

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

**Honorable Stephen L. Johnson**

**Thursday, August 16, 2018**

*Current as of 8/14/2018 at 12:10 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 **17-51098** Steven Danforth Apker and  
Ch 13 Joyce Pauline Apker  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

**Debtor or Plaintiff Attorney:** Stanley A. Zlotoff

**Matter:** [Fourth Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk \(48\)](#)

**\*Trustee's Objection withdrawn on 7/27/2018 (55)**

**Comment** Tentative Ruling: The only remaining objection (Becharoff Cap. DKT 24) was not properly set for hearing (only the Trustee's objection was linked). Matter will be continued for notice to Becharoff.

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10:00 AM **17-51966** Stuart Lee Spence and  
Ch 13 Karen Eileen Maruska Spence  
Trustee: Derham-Burk

**Moving:** Nancy Lee

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

**Matter:** [Objection to Confirmation of Amended Plan Filed by the Bank of New York Mellon \(53\)](#)

**Comment** Tentative Ruling: Status conference statement provides no detail on attempts to resolve or nature of outstanding dispute. Matter is dropped from the calendar. Matter can be reset when parties have met and conferred or reached an impasse.

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10:00 AM **17-51966** Stuart Lee Spence and  
Ch 13 Karen Eileen Maruska Spence  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

**Matter:** **Second Amended Objection to Confirmation filed by Trustee (30)**

**\*Withdrawal of document #59 filed by Debtors on 7/19/2018 (66)**

**\*Objection withdrawn by Trustee (67)**

**Comment** **Tentative Ruling: Matter dropped from calendar. Debtors withdrew the Notice of Hearing.**

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10:00 AM **17-51966** Stuart Lee Spence and  
Ch 13 Karen Eileen Maruska Spence  
Trustee: Derham-Burk

**Moving:** Yvonne Q. McGovern

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

**Matter:** **Objection to Confirmation of Plan Filed by Creditor First Tennessee Bank National Association (19)**

**Comment** **Tentative Ruling: Status conference statement provides no detail on attempts to resolve or nature of outstanding dispute. Matter is dropped from the calendar. Matter can be reset when parties have met and conferred or reached an impasse.**

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10:00 AM **17-52419** Armando G Tercero  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** Dana M. Douglas

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c)(1), in addition to Motion to Disgorge Filed by Devin Derham-Burk (40)**

**\*Objection to Disgorge Fees and support of Motion to Dismiss Case filed by Debtor (42)**

**\*Suppl Objection to Disgorge Fees and support of Motion to Dismiss Case filed by Debtor (44)**

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

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10:00 AM **17-53083** Ramiro Moran  
Ch 13  
Trustee: Derham-Burk

**Moving:** Kelly Raftery

**Opposing:**

**Debtor or Plaintiff Attorney:** Brette L. Evans

**Matter:** **Objection to Confirmation of Plan Filed by CitiGroup Mortgage Loan Trust Inc. (35)**

**\*Withdrawal of Objection filed by CitiGroup Mortgage Loan Trust Inc. (55)**

**Comment** **Tentative Ruling: Objection has been withdrawn. Can trustee recommend confirmation?**

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10:00 AM **18-50462** Muzyen M. Abdulkadir  
Ch 13  
Trustee: Derham-Burk

**Moving:** Reilly Wilkinson  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Nancy Weng

**Matter:** [Objection to Confirmation of Tenth Amended Chapter 13 Plan Filed by CAM XVI Trust \(35\)](#) 7

[\\*Objection withdrawn by CAM XVI Trust on 7/5/18 \(54\)](#)

**Comment** **Tentative Ruling: Objection withdrawn. Can trustee recommend confirmation?**

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10:00 AM **18-50791** Robin Kim Ray  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:**

**Matter:** [Motion to Dismiss Case Pre-Confirmation Filed by Devin Derham-Burk \(33\)](#) 8

**Comment** **Tentative Ruling: No opposition filed by deadline. Motion will be granted and is dropped from the calendar. Trustee to upload order.**

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10:00 AM **18-50949** Monique Truong Chau  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Paul Seabrook

**Matter:** [Motion to Dismiss Case Pre-Confirmation for Lack of Evidence that Post Petition Installment Payments to Class 1 Creditors are Current Filed by Devin Derham-Burk \(30\)](#) 9

**Comment** **Tentative Ruling: No opposition filed by deadline. Motion will be granted and is dropped from the calendar. Trustee to upload order.**

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10:00 AM **18-51052** Maria E Castillo-Corey and  
Ch 13 David E Corey  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Cathay Fulton Ericksen

**Matter:** [Motion to Dismiss Case Pre-Confirmation for Failure to Submit Required Documents to the Trustee Filed by Devin Derham-Burk \(32\)](#) 10

**Comment** **Tentative Ruling: No opposition filed by deadline. Motion will be granted and is dropped from the calendar. Trustee to upload order.**

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10:00 AM **18-51187** Denise M Newsom  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** David S. Henshaw

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**Matter:** **Motion to Dismiss Case Pre-Confirmation for Lack of Evidence that Post Petition Installment Payments to Class 1 Creditors are Current Filed by Devin Derham-Burk (20)**

**Comment** **Tentative Ruling: No opposition filed by deadline. Motion will be granted and is dropped from the calendar. Trustee to upload order.**

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10:00 AM **18-51196** Christine Plascencia  
Ch 13

Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** Lars T. Fuller

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**Matter:** **Motion to Dismiss Case Pre-Confirmation Filed by Devin Derham-Burk (15)**

**\*Opposition filed by Debtor (24)**

**Comment** **Tentative Ruling: Matter will be called. Debtor to explain why she failed to file declaration of payment of mortgage prior to 341(a) meeting; see General Order 34. Evidence pertains only to Selene Financial. Are payments on Milestone Financial current?**

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10:00 AM **18-51307** Rudy L. Ortega  
Ch 13

Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** Jason Vogelpohl

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**Matter:** **Motion to Dismiss Case for Failure to Make First Plan Payment Filed by Devin Derham-Burk (25)**

**Comment** **Tentative Ruling: No opposition filed by deadline. Motion will be granted and is dropped from the calendar. Trustee to upload order.**

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10:00 AM **18-51315** Lisa Linden Foley  
Ch 13

Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

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**Matter:** **Motion to Dismiss Case for Failure to Make First Plan Payment Filed by Devin Derham-Burk (22)**

**Comment** **Tentative Ruling: No opposition filed by deadline. Motion will be granted and is dropped from the calendar. Trustee to upload order.**

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