

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

**Honorable Stephen L. Johnson  
Thursday, February 19, 2015**

*Current as of 2/17/2015 at 1:31 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 **08-51536** Fred C. Beyers and  
Ch 13 Christine A. Beyers  
Trustee: Derham-Burk

**Moving:** Jason Vogelpohl

**Opposing:**

**Matter:** **Motion to Impose Sanctions Against A.S.A.P. Collections for Violation of the Discharge Injunction (11 U.S.C. §§ 105, 524(a)) Filed by Debtor (66) (fr 12/18, 1/15)**

**\*RESOLVED PER STIPULATED ORDER 2/10/15**

**Comment** **Tentative Ruling: Off Calendar**

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10:00 AM **08-55671** Lisa A. Nunes  
Ch 13  
Trustee: Derham-Burk

**Moving:** Jason Vogelpohl

**Opposing:**

**Matter:** **Motion to Reopen Chapter 13 Bankruptcy Case, Vacate Dismissal and Reinstating Devin Derham-Burk as Trustee (FRBP 9014, FRCP 60) Filed by Debtor (71)**

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

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10:00 AM **09-53865** Luis A. Narvaez and  
Ch 13 Salvadora Narvaez  
Trustee: Derham-Burk

**Moving:** Susan D. Silveira

**Opposing:** Cheryl C. Rouse

**Matter:** **a) Motion For Contempt and/or Sanctions for Violation of Discharge Order Filed by Debtor (38) (fr 12/18)**

**b) Response and Objection by Navient Solutions, Inc.**

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

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3

10:00 AM **10-53187** Elizabeth J MacDougall  
Ch 13  
Trustee: Derham-Burk

**Moving:** Lars T. Fuller

**Opposing:**

**Matter:** a) **Hearing re Objection to Claim #1 of Wells Fargo Bank, N.A. (48)**

b) **Hearing re Objection to Claim #9 of Florists' Transworld Delivery, Inc. (47)**

c) **Hearing re Objection to Claim #10 of Wells Fargo Bank, N.A. (49) - Steve Mains**

**Comment** **Tentative Ruling:** Matter will be called to ensure Trustee's concerns are addressed. WFB appears to concede overpayment of \$1,658.36 on Claim #1 and \$4220.61 on Claim #10. To be heard with item #6.

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4

10:00 AM **10-53721** Alfonso Rodriguez Tinoco and  
Ch 13 Maria Eva Tinoco  
Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:** Devin L. Pace

**Matter:** a) **Motion to Exempt Debtor from Financial Education Requirement and the Requirement to File A Certification in Support of Discharge Filed by Debtor (68)**

b) **Opposition by Trustee**

**Comment** **Tentative Ruling:** Trustee's opposition is sustained. Co-debtor does not require a discharge so counseling requirement is moot. Spouse will obtain a discharge of community obligations which should protect spouse. § 524(a)(3).

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5

10:00 AM **10-53838** William Ferris and  
Ch 13 Donna Ferris  
Trustee: Derham-Burk

**Moving:** Lars T. Fuller

**Opposing:**

**Matter:** a) **Hearing re Objection to Claim #1 (Wells Fargo Bank, N.A.)(67) - Steve Mains**

b) **Hearing re Objection to Claim #11 (Florists' Transworld Delivery, Inc.)(66)**

c) **Hearing re Objection to Claim #12 (Wells Fargo Bank, N.A.) (68)**

**Comment** **Tentative Ruling:** Matter will be called to ensure Trustee's concerns are addressed. See Tentative Ruling for #4.

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6

10:00 AM **10-55727** David A. Roth

Ch 13

Trustee: Derham-Burk

**Moving:** Andrew J. Ditlevsen

**Opposing:** Marlene Fong

**Matter:** **a) Motion to Reopen Chapter 13 Case and Request for Specially Set Hearing re Motion for Contempt Filed by Debtor (36)**

**b) Opposition by Blossom Hill Homes Association**

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

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7

10:00 AM **12-56058** Matthew A. Volkman and

Ch 13

Gertrude M. Volkman

Trustee: Derham-Burk

**Moving:** Susan D. Silveira

**Opposing:**

**Matter:** **Application for Compensation of Fees: \$5,000.00 & Reimbursement of Expenses: \$51.31 Filed by Silveira Law Offices, Counsel for Debtor (36)**

