

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

**Honorable Stephen L. Johnson
Thursday, September 17, 2015**

Current as of 9/15/2015 at 3:00 PM

San Jose Courtroom 3099

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

10:00 AM **08-54903** Kimberly R. Casey and
Ch 13 Michael A. Casey
Trustee: Derham-Burk

Moving: August Bullock

Opposing:

Matter: **a) Motion For Damages And Attorneys Fees For Violations of the Discharge Injunction And Automatic Stay Filed by Debtor (94)**

b) Opposition by Nationstart Mortgage, LLC (96)

Comment Tentative Ruling: This matter will be called.

10:00 AM **09-52000** Alejandro Obis and
Ch 13 Virgenia Obis
Trustee: Derham-Burk

Moving: Lars T. Fuller

Opposing: Brandy N. Foreman

Matter: **Motion For Declaratory Relief and For Contempt for Violation of Discharge Injunction and for Failure to Comply with FRBP 3002.1(G) Filed by Debtor (86)**

Comment Tentative Ruling: Continued to 11/19/15 at 10:00 AM per Stipulated Order 9/14/15

10:00 AM **10-51639** Cynthia Ann Pauley
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **Hearing re Objection To Dismissal upon Notice of Final Payment Due In Chapter 13 Plan Filed by Debtor (96)**

Comment Tentative Ruling: Case will be dismissed. Debtor chronically late in payments, has modified plan, and sought modifications to back load payments. Inability to pay modified plan is not grounds to extend plan life to 72 months in view Code date limits.

10:00 AM **10-55727** David A. Roth
Ch 13
Trustee: Derham-Burk
Moving: Andrew J. Ditlevsen
Opposing: Marlene Fong

Matter: a) **Motion For Contempt of the Court's Discharge Order and For Sanctions Filed by Debtor (55)**
b) **Opposition by Blossom Hill Homes Assoc. & Fong & Fong APC (60)**

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

10:00 AM **15-50047** Robert Carbajal Lopez and
Ch 13 Mafi Halaapiapi Lopez
Trustee: Derham-Burk
Moving: Nick I. Iezza
Opposing: Stanley A. Zlotoff

Matter: **Hearing re Objection to Confirmation of Plan Filed by Huamin Zhang and William Chang (10)**

Comment **Tentative Ruling: Given notice of contested confirmation, if Zhang and Chang do not appear, court will overrule objection to confirmation. If that occurs, can trustee recommend confirmation?**

10:00 AM **15-50163** Martha Francisca Gonzalez
Ch 13
Trustee: Derham-Burk
Moving: Michael K. Mehr
Opposing: Devin L. Pace

Matter: a) **Amended Motion for Approval of Compromise of Controversy with Orville Wolf successor trustee of the Wolf Family Recovable Trust Filed by Debtor (34)**

b) **Limited Opposition by Trustee (36)**

Comment **Tentative Ruling: Given declaration filed by Ms. Elvira Gonzalez, court will overrule trustee's objection and grant motion to compromise.**

10:00 AM **15-50245** Nick Patrick Satalino
Ch 13
Trustee: Derham-Burk
Moving: Sidney C. Flores
Opposing: Steven B. Mains

Matter: a) **Hearing re Objection to Confirmation of Plan Proposed Chapter 13 Plan Dated 2/6/15 And Confirmation Thereof Filed by Bank of America, N.A. (38)*Withdrawn 8/17/15**

b) **Hearing re Second Amended Objection to Confirmation of Plan Filed by Wells Fargo Bank, N.A. (81) *3RD AMENDED OBJ FLD 9/2/15**

c) **Hearing Amended Objection to Confirmation of Chapter 13 Plan Filed by Derham-Burk, Devin (80) *Withdrawn 8/13/15**

Comment **Tentative Ruling: Wells Fargo continues to object to confirmation and resolution of its objection requires an evidentiary hearing on income, expenses, and payment of support claims. Matter will be set for trial.**

10:00 AM **15-50672** Jose Dumlao and
Ch 13 Jacklyn Sembran Dumlao
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **Hearing re Objection to Claim No: 4-1 of of Daryl Delino Filed by Debtor (17)**

***TO BE CALLED ON 11:30 CALENDAR WITH MOTION FOR RELIEF FROM STAY**

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

10:00 AM **15-50808** Maria Teresa Moll Pimentel
Ch 13
Trustee: Derham-Burk

Moving: Sandi Meneely Colabianchi

Opposing:

