

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

Honorable Stephen L. Johnson

Thursday, July 23, 2015

Current as of 7/21/2015 at 3:52 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

11:30 AM **14-51366** Danny Voutos

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

Matter: **Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (47)**

1

Comment **Tentative Ruling: No filed opposition. Motion is granted.**

11:30 AM **14-52672** Michael Harry Stevenson

Ch 13

Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Cathay Fulton Ericksen

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (16)**

2

b) Opposition by Debtor (18)

Comment **Tentative Ruling: Grant. No substantive activity on docket since August 2014. Opposition does not comply with BLR 9014-1.**

11:30 AM **14-52754** Joseph Kaminski and
Ch 13 Lucy Kaminski
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Robert L. Goldstein

3

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (20)**

b) Opposition by Debtor (29)

Comment **Tentative Ruling: Grant. This case is far from confirmation despite almost a year in chapter 13. Given lack of activity until trustee's motion, court concludes delay is present.**

11:30 AM **14-53131** Neville Chinivasagam and
Ch 13 Marilyn Chinivasagam
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing:

Debtor or Plaintiff Attorney: Drew Henwood

4

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (27)**

b) Opposition by Debtor (29)

Comment **Tentative Ruling: Grant. This case is far from confirmation despite almost a year in chapter 13. Given lack of activity until trustee's motion, court concludes delay is present. Despite opposition, no effort on docket to address trustee's concerns.**

11:30 AM **14-53256** Richard Otto Hurley and
Ch 13 Donna Marie Hurley
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Matthew D. Metzger

5

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (38)**

b) Opposition by Debtor (47)

Comment **Tentative Ruling: Off calendar - motion withdrawn 7/21/15**

11:30 AM **14-53718** John Lester Schraub
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing:

Debtor or Plaintiff Attorney: Michael K. Mehr

6

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

b) Opposition by Debtor (41)

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

11:30 AM **14-53797** Huyen Thu Nguyen
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing:

Debtor or Plaintiff Attorney: Drew Henwood

7

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (16)**

b) Opposition by Debtor (18)

Comment **Tentative Ruling:** Grant. This case is far from confirmation despite almost a year in chapter 13. Given lack of activity until trustee's motion, court concludes delay is present.

11:30 AM **14-54071** Bruce J Gordon and
Ch 13 Linda L Gordon
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

8

Matter: **a) Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (27)**

b) Opposition by Debtor (29)

Comment **Tentative Ruling:** Case is \$24K delinquent. If not paid by the hearing date, case will be dismissed.

11:30 AM **14-54277** Chi Phuong Tran
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Stanley Phan

9

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (25)**

b) Objection by Debtor (29)

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

11:30 AM **14-54309** Joseph Jacque Batto and
Ch 13 Reina Virginia Paz Batto
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

10

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (19)**

b) Opposition by Debtor (24)

Comment **Tentative Ruling: Off calendar - motion withdrawn 7/21/15**

11:30 AM **14-54340** Hee Jung Kim
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Leela Menon

11

Matter: **a) Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (31)**

b) Opposition by Debtor (34)

Comment **Tentative Ruling: Payment must be current by the date of the hearing or case will be dismissed.**

11:30 AM **14-54451** Jennifer Dawn Nichols
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: James S. Knopf

12

Matter: a) **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (27)**

b) **Opposition by Debtor (30)**

Comment **Tentative Ruling: Off calendar - motion withdrawn 7/21/15**

11:30 AM **14-54525** Karen Huang
Ch 13
Trustee: Derham-Burk

Moving: Kayla Grant

Opposing: Deanna Maxfield

Debtor or Plaintiff Attorney: Kayla Grant

13

Matter: a) **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e) Filed by Trustee (119)**

b) **Opposition by Debtor (128)**

c) **Motion to Dismiss Case Filed by Aneesh Gupta (97)**

d) **Opposition by Debtor (115)**

e) **Motion for Modification of Stay to Allow Debtor Karen Huang to Be Added as a Named Defendant in Pending State Court Lawsuit Filed by Aneesh Gupta (102)**

f) **Opposition by Debtor (118)**

g) **Hearing re Amended Objection to Claims: #7-1 (Katy Chmura) (67); #8-1 (Aneesh Gupta) (63); #9-1 (Patrick Scahill) (70); #10-1 (Laurence Lockey) (69); #11-1 (Cathy Lockey) (64); #12-1 (Richard Riley) (71); #13-1 (Joanne Riley) (66); #14-1 (Dylan Lockey) (65); #15-1 (Sinclair Riley) (72); #16-1 (Zachary Wise) (73); #17-1 (Kyle Labaro) (68)**

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