

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

Honorable Stephen L. Johnson

Thursday, July 23, 2015

Current as of 7/21/2015 at 3:51 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

10:00 AM **11-59558** Patrick J Gunning and
Ch 13 Myrtle M. Gunning
Trustee: Derham-Burk

Moving: Mufthiha Sabaratnam

Opposing: Megan E. Lees

Matter: a) **Motion for Order Approving Procedures for the Sale of Estate Property Located 327 Pennsylvania Ave., Los Gatos, CA based on Court Order Confirming Chapter 13 Plan Filed by Debtor (58)**

b) **Conditional Non-Opposition by U.S. Bank, N.A. (61)**

c) **Motion for Relief from Stay RS #MEL-014, Filed by US Bank N.A. (55)(fr 6/16)**

d) **Response by Debtor (57)**

Comment Tentative Ruling: Matter will be called.

10:00 AM **12-53386** William Schnoor and
Ch 13 Vicki Schnoor
Trustee: Derham-Burk

Moving: Jason Vogelpohl

Opposing:

Matter: a) **Motion to Vacate Discharge Filed by Debtor (44)**

b) **Response by Trustee (48)**

Comment Tentative Ruling: Matter will be called.

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10:00 AM **13-50013** Kimberly Lynn Shannon and
Ch 13 John Patrick Shannon
Trustee: Derham-Burk

Moving: Stanley A. Zlotoff

Opposing:

Matter: **Application for Authority to Sell Real Property (18181 Butterfield Blvd., Ste 105, Morgan Hill)
Filed by Debtors (35)**

***Order shortening time**

****Trustee's Statement of Non-Opposition filed 7/20/15**

Comment **Tentative Ruling: Grant unless there is opposition at the hearing.**

3

10:00 AM **14-51596** Albert Rodriguez and
Ch 13 Ronda Rodriguez
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Anthony Delas

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1), in addition to
Motion to Disgorge Fees Filed by Trustee (32) (fr 6/18)**

b) Opposition by Counsel for Debtor (34)

***Case dismissed 6/18/15; Mr. Delas instructed to file a 2016(b) by 6/25/15 - filed on 6/18.**

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

4

10:00 AM **14-52673** Elizabeth Quintana
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing: Jennifer Reichhoff

Matter: **a) Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by
Trustee (34)**

b) Objection by Debtor (39)

Comment **Tentative Ruling: Off calendar - motion withdrawn 7/21/15**

5

10:00 AM **14-54006** Pedro Centeno Tapia
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing: Lauro Nick Pacheco Jr.

Matter: **Motion to Dismiss Case Filed by Trustee (30)**

Comment **Tentative Ruling: No opposition filed, motion will be granted. Court retains jurisdiction over 11
USC sec. 329 motion.**

6

10:00 AM **15-50228** Joseph D. Burgin
Ch 13
Trustee: Derham-Burk

Moving: David B. Rao

Opposing:

Matter: **Application for Compensation of Fees: \$14,386.25 & Reimbursement of Expenses: \$438.76 Filed by Binder & Malter, LLP, Counsel for Debtor (41)**

Comment **Tentative Ruling: Fees are reasonable, necessary, beneficial to debtor. Approved. Sec. 330(a)(4)(B).**

7

10:00 AM **15-51016** Florizel A Fears
Ch 13
Trustee: Derham-Burk

Moving: Reilly Wilkinson

Opposing: Teresa Thu Huong Nguyen

Matter: **Hearing re Objection to Confirmation of Plan Filed by CAM VII TRUST (28)**

Comment **Tentative Ruling: Creditor objection to confirmation sustained due to lack of opposition and merit of creditor's position.**

8

10:00 AM **15-51314** Macario R Obillo and
Ch 13 Corazon Colorado Obillo
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: **Motion to Void & Strip Lien of Wilshire Credit Corp/Mortgageit, Inc./Mortgage Electronic Registration Systems, Inc. Filed by Debtor (18)**

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

9

10:00 AM **15-51337** Pedro Martinez
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing:

Matter: **Motion to Dismiss Case Filed by Trustee (32)**

Comment **Tentative Ruling: Motion is granted for reasons stated therein and for lack of opposition. Trustee to upload order.**

10

10:00 AM **15-51893** Ly Chau
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 and Show Cause Why This Case Should Not Be Dismissed With Prejudice (7)**

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

11

10:00 AM **15-52128**

Edward Henry Fontaine, Jr.