Matter: **a) First & Final Application for Compensation of Fees: \$1,323.00 & Reimbursement of Expenses: \$0.00 Filed by Gordon & Rees LLP, Counsel to Former Trustee (43)**

b) Application for Compensation of Administrative Fees: \$2,587.50 & Reimbursement of Expenses: \$0.00 Filed by Doris Kaelin, Former Trustee (42)

Comment **Tentative Ruling: Matter will be called. The court is inclined to continue the matter to 10/15 so former ch 7 trs and her counsel can file a brief re legal authority to grant fees, as the conversion order does not provide for fees.**

10:00 AM **15-52289** Eugene Collins and
Ch 13 Mitchell Collins
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **Motion to Void & Strip Lien of Specialized Loan Servicing LLC/First Mortgage Corporation/Mortgage Electronic Registration Systems, Inc. Filed by Debtor (10)**

Comment **Tentative Ruling: Motion is granted. See Docket Text Order.**

10:00 AM **15-52664** Maria G. Mederos
Ch 13
Trustee: Derham-Burk

Moving: Peter L. Kutrubes

Opposing:

Matter: **Order (1) Denying Motion for Extension of Time for Filing Required Documents and (2) Requiring Debtor to Appear in Person to Show Cause Why this Case should not be Dismissed with Prejudice (13)**

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

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10:05 AM **15-51452**

Donald Lester Hornbeak

Ch 13

Trustee: Derham-Burk

Moving: Jason Vogelpohl

Opposing:

Matter: Motion for Sale of Property Filed by Debtor (40)

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***Order shortening time**

Comment Tentative Ruling: This matter will be called.

UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – September 17, 2015 at 10:00a.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**:

- | | |
|---|----------------------|
| 13. SERGIO & ALMA FERNANDEZ 14-5-3099 SLJ | ATTY – FULLER |
| 14. GABRIEL & STELLA PALACIO 14-5-4705 SLJ | ATTY – BOONE |
| 15. STEVEN & CECILIA ASHLEY 14-5-5054 SLJ | ATTY – GREENE |
| 16. JAMES FAVELA 15-5-2145 SLJ | ATTY – GOLD & HAMMES |
| 17. BEHROOZ ARAM 15-5-2220 SLJ | ATTY – FULLER |

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 – September 17, 2015 at 10:00 a.m.

The following cases shall be **CONFIRMED**:

- | | |
|--|----------------------|
| 18. RALPH & TERESA CORTEZ 15-5-2331 SLJ | ATTY – GOLD & HAMMES |
| 19. CAROLYN DO 15-5-2366 SLJ | ATTY – HENSHAW |
| 20. DAVID CHEUNG 15-5-2372 SLJ | ATTY – FULLER |
| 21. CONNIE CASILLAS 15-5-2379 SLJ | ATTY – BOONE |

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

JUDGE JOHNSON – September 17, 2015 at 10:00 a.m.

From: 341 MEETING OF CREDITORS, August 31 & September 4, 2015

TO BE PLACED ON TRUSTEE'S PENDING LIST:

- | | |
|--|---|
| 22. MARIA PIMENTEL 15-5-0808 SLJ | ATTY – HSU OBJECTION BY – WELLS FARGO BANK |
| 23. PHUONG TRAN 15-5-2304 SLJ | ATTY – COFFMAN OBJECTION BY – TRUSTEE |
| 24. RUDOLPH & GLORIA MEDINA 15-5-2314 SLJ | ATTY – BOONE OBJECTION BY – TRUSTEE |
| 25. ALAN MCALLISTER 15-5-2320 SLJ | ATTY – EVANS OBJECTION BY – TRUSTEE |
| 26. ROBERT SPARKMAN 15-5-2324 SLJ | ATTY – SAGARIA OBJECTION BY – TRUSTEE |
| 27. ERIK & RANDI ELLER 15-5-2327 SLJ | ATTY – MEHR OBJECTION BY – TRUSTEE |
| 28. NATHANAIL & SARAH CHESTNUT 15-5-2335 SLJ | ATTY – PRO SE OBJECTION BY - TRUSTEE |
| 29. RAFAEL MORALES & SONIA AVITIA 15-5-2382 SLJ | ATTY – BOONE OBJECTION BY – TRUSTEE |
| 30. CHARLES DIDOMENICO 15-5-2391 SLJ | ATTY – FULLER OBJECTION BY – TRUSTEE |

31. GUADALUPE TORRES &
BIBIANA VALENZUELA
15-5-2402 SLJ

ATTY – BROOKS
OBJECTION BY – WELLS FARGO BANK