

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

Honorable Stephen L. Johnson

Thursday, November 8, 2018

Current as of 11/6/2018 at 11:35 AM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

10:00 AM **13-52760** Richard Allen Caravayo and
Ch 13 Ilse Haas Caravayo
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **Motion to Dismiss Case For Material Default Under Confirmed Plan Filed by Devin Derham-Burk (32)**

***Opposition filed by Debtors (34)**

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

10:00 AM **14-52512** Joseph Anthony Lovecchio
Ch 13
Trustee: Derham-Burk

Moving: Scott J. Sagaria

Opposing:

Debtor or Plaintiff Attorney: Elliot Gale

Matter: **Amended Motion to Modify Chapter 13 Plan Filed by Debtor (55)**

***Opposition filed by Trustee (57)**

Comment **Tentative Ruling: Motion to modify will be denied. No evidence presented in response to trustee's reasonable rqst for proof of income despite six months time passing.**

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10:00 AM **15-52036** Monica Jeannette Cook
Ch 13
Trustee: Derham-Burk

Moving: W. Kirk Moore

Opposing:

Debtor or Plaintiff Attorney: W Kirk Moore

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Matter: **Motion to Incur Debt Filed by Monica Cook (57)**

***Order Shortening Time**

Comment **Tentative Ruling:** Motion is not necessary because property revested. Plan says "Once property reverts, the Debtor(s) may sell or refinance real or personal property without further order of the court, upon approval of the Chapter 13 Trustee". If trustee approves, matter should be dropped from the calendar.

10:00 AM **15-52787** Arash Michael Jaffari and
Ch 13 Melissa Ann Jaffari
Trustee: Derham-Burk

Moving: W. Kirk Moore

Opposing:

Debtor or Plaintiff Attorney: W Kirk Moore

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Matter: **Motion to Incur Debt Filed by Debtors (39)**

***Order Shortening Time**

Comment **Tentative Ruling:** Motion will be dropped from the calendar. Plan states: Once property reverts, the Debtor(s) may sell or refinance real or personal property without further order of the court, upon approval of the Chapter 13 Trustee.

10:00 AM **16-51312** Dane Christopher Rudd
Ch 13
Trustee: Derham-Burk

Moving: Scott J. Sagaria

Opposing:

Debtor or Plaintiff Attorney: Scott J. Sagaria

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Matter: **Motion to Modify Plan Filed by Debtor (17)**

***Opposition filed by Trustee (19)**

Comment **Tentative Ruling:** Motion to modify will be denied. No evidence presented in response to trustee's reasonable rqst for proof of income despite seven months time passing.

10:00 AM **17-52038** Mikahel Chang and
Ch 13 Eun K. Chang
Trustee: Derham-Burk

Moving: Joshua D. Brysk

Opposing:

Debtor or Plaintiff Attorney: Lars T. Fuller

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Matter: **Objection to Confirmation of Plan and Joinder in Trustee's Objection to Confirmation of Plan Filed by Bruce Chalmers (31)**

Comment **Tentative Ruling: Confirmation objection is overruled. The secured claim was avoided by order under 522(f) and by judgment as preference. Law requires claim to be treated as unsecured.**

10:00 AM **17-52038** Mikahel Chang and
Ch 13 Eun K. Chang
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Lars T. Fuller

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Matter: **Fourth Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (56)**

***Objection withdrawn by the Trustee on 9/21/2018**

Comment **Tentative Ruling: With creditor objection overruled, can Trustee recommend confirmation?**

10:00 AM **17-52509** Peter Anthony McCoy
Ch 13
Trustee: Derham-Burk

Moving: Aaron Lipton

Opposing:

Debtor or Plaintiff Attorney: Aaron Lipton

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Matter: **Motion to Modify Plan Notice of Opportunity for Hearing Filed by Debtor (55)**

***Opposition filed by Trustee (56)**

***Opposition filed by U.S. Bank (57)**

***Opposition withdrawn by the Trustee (60)**

Comment **Tentative Ruling: Motion to amend denied because proposed in bad faith and no change in actual circumstances.**

10:00 AM **18-51247** Norma Angulo Gonzalez and
Ch 13 Ramon Monroy Rodriguez
Trustee: Derham-Burk

Moving: Jon G. Brooks

Opposing:

Debtor or Plaintiff Attorney: Jon G. Brooks

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Matter: **Application for Compensation Fee \$7,762.50 and Expenses \$369.15 Filed by Jon Brooks (40)**

Comment **Tentative Ruling: Fees granted under § 330(a)(4)(B). Paid only when plan is confirmed or in connection with dismissal from any funds Trustee holds.**

10:00 AM **18-51773** Robert Allan Glass and
Ch 13 Barbara Glass
Trustee: Derham-Burk

Moving: Devin Derham-Burk

Opposing:

Debtor or Plaintiff Attorney: Joseph Angelo

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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 (21)**

***Opposition filed by Debtors (25)**

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

10:00 AM **18-52333** Lynnette Vernise Jenkins
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney:

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Matter: **Order Requiring Debtor to Appear in Person to Show Cause Why this Case Should Not be Dismissed with Prejudice (7)**

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