

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

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

*Current as of 12/16/2015 at 8:55 AM*

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**San Jose Courtroom 3099**

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

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

**Moving:** Lars T. Fuller

**Opposing:**

**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) (fr 9/17, 11/19)**

**Comment** **Tentative Ruling: Matter off calendar per order entered on 12/11/15.**

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10:00 AM **09-60405** Stephen Allen Seidlinger and  
Ch 13 Victoria Nolan  
Trustee: Derham-Burk

**Moving:** Brian M. Kandel

**Opposing:**

**Matter:** **Motion for Authority to Incur Secured Debt For The Purpose of Modifying The Terms Of An Existing Secured Loan For Real Property Filed by Debtor (103)**

**\*Statement of Non-Opposition filed by Trustee 11/23/15**

**Comment** **Tentative Ruling: Granted.**

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10:00 AM **10-54102** Dominic J. DeMario and  
Ch 13 Audrey L. DeMario  
Trustee: Derham-Burk

**Moving:** Cassandra J. Richey

**Opposing:** Susan D. Silveira

**Matter:** **a) Motion for Reconsideration of Order Granting Debtors' Objection to Claim No. 4 on Default Judgment Under Federal Rule of Civil Procedure 60(b) by The Bank of New York Mellon (43)**

**b) Opposition by Debtor (51)**

**c) Hearing re Objection to Notice of Final Payment Due, Opposition to Summary Dismissal of Case and Motion for Order To Require Trustee to Put Matter on Calendar to Satisfy Requirements of Due Process Filed by Debtor (45) \*withdrawn 12/11/15**

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

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10:00 AM **11-61316** Myriam M. Lonaker  
Ch 13  
Trustee: Derham-Burk

**Moving:** Matthew Mellen

**Opposing:** Nanette Dumas

**Matter:** **a) Motion to Reopen Chapter 13 Case Filed by Debtor (57)**

**b) Opposition by Trustee (62)**

**Comment** **Tentative Ruling: This matter will be called. Motion does not appear to have been served on state court defendants and all creditors, so it will likely be continued.**

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10:00 AM **12-53500** Robert C. Kerslake and  
Ch 13 Gaylynn J. Kerslake  
Trustee: Derham-Burk

**Moving:** Charles B. Greene

**Opposing:**

**Matter:** **a) Motion to Modify Plan Filed by Debtor (70)**

**b) Amended Objection by Trustee (76)**

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

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10:00 AM **14-50898** Mary Lou Mendoza  
Ch 13  
Trustee: Derham-Burk

**Moving:** Sara J. Lipowitz

**Opposing:**

**Matter:** **a) Motion to Modify Plan Filed by Debtor (51) (fr 11/19)**

**b) Objection filed by Trustee (54)**

**c) Hearing re First Amended Motion to Modify Plan Filed by Debtor (58)**

**Comment** **Tentative Ruling: If the modification (second) filed on 11/25/2015 is acceptable to the trustee, motion to modify will be granted. If not, trustee must state remaining concerns.**

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10:00 AM **14-54151** Mehrangiz Ghahremanizadeh  
Ch 13  
Trustee: Derham-Burk

**Moving:** Lars T. Fuller

**Opposing:**

**Matter:** **Motion For Contempt and for Declaratory Relief Against PennyMac Loan Services, LC Filed by Debtor (25) (fr 10/15)**

**\*Stipulation Vacating Hearing Pending Resolution Denied per Order of 11/15/15**

**Comment** **Tentative Ruling: Matter will be set for trial if not resolved. Court cannot carry motions without dates for hearing or resolution.**

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10:00 AM **15-50245** Nick Patrick Satalino  
Ch 13  
Trustee: Derham-Burk

**Moving:** Steven B. Mains

**Opposing:** Sidney C. Flores

**Matter:** **Motion to Convert Case to Chapter 7 Filed by Wells Fargo Bank, N.A. (122)**

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

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10:00 AM **15-50822** Rogelio Galindo Cisneros  
Ch 13  
Trustee: Derham-Burk

**Moving:** W. Kirk Moore

**Opposing:**

**Matter:** **a) Hearing re First Amended Objection to Confirmation of Amended Chapter 13 Plan Filed by Trustee (27)**

**b) Hearing re Objection to Confirmation of Amended Plan Filed by Mayra Cisneros (29)**

**c) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (23)**

**d) Opposition by Debtor (25)**

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

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10:00 AM **15-51339** Dolores Yee  
Ch 13  
Trustee: Derham-Burk

