

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

Honorable Stephen L. Johnson

Thursday, May 19, 2016

Current as of 5/16/2016 at 3:22 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

10:00 AM **11-54354** Julie Holden Broderick

Ch 13

Trustee: Derham-Burk

Moving: Aaron Lipton

Opposing:

Matter: **a) Motion to Modify Plan Filed by Debtor (44)**

b) Opposition by Trustee (48)

***Order shortening time 4/29/16**

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

1

10:00 AM **11-56190** Hector Badillo

Ch 13

Trustee: Derham-Burk

Moving: Jason Vogelpohl

Opposing:

Matter: **a) Hearing Regarding Debtor's Request for Entry of Judgment Voiding Lien of Satish Shetty, Successor-in-interest To Jorge Rocha Filed by Debtor (118)**

b) Opposition by Satish Shetty (129)

c) MOTION TO VACATE OR SET ASIDE ORDER AVOIDING LIEN OF SATISH SHETTY, SUCCESSOR-IN-INTEREST TO JORGE ROCHA; Filed by Satish Shetty (127)

d) Opposition by Debtor (130)

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

2

10:00 AM **11-61566** Anton Vassiliev
Ch 13
Trustee: Derham-Burk

Moving: Oxana Kozlov

Opposing:

Matter: **Motion to 1. Enforce the Terms of Stipulation with US Bank, N.A. as Trustee for Harbor View 2005-12 Trust; 2. For an Order Voiding the Lien and 3. Attorney's Fees of Oxana Kozlov Filed by Debtor (128) (fr 4/21)**

Comment **Tentative Ruling: Motion to enforce stipulation granted to extent creditor (not court) must release lien. The question of attorney's fees will be addressed at the hearing.**

3

10:00 AM **15-52155** Gail Amamiya May Roe
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **First & Final Application for Compensation of Fees: \$6,997.50 & Reimbursement of Expenses: \$0.00 Filed by Law Offices of Boone A. Boone, Counsel for Debtor (43)**

Comment **Tentative Ruling: Request for pre-confirmation fees granted. Fees are allowable under § 330(a)(4).**

4

10:00 AM **15-52933** Phillip C. Hary and
Ch 13 Agnieszka Pawlicki
Trustee: Derham-Burk

Moving: Ryan C. Wood

Opposing:

Matter: **Application for Compensation of Fees: \$3,360.00 & Reimbursement of Expenses: \$179.70 Filed by The Law Offices of Lin & Wood, Counsel for Debtor (31)**

***Dismissed 4/19/16**

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

5

10:00 AM **15-53645** Rebecca Marie Vasquez
Ch 13
Trustee: Derham-Burk

Moving: Matthew G. Grech

Opposing:

Matter: **Hearing re Objection to Claim No. 7-1 Joe M. Tamarit Filed by Debtor (40) (fr 4/21)**

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

6

10:00 AM **15-53866** Manuel De Jesus Garcia
Ch 13
Trustee: Derham-Burk

Moving: Sidney C. Flores
Opposing: Henry D. Paloci III

Matter: **a) Motion For Valuation of Residence and Avoidance of Junior Lien with Trinity Financial Services, LLC Filed by Debtor (17)**

b) Opposition by Trinity Financial Services LLC (20)

Comment **Tentative Ruling: Unless the parties resolved this matter, the court will set evidentiary hearing re valuation. Parties should have availability dates for counsel and expert witnesses at the hearing.**

10:00 AM **15-53948** Myriam Lonaker
Ch 13
Trustee: Derham-Burk

Moving: Richard Sontag
Opposing: Lars T. Fuller

Matter: **Motion FOR RELIEF FROM "ORDER ON OBJECTION TO CLAIM" ENTERED ON MARCH 23, 2016 Filed by EIFFEL FINANCIAL, LLC (45)**

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

10:00 AM **15-53968** Joseph Garcia Rebelo, III and
Ch 13 Mary Zuraida Rebelo
Trustee: Derham-Burk

Moving: Scott J. Sagaria
Opposing:

Matter: **Motion For Order to Show Cause for Contempt of the automatic stay Filed by Debtor (24)**

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

10:00 AM **15-54015** Kim Narog
Ch 13
Trustee: Derham-Burk

Moving: James A. McDaniel
Opposing:

Matter: **Motion for Order Sustaining Objection to Debtor's Claim of Exemptions Filed by Quail Creek Mutual Water Company (44)**

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

10:00 AM **16-50171** Chris Garcia and
Ch 13 Ana Marie Garcia
Trustee: Derham-Burk

Moving: Mark S. Blackman
Opposing: Jason Vogelpohl

Matter: **Hearing re Renewed Objection to Confirmation of Plan Filed by Kinecta Federal Credit Union (25)**

Comment **Tentative Ruling: Objection to confirmation is not opposed and is sustained.**

7

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10

11

10:00 AM **16-50368** Dennis Michael Escarcega
Ch 13
Trustee: Derham-Burk
Moving: Norma L. Hammes
Opposing:

12

Matter: **Motion FOR ORDER CONFIRMING CHAPTER 13 PLAN Filed by Debtor (23)**
Comment **Tentative Ruling: Matter will be called. Plan contains nonstandard provisions and will be set for trial. Counsel is requested to have calendar dates available for trial setting.**