**Comment** **Tentative Ruling: Fees are reasonable and are awarded under § 330(a)(4)(B).**

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8

10:00 AM **13-53449** Maria Isabel Martinez

Ch 13

Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Jason Vogelpohl

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (51)**

**b) Opposition by Debtor**

**Comment** **Tentative Ruling: Motion granted. This case was previously dismissed on 9/19/2014 and that dismissal was vacated at debtor's request. Court does not see sufficient evidence on dkt to merit further administration.**

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9

10:00 AM **13-53669** Charles Robert Payne, III

Ch 13

Trustee: Derham-Burk

**Moving:** Mark D. Estle

**Opposing:** Michael K. Mehr

**Matter:** **a) Hearing re Objection to Confirmation of Plan Filed by Nationstar Mortgage, LLC (14)**  
**\*STRICKEN FOR FAILURE TO TIMELY FILE A STATUS STATEMENT**

**b) Motion to Value Lien of First Tennessee Bank Filed by Debtor (17)**

**Comment** **Tentative Ruling: Matter will be called. Has creditor obtained complete appraisal? If not, how much time does creditor need to get full appraisal?**

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10

10:00 AM **13-54733** Joseph A Eklund  
Ch 13  
Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:**

**Matter:** **Application for Compensation of Fees: \$8,282.76 (\$4,000.00 previously approved total: \$12,282.76) & Reimbursement of Expenses: \$88.76 Filed by Evans Law Offices, Counsel for Debtor (46)**

11

**Comment** **Tentative Ruling: Fees allowed as reasonable under § 330(a)(4)(B).**

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10:00 AM **13-55794** Nidia Carolina Gaona  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Vinod Nichani

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (51)**

12

**b) Opposition by Debtor**

**c) Hearing re First Amended Objection to Debtor's Claim of Exemptions Filed by Trustee (49)  
\*WITHDRAWN 2/13/15**

**Comment** **Tentative Ruling: Objection to Exemption has been withdrawn. Motion to dismiss will be granted in part to set a deadline for confirmation.**

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10:00 AM **13-56252** Sofie Elizabeth Romero  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Cathay Fulton Ericksen

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

13

**b) Opposition by Debtor**

**Comment** **Tentative Ruling: Court will grant Trustee's motion in part by setting 90 day deadline to confirm a plan.**

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10:00 AM **13-56293** Ana K Garcia

Ch 13

Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Michael H. Luu

14

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

**b) Opposition by Debtor**

**Comment** **Tentative Ruling: Motion will be granted. Debtor's oppo filed 1/5 states that a number of corrections will be taken by 1/6 but nothing was done until a week prior to the hrg on 2/12. Given age of case, ct concludes it's not making sufficient progress.**

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10:00 AM **13-56443** Anna M. Black

Ch 13

Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Saman Taherian

15

**Matter:** **a) Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (21)**

**b) Opposition by Debtor**

**Comment** **Tentative Ruling: Trustee's motion will be granted in part by setting a deadline for confirmation in 120 days.**

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10:00 AM **14-50021** Charlly J. Sung

Ch 13

Trustee: Derham-Burk

**Moving:** Nanette Dumas

**Opposing:** Jason Vogelpohl

16

**Matter:** **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Trustee (43)**

**b) Opposition by Debtor**

**Comment** **Tentative Ruling: The ct has reviewed Trs's 6th amended obj to confirmation and concludes this case is not making appropriate progress toward confirmation. To extent Plan calls for modification of first mortgage, it is unconfirmable. Motion granted.**

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10:00 AM **14-50064** Lisa M. Davison

Ch 13

Trustee: Derham-Burk

**Moving:** Nanette Dumas

**Opposing:** W. Kirk Moore

17

**Matter:** **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Trustee (19)**

**b) Opposition by Debtor**

**Comment** **Tentative Ruling: Matter dropped from calendar. Plan confirmed on 2/11.**

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10:00 AM **14-50087** Stephen Paul Chavez and  
Ch 13 Rosalie Nena Romero  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** David A. Boone

**Matter:** **a) Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c)(1) Filed by Trustee (27)**

18

**b) Opposition by Debtor**

**Comment** **Tentative Ruling:** If payments under plan are not current, motion will be granted. Debtors contend plan is ready for confirmation. If that is not so, court will grant motion in part and set deadline for confirmation.

