CREDITORS, June 1, 2015

TO BE PLACED ON TRUSTEE’S PENDING LIST:

- | | |
|--|--|
| 31. TE & MAY TU
15-5-1239 SLJ | ATTY – MAYDANIK
OBJECTION BY – WELLS FARGO BANK |
| 32. DARWIN WALKER
15-5-1255 SLJ | ATTY – SPRADLIN & FERGUSON
OBJECTION BY – TRUSTEE |
| 33. HUMBERTO GARZA JR
15-5-1256 SLJ | ATTY – EVANS
OBJECTION BY – TRUSTEE |
| 34. PRAKASH & PARUL PATEL
15-5-1269 SLJ | ATTY – BARBADILLO
OBJECTION BY – TRUSTEE |
| 35. NORMA ANZURES
15-5-1274 SLJ | ATTY – BOONE
OBJECTION BY – TRUSTEE |