10:00 AM **16-50548** Nanette Marie Sisk
Ch 13
Trustee: Derham-Burk
Moving: Norma L. Hammes
Opposing:

13

Matter: **Motion FOR ORDER CONFIRMING PROPOSED CHAPTER 13 PLAN Filed by Debtor (13)**
Comment **Tentative Ruling: Matter will be called. Plan contains nonstandard provisions and will be set for trial. Counsel is requested to have calendar dates available for trial setting.**

10:00 AM **16-50651** Jeri Lyle Saldua Mercado
Ch 13
Trustee: Derham-Burk
Moving: James S.K. Shulman
Opposing:

14

Matter: **Motion for Order Confirming Proposed Chapter 13 Plan Filed by Debtor (19)**
Comment **Tentative Ruling: Matter will be called. Plan contains nonstandard provisions and will be set for trial. Counsel is requested to have calendar dates available for trial setting.**

10:00 AM **16-50659** Mark Irvin Candalla
Ch 13
Trustee: Derham-Burk
Moving: Norma L. Hammes
Opposing:

15

Matter: **Motion FOR ORDER CONFIRMING PROPOSED CHAPTER 13 PLAN Filed by Debtor (10)**
Comment **Tentative Ruling: Matter will be called. Plan contains nonstandard provisions and will be set for trial. Counsel is requested to have calendar dates available for trial setting.**

10:00 AM **16-50730** Serafin Mendez Lopez and
Ch 13 Maria Christina Lopez
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **a) Motion to Void & Strip Lien of Sheila Blecher Kuniyoshi Filed by Debtor (11) (fr 4/21 pending resolution)**

b) Objection by Sheila Blecher Kuniyoshi (22)

Comment **Tentative Ruling: Matter will be set for trial.**

16

10:00 AM **16-51038** William Joseph Cutlip
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Matter: **a) 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 (21)**

b) Objection to Order Denying Application to Pay Filing Fee in Installments by Debtor (20)

c) Motion to Extend Time to File Schedules and Statements Under 11 U.S.C. §521 (16)

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

17

10:00 AM **16-51252** Agnieszka Pawlicki
Ch 13
Trustee: Derham-Burk

Moving: Ryan C. Wood

Opposing:

Matter: **Motion to Extend Automatic Stay Filed by Debtor (8)**

***Chambers approved this remaining on calendar 4/28/16**

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

18

10:00 AM **16-50404** Romeo Mallari
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Paul Seabrook

Matter: **a) Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e) Filed by Devin Derham-Burk (25)**

b) Opposition by Debtor (30)

Comment **Tentative Ruling: Case will be dismissed for violation of § 109(e). Court has prepared oral ruling.**

19

10:00 AM **15-53469** Pamela L. Preston
Ch 13
Trustee: Derham-Burk

Moving: Charles B. Greene

Opposing:

Matter: **Motion to Extend Automatic Stay Filed by Debtor**

***Set per Order 5/12/16**

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

20

10:00 AM **15-51456** Roberto M Herrera and
Ch 13 Rosalba Herrera- Reyes
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Matter: **a) Motion to Vacate Orders of Dismissal and For Extension of Time in Order to Confirm Case Filed by Debtor (47)**

b) Response by Trustee (56)

***Order shortening time**

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

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UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON, May 19, 2016 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**:

22. MARTHA TARAYAO
15-51686 SLJ

ATTY – WILSON

23. MACARIO ORTIZ
16-50121 SLJ

ATTY – SEABROOK

24. TERRY GARCIA
16-50145 SLJ

ATTY – SAGARIA

25. ERIN MICCICHI
16-50277 SLJ

ATTY – MEHR

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 cases are either confirmed or placed on the Trustee's Pending List:

**INITIAL CONFIRMATION CALENDAR FOR CASES
WITH NO OUTSTANDING OBJECTIONS**

JUDGE JOHNSON, May 19, 2016 at 10:00 a.m.

From: 341 Meetings of Creditors, May 2, 2016

The following cases shall be **CONFIRMED**:

26. KAREN QUESADA
16-50790 SLJ

ATTY – SHULMAN

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

JUDGE JOHNSON, May 19, 2016 at 10:00 a.m.

From: 341 Meetings of Creditors, May 2, 2016

TO BE PLACED ON TRUSTEE'S PENDING LIST:

27. LISA FOSTER
16-50757 SLJ

ATTY – FULLER
OBJECTION BY – TRUSTEE,
OPERATING ENGINEERS LOCAL
UNION#3 & UNION HOME LOAN
*****ADDL PROVISIONS IN PLAN*****

28. NIKKI OURASANET
16-50777 SLJ

ATTY – GOLD & HAMEES
OBJECTION BY – TRUSTEE
*****ADDL PROVISIONS IN PLAN*****

29. JOYCE FROST
16-50813 SLJ

ATTY – MOORE
OBJECTION BY – TRUSTEE & US BANK

**INITIAL CONFIRMATION CALENDAR FOR CASES
WITH NO OBJECTIONS FILED BUT PLAN CONTAINS ADDITIONAL PROVISIONS**

JUDGE JOHNSON, May 19, 2016 at 10:00 a.m.

From: 341 Meetings of Creditors, May 2, 2016

TO BE PLACED ON TRUSTEE'S PENDING LIST:

30. CHARLES MCKEE II
16-50752 SLJ

ATTY – SHULMAN
ADDL PROVISIONS IN PLAN