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10:00 AM **14-50159** Lori Ann McKeown  
Ch 13  
Trustee: Derham-Burk

**Moving:** Nanette Dumas  
**Opposing:** Theresia C. Sandhu

**Matter:** **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Trustee (31)**

19

**b) Response by Debtor**

**Comment** **Tentative Ruling:** At request of parties, continued to 3/19/2015 at 10:00 a.m. (DKT 38)

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10:00 AM **14-50392** Zaneta L. Antonio  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** W. Kirk Moore

**Matter:** **a) Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (16)**

20

**b) Amended Opposition by Debtor**

**Comment** **Tentative Ruling:** If payments are not current, Trustee's motion to dismiss will be granted. If the case is not dismissed, court will partially grant Trustee's motion and set deadline for confirmation.

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10:00 AM **14-50499** Martin Flores  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace  
**Opposing:** Michael J. Yesk

**Matter:** **Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Trustee (45)**

21

**Comment** **Tentative Ruling:** This motion was not opposed and will be granted.

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10:00 AM **14-51869** Gladys Saldana

Ch 13

Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:**

**Matter:** **Application for Compensation of Fees: \$9,999.40 (\$4,650.00 previously paid; balance \$5,349.40) & Reimbursement of Expenses: \$173.40 Filed by Evans Law Offices (40)**

22

**Comment** **Tentative Ruling: Fees are reasonable and will be allowed under § 330(a)(4)(B) but cannot be paid until plan is confirmed.**

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10:00 AM **14-52333** Francisco S. Morales

Ch 13

Trustee: Derham-Burk

**Moving:** Mark D. Estle

**Opposing:** Saman Taherian

**Matter:** **Hearing re Objection to Confirmation of Plan Filed by Wells Fargo Bank, N.A. (10)**

23

**Comment** **Tentative Ruling: Matter will be called to determine if WFB still wishes to press its objection to Debtor's plan.**

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10:00 AM **14-52675** Vanessa Monique Lopez

Ch 13

Trustee: Derham-Burk

**Moving:** Timothy J. Silverman

**Opposing:** Brette L. Evans

**Matter:** **Hearing re Objection to Confirmation of Plan Filed by PennyMac Holdings, LLC (12)**  
**\*STRICKEN FOR FAILURE TO TIMELY FILE A STATUS STATEMENT**

24

10:00 AM **14-53678** William S. Jarvis

Ch 13

Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:** Charles B. Greene

**Matter:** **Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e) Filed by Trustee (27)**

25

**\*Statement of Non-Opp fld by Debtor 1/30/15**

**Comment** **Tentative Ruling: motion is granted for reasons stated therein and given Debtor's non-opp. Trustee to upload order.**

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10:00 AM **14-54250** Richard John Lorenz and  
Ch 13 Kathryn Anne Lorenz  
Trustee: Derham-Burk  
**Moving:** Megan E. Lees  
**Opposing:** Norma L. Hammes

26

**Matter:** **Hearing re Amended Objection to Confirmation of Plan Filed by HSBC Bank USA, N.A. (19)**  
**\*OBJECTION WITHDRAWN 2/5/15**

**Comment** **Tentative Ruling: Objection withdrawn on 2/5. Can Trustee recommend confirmation?**

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10:00 AM **14-54315** Robert E McCrory  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin L. Pace  
**Opposing:** Robert McCrory

27

**Matter:** **Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. §§ 1307(c) and 109(e) Filed by Trustee (34)**

**Comment** **Tentative Ruling: Motion is unopposed. Motion is granted for reasons stated therein. Trustee to upload order.**

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10:00 AM **14-54416** Al Elfido Silvas  
Ch 13  
Trustee: Derham-Burk  
**Moving:** David A. Boone  
**Opposing:**

28

**Matter:** **Motion to Void & Strip Lien of Specialized Loan Servicing, LLC/Wilmington Trust, National Association, as successor indenture Trustee to Citibank, N.A., as indenture Trustee of SACO I Trust 2006-12, Mortgage-Backed Notes, Series 2006-12 Filed by Debtor (18)**

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

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10:00 AM **14-54833** Rani K. Yadav-Ranjan  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin L. Pace  
**Opposing:** David James Trapp