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 (15)**

b) **Amended Motion to Extend Time filed by Debtor (12)**

c) **Response by Debtor (24)**

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

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UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – July 23, 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**:

- | | |
|---|---------------------------|
| 13. ELIZABETH QUINTANA
14-5-2673 SLJ | ATTY – REICHHOFF |
| 14. RICHARD & DONNA HURLEY
14-5-3256 SLJ | ATTY – BELVEDERE LEGAL PC |
| 15. PHILLIP AUDET
14-5-4039 SLJ | ATTY – ZLOTOFF |
| 16. ANABELLA ESTRADA
14-5-4262 SLJ | ATTY – HARWOOD |
| 17. JOSEPH & REINA BATTO
14-5-4309 SLJ | ATTY – BOONE |
| 18. HADLEY & MADELEINE JOHNSON
14-5-5017 SLJ | ATTY – MEHR |
| 19. JOHN LUMICAO
14-5-5022 SLJ | ATTY – BOONE |
| 20. PURESА JACOBO
15-5-0442 SL | ATTY – BOONE |
| 21. SYLVIA MAYNEZ
15-5-1356 SLJ | ATTY – FULLER |

22. CHARLES LEQUIEU
15-5-1473 SLJ

ATTY – SAGARIA

23. ENRIQUE & MADALENA MEDELLIN
15-5-1474 SLJ

ATTY – REICHHOFF

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 – July 23, 2015 at 10:00 a.m.

The following cases shall be **CONFIRMED**:

- | | |
|---|----------------------|
| 24. KRISTY WILSON
15-5-1598 SLJ | ATTY – BROOKS |
| 25. DARRON MCCULLER
15-5-1618 SLJ | ATTY – MOORE |
| 26. LAYNE KULWIN
15-5-1643 SLJ | ATTY – SHULMAN |
| 27. JENNIFER JACKSON
15-5-1661 SLJ | ATTY – POLON |
| 28. DEBRA PEREZ
15-5-1671 SLJ | ATTY – MOORE |
| 29. LYLE & MARILYN WALLACE
15-5-1719 SLJ | ATTY – GOLD & HAMMES |
| 30. RUTH SOLIS
15-5-1747 SLJ | ATTY – MILLER |

31. EDUARDO DUARTE &
MARALEM PEDRAZA
15-5-1752 SLJ

ATTY – DOUGHERTY & GUENTHER

32. LILIANA LOPEZ
15-5-1766 SLJ

ATTY – EVANS

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

JUDGE JOHNSON – July 23, 2015 at 10:00 a.m.

From: 341 MEETING OF CREDITORS, June 29; July 6, 8, & 10, 2015

TO BE PLACED ON TRUSTEE'S PENDING LIST:

- | | |
|---|--|
| 33. JUAN NUNO JR & GRISELDA OGAZ
15-5-1619 SLJ | ATTY – MOORE
OBJECTION BY – WELLS FARGO BANK |
| 34. CRISTY AQUINO
15-5-1638 SLJ | ATTY – PRO SE
OBJECTION BY - TRUSTEE |
| 35. ROMEO & AMELIA SABLAO
15-5-1670 SLJ | ATTY – MOORE
OBJECTION BY – WELLS FARGO BANK |
| 36. NIDIA GAONA
15-5-1680 SLJ | ATTY – NICHANI
OBJECTION BY – TRUSTEE & WELLS FARGO
BANK |
| 37. FERNANDO SERAYA
15-5-1683 SLJ | ATTY – LUU
OBJECTION BY – TRUSTEE & WELLS FARGO
BANK |
| 38. MARTHA TARAYAO
15-1686 SLJ | ATTY – WILSON
OBJECTION BY – TRUSTEE |
| 39. MARICEL MARTINEZ
15-5-1688 SLJ | ATTY – BROOKS
OBJECTION BY – TRUSTEE |
| 40. KAREN HERNANDEZ
15-5-1706 SLJ | ATTY – BOONE
OBJECTION BY – TOYOTA MOTOR
CREDIT |
| 41. IVAN & LETICIA ROSSO
15-5-1711 SLJ | ATTY – CENTRAL COAST
OBJECTION BY – TRUSTEE |

42. LUIS & KIMBERLY LOPEZ
15-5-1714 SLJ

ATTY – BOONE
OBJECTION BY - TRUSTEE

43. MOISES & VIRGINIA DUARTE
15-5-1721 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE

44. KEVIN & LOUISA JUSTUS
15-5-1739 SLJ

ATTY – BOONE
OBJECTION BY – WELLS FARGO BANK

45. LORRAINE TAMAYO
15-5-1799 SLJ

ATTY – EVANS
OBJECTION BY – TRUSTEE