

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

Honorable M. Elaine Hammond

Tuesday, July 28, 2015

Current as of 7/27/2015 at 8:25 AM

***TO BE HEARD BY JUDGE JOHNSON IN COURTROOM 3099**

U.S. Courthouse and Federal Bldg.

280 S 1st Street

San Jose, CA 95113

San Jose Courtroom 3020

1:30 PM **11-61808** Stephen Anthony Caposio and
Ch 13 Shana Malia Caposio
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: James Jingming Cai

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (115)**

b) Opposition by Debtor (120)

Comment **Tentative Ruling: Trustee's motion to dismiss is granted. Debtors have not timely confirmed a plan. The most recent plan filed 6/16/15 is not confirmable for the reasons stated in the Trustee's objection.**

1:30 PM **12-51346** Jose S Velasco
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: James Jingming Cai

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (60)**

b) Opposition by Debtor (62)

Comment **Tentative Ruling: Trustee's motion to dismiss is granted. Debtor has not timely confirmed a plan. The most recent plan filed 5/18/15 is not confirmable for the reasons stated in the Trustee's objection.**

1:30 PM **12-53344** Francisco Javier Leal
Ch 13
Trustee: Derham-Burk
Moving: Devin L. Pace
Opposing: James Jingming Cai

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (58)**

b) Opposition by Debtor (62)

Comment ***TO BE HEARD ON 2:30 CALENDAR WITH OBJECTION TO CONFIRMATION**

1:30 PM **13-50251** Teodoro Abaya Unarce and
Ch 13 Aida M Unarce
Trustee: Derham-Burk
Moving: Nanette Dumas
Opposing: David A. Boone

Matter: **a) First Amended Motion to Dismiss Case Filed by Devin Derham-Burk (29)**

b) Opposition by Debtor (30)

Comment **Tentative Ruling: Case dismiss. Trustee's objection has been pending since 2013. Trustee's 10/2014 motion was ignored. Filing AP to determine allowance of claim filed 30 months after case commenced is untimely and prejudicial**

1:30 PM **13-50873** Mark Edward Chaves and
Ch 13 Veronica Lynne Uli-Chaves
Trustee: Derham-Burk
Moving: Nanette Dumas
Opposing: Gary Paul

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (49)**

b) Opposition by Debtors (64)

Comment **Tentative Ruling: The objections to confirmation appear to be resolved by the 4th amended plan filed 7/21/15. Plan must be confirmed by 9/24/2015 or case will be dismissed.**

1:30 PM **14-50871** Gerardo Chavez-Torres and
Ch 13 Carolina Dolores Garcia
Trustee: Derham-Burk
Moving: Nanette Dumas
Opposing: Scott J. Sagaria

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (21)**

b) Opposition by Debtor (23)

Comment **Tentative Ruling: Trustee has withdrawn her objection to confirmation. Plan must be confirmed by 9/24/2015 or case will be dismissed.**

1:30 PM **14-51798** Delfina M Loza
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas
Opposing: Jason Vogelpohl

Matter: **a) Motion to Dismiss Case for Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. section 1307(c)(1) Filed by Devin Derham-Burk (23)**

b) Opposition by Debtor (25)

Comment *TO BE HEARD ON 2:30 CALENDAR WITH FEE APPLICATION

1:30 PM **14-52419** Jake Tri Huynh
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas
Opposing: Stanley Phan

Matter: **a) Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (47)**

b) Opposition by Debtor (59)

Comment *Off calendar - motion withdrawn 7/23/15

1:30 PM **14-52700** Nikki Ourasanit
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas
Opposing: Sidney C. Flores

Matter: **Motion to Dismiss Case Pre-Confirmation pursuant to 11 U.S.C. sec. 1307(c)(1) Filed by Devin Derham-Burk (35)**

Comment **Tentative Ruling: The Trustee's motion to dismiss is granted due to lack of opposition and merits of motion.**

1:30 PM **14-54154** Sigrid Evelyn Oseberg
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 Devin Derham-Burk (26)**

b) Opposition by Debtor (28)

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

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1:30 PM **14-54240** Grayelin Lee Young, Sr. and
Ch 13 Anita Louise Young
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: Elliot Gale

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Matter: a) **Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (29)**

b) **Opposition by Debtor (31)**

Comment **Tentative Ruling: This matter continued to August 28, 2015 calendar. No appearance required. Parties should be prepared to discuss briefing schedule at next hearing.**

1:30 PM **14-54314** James Edward Bigelow and
Ch 13 Joy Ann Bigelow
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: David A. Boone

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Matter: a) **Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (21)**

b) **Opposition by Debtor (23)**

Comment **Tentative ruling: Plan to be confirmed by 9/25/2015 or case will be dismissed without further motion.**

1:30 PM **14-54357** Theodore V Spalinger
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: Michael K. Mehr

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

b) **Opposition by Debtor (42)**

Comment ***TO BE HEARD ON 2:30 CALENDAR WITH MOTION TO AVOID LIEN**

1:30 PM **14-54408** Jason Bucher
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: Michael K. Mehr

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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 (49)**

b) **Request for Hearing by debtor (51)**

Comment **Tentative Ruling: Case will be dismissed if payments are not current. Deadline for confirmation of plan: 10/20/2015.**

1:30 PM **14-54419** Serena Ann Stahlman
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas
Opposing: David A. Boone

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Matter: a) **Motion to Dismiss Case Pre-confirmation Pursuant to 11 U.S.C. Section 1307(c)(1) Filed by Devin Derham-Burk (24)**

b) **Opposition by Debtor (28)**

Comment **Tentative Ruling: Plan must be confirmed by 9/25/2015 or case will be dismissed without further motion.**

1:30 PM **14-54780** Cheryl A. Bisho
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas
Opposing:

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Matter: a) **Motion to Dismiss Case for Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. section 1307(c)(1) Filed by Devin Derham-Burk (45)**

b) **Opposition by Debtor (47)**

Comment **Tentative Ruling: If plan payments are not current, case will be dismissed.**