29

**Matter:** **a) Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. §§ 1307(c) and 109(e), and Motion to Disgorge Fees Pursuant to 11 U.S.C. §§105 and 329(b) Filed by Trustee (23)**

**b) Opposition to Motion to Disgorge Fees by David Trapp & Debtor**

**\*Statement of Non-Opposition to Motion to Dismiss fld by Debtor 2/6/15/\*\*Stmt of Limited Opposition to Non-Opposition by Trustee**

**Comment** **Tentative Ruling: Both matters will be called.**

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10:00 AM **14-55031** Phung Lu  
Ch 13  
Trustee: Derham-Burk

**Moving:** Phung Lu

**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 (10)**

30

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

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10:00 AM **15-50167** Arthur L. Pritchard  
Ch 13  
Trustee: Derham-Burk

**Moving:** Vinod Nichani

**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 (10)**

31

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

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**UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION**

**JUDGE JOHNSON – February 19, 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**:

- |   |                                    |
|---|------------------------------------|
| 32. XAVIER & ELIZABETH GONZALES<br>13-5-2540 SLJ        | ATTY – FULLER                      |
| 33. STERLING HARWOOD<br>13-5-5890 SLJ                   | ATTY – FULLER                      |
| 34. BENITO BALLESTEROS &<br>IRMA JAIME<br>14-5-1566 SLJ | ATTY – MIRANDA MAGDEN<br>& MIRANDA |
| 35. EUGENE ACUNA<br>14-5-2366 SLJ                       | ATTY – EVANS                       |
| 36. RAFAEL DAVILA<br>14-5-4524 SLJ                      | ATTY – MEHR                        |
| 37. JIMMY & ROSA HERRERA<br>14-5-4823 SLJ               | ATTY – EVANS                       |
| 38. NANCY DORGER<br>14-5-4892 SLJ                       | ATTY – CLAYTON & MCEVOY            |

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 – February 19, 2015 at 10:00 a.m.**

The following cases shall be **CONFIRMED**:

- |  |                      |
|--|----------------------|
| 39. CORAZON HILARIO<br>14-5-4620 SLJ                 | ATTY – BOONE         |
| 40. ROBERT & KATHERINE DE LA GRANGE<br>14-5-4917 SLJ | ATTY – MEHR          |
| 41. SEDIGHEH DADVAR<br>14-5-4946 SLJ                 | ATTY – HENSHAW       |
| 42. HERMINIA CARDENAS<br>14-5-4952 SLJ               | ATTY – FULLER        |
| 43. ANGEL PEREZ & ANA RIVERA<br>14-5-4958 SLJ        | ATTY – THOMASSEN     |
| 44. KAY ZAWADSKI<br>14-5-4989 SLJ                    | ATTY – GOLD & HAMMES |
| 45. CHRISTINA GUERRA<br>14-5-5009 SLJ                | ATTY – EVANS         |

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

**JUDGE JOHNSON – February 19, 2015 at 10:00 a.m.**

From: 341 MEETING OF CREDITORS, February 2 & 4, 2015

**TO BE PLACED ON TRUSTEE’S PENDING LIST:**

- |   |  |
|---|--|
| 46. JACOB & SUMMER ELLIOTT<br>14-5-4913 SLJ | ATTY – MOHER<br>OBJECTION BY – TRUSTEE                                     |
| 47. CORAZON DELGADO<br>14-5-4915 SLJ        | ATTY – GUTCHINOV<br>OBJECTION BY – TRUSTEE                                 |
| 48. SEAN GALARZA<br>14-5-4928 SLJ           | ATTY – DHALIWAL<br>OBJECTION BY – TRUSTEE                                  |
| 49. DE THAI<br>14-5-4975 SLJ                | ATTY – HENWOOD<br>OBJECTION BY – TRUSTEE                                   |
| 50. XUAN CASEY<br>14-5-4979 SLJ             | ATTY – GOLD & HAMMES<br>OBJECTION BY – TRUSTEE, & FENG-CHOU<br>& CHIU CHAO |
| 51. CHRISTINE REED<br>14-5-4991 SLJ         | ATTY – MLNARIK<br>OBJECTION BY - TRUSTEE                                   |
| 52. JOHN LUMICAO<br>14-5-5022 SLJ           | ATTY – BOONE<br>OBJECTION BY – TRUSTEE                                     |