**Moving:** Nina C. Decker

**Opposing:**

**Matter:** **Motion for Order Confirming No Stay in Effect Filed by Debtor (47)**

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

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10:00 AM **15-52108** Young Il Hwang  
Ch 13  
Trustee: Derham-Burk

**Moving:** H. Jayne Ahn

**Opposing:** J. Alexandra Rhim

**Matter:** **Hearing re Objections by BBCN Bank to Confirmation of First Amended Chapter 13 Plan Filed by Debtor (19)**

**Comment** **Tentative Ruling: It appears parties have resolved objection to confirmation (trustee withdrew, creditor has settled). Is case ready for confirmation?**

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10:00 AM **15-52320** Alan Vance McAllister  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Brette L. Evans  
**Opposing:**

**Matter:** **Motion for Order Allowing Sale of Residential Property Pursuant to U.S.C. §363(b) Filed by Debtor (23)**

**\*Statement of Non-Opposition filed by Trustee 12/7/15**

**Comment** **Tentative Ruling: Matter will be called to address service issues. Motion to sell real property requires service that comports with BR 9014 and 7004(b)(3).**

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10:00 AM **15-52612** Charlly J. Sung  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Aaron Lipton  
**Opposing:** Samyel Geshgian

**Matter:** **a) Hearing re Objection to Confirmation of Plan Filed by Nationstar Mortgage, LLC (25)**

**b) Hearing re First Amended Objection to Confirmation of Chapter 13 Plan Filed by Derham-Burk, Devin (27) \*2nd Amd Obj fld 12/8/15**

**c) Hearing re Objection to Confirmation of Plan Filed by Bank of America, N.A. (19)**

**Comment** **Tentative Ruling: The court will drop this matter from the calendar. Dispute with 2 creditors appears resolved and Debtor has filed amended plan (12/14/2015).**

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10:00 AM **15-52951** Lornita Madariaga Sagaysay  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin L. Pace  
**Opposing:** Stanley Phan

**Matter:** **a) Hearing re Motion to Dismiss Case for Failure to Make Plan Payments Filed by Devin Derham-Burk, (20)**

**b) Objection by Debtor (21)**

**Comment** **Tentative Ruling: Matter will be called. If debtor is not current on payments case will be dismissed. Counsel for debtor to appear in person.**

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10:00 AM **15-52958** Ana Maria Magana Pena  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin L. Pace  
**Opposing:** Stanley Phan

**Matter:** **a) Motion to Dismiss Case for Failure to Make Plan Payments Filed by Devin Derham-Burk (21)**

**b) Objection by Debtor (22)**

**Comment** **Tentative Ruling: Matter will be called. If debtor is not current on payments case will be dismissed. Counsel for debtor to appear in person.**

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10:00 AM **15-53612** Maria Chavez  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

**Matter:** **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 (10)**

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

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**UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION**

**JUDGE JOHNSON – December 17, 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**:

17. JOEY SAIA  
15-5-1883 SLJ

ATTY – GRAVEL

18. SERGIO & ROSA GUTIERREZ  
15-5-1946 SLJ

ATTY – HENSHAW

19. MONICA COOK  
15-5-2036 SLJ

ATTY – MOORE

20. FRANCISCA SIGGINI-BESS  
15-5-2684 SLJ

ATTY – FARSAD LAW

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 hearings 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 – December 17, 2015 at 10:00 a.m.**

The following cases shall be **CONFIRMED**:

21. DAVID MIRANDA  
15-5-3316 SLJ

ATTY – MOORE

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

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

From: 341 MEETING OF CREDITORS, November 30 & December 4, 2015

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

22. ROBERTO GUICHO 15-5-2349 SLJ	ATTY – EVANS OBJECTION BY – TRUSTEE
23. ANTHONY ROMO 15-5-3247 SLJ	ATTY – LUU OBJECTION BY – TRUSTEE
24. ALEXANDER ARGUETA 15-5-3267 SLJ	ATTY – ZERBINI OBJECTION BY – TRUSTEE
25. JOHN WHARTON 15-5-3272 SLJ	ATTY – PRO SE OBJECTION BY – TRUSTEE
26. DARRELL FEARS 15-5-3292SLJ	ATTY – FULLER OBJECTION BY – CAM VII TRUST
27. JOHN & RITA SALSED0 15-5-3301 SLJ	ATTY – DOUGHERTY & GUENTHER OBJECTION BY – TRUSTEE
28. EDUARDO TOVAR 15-5-3304 SLJ	ATTY – CENTRAL COAST OBJECTION BY – TRUSTEE
29. LYNETTE PARADISO 15-5-3308 SLJ	ATTY – PAUL OBJECTION BY - TRUSTEE