

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

**Honorable Stephen L. Johnson
Thursday, November 21, 2019**

Current as of 11/18/2019 at 2:15 PM

San Jose Courtroom 9

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

10:00 AM **15-52279** Bart Daniel Szalla

Ch 13

Trustee: Derham-Burk

Moving: Jason Vogelpohl

Opposing:

Debtor or Plaintiff Attorney: Jason Vogelpohl

Matter: [Third Amended Motion to Modify Plan Filed by Debtor \(47\)](#)

[*Opposition filed by Trustee \(49\)](#)

[*Amended Opposition filed by Trustee \(51\)](#)

Comment **Tentative Ruling: Motion denied. No factual showing whatsoever to support the requested modification and trustee's argument re debtor's lack of good faith is reasonable.**

10:00 AM **15-53501** Dennis H. Houghtby and

Ch 13

Nancy J. Houghtby

Trustee: Derham-Burk

Moving: Renee C. Mendoza

Opposing:

Debtor or Plaintiff Attorney: Renee C. Mendoza

Cathleen Cooper Moran

Matter: [Application for Compensation Fee \\$11,440.00 and Expenses \\$270.04 Filed by Cathleen Moran\(165\)](#)

Comment **Tentative Ruling: Fees allowed as necessary and beneficial to debtors under § 330(a)(4)(B).**

10:00 AM **17-52912** Denise Diane Montalvo

Ch 13

Trustee: Derham-Burk

Moving: Devin Derham-Burk

Opposing:

Debtor or Plaintiff Attorney: Aaron Lipton

Matter: [Motion to Dismiss Case for Failure to Remain Current with Post-Petition Mortgage Payments Filed by Devin Derham-Burk \(54\)](#)

Comment **Tentative Ruling: Motion will be granted at hearing due to lack of timely opposition and fact that payments under plan are not being made.**

10:00 AM **18-50288** Rey Salazar Villamor, Jr.
Ch 13
Trustee: Derham-Burk
Moving: Devin Derham-Burk
Opposing:
Debtor or Plaintiff Attorney: W. Kirk Moore

Matter: **Motion to Dismiss Case for Failure to Remain Current with Post-Petition Mortgage Payments Filed by Devin Derham-Burk (48)**

***Opposition filed by Debtor (50)**

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

10:00 AM **18-51789** Sharon Eileen Palladino
Ch 13
Trustee: Derham-Burk
Moving: Devin L. Pace
Opposing:
Debtor or Plaintiff Attorney: David A. Boone
David (dw) Boone

Matter: **Motion to Dismiss Case for Failure to Make Plan Payments Filed by Devin Derham-Burk (37)**

***Opposition filed by Debtor (39 & 40)**

(fr 10/17)

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

10:00 AM **18-52570** Hector Ignacio Zuno
Ch 13
Trustee: Derham-Burk
Moving: William W. Winters
Opposing:
Debtor or Plaintiff Attorney: William W. Winters

Matter: **Motion to Modify Plan Filed by Hector Zuno (75)**

Comment **Tentative Ruling: Matter is dropped. Counsel's notice of the motion relies on a rule that does not apply to modified plans. BLR 4001-2 only applies to motions to impose/extend stay. This motion is governed by BLR 9014-1(c). Matter should be renoticed.**

10:00 AM **19-50116** Fernando Castaneda Jimenez and
Ch 13 Maria Eugenia Jimenez
Trustee: Derham-Burk

Moving: Sidney C. Flores

Opposing:

Debtor or Plaintiff Attorney: Sidney C. Flores

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Matter: **Objection to Claim Number 13 by Claimant Surinder K Chawla Filed by Fernando Jimenez (38)**

***Opposition filed by Debtor (74)**

***Brief filed by Creditor Surinder Chawla (79)**

***Reply filed by Debtor (84)**

(fr 9/12)

Comment **Tentative Ruling: Matter will be called for trial setting. Parties must have calendars available to set trial at the hearing.**

10:00 AM **19-50343** Jagath K. Ranasinghe
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

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Matter: **Second Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (41)**

Comment **Tentative Ruling: It appears most of trustee's objection points are resolved. If the objection is not withdrawn, the trustee should advise court of remaining objection points.**

10:00 AM **19-50392** Tammy Marie Ogletree
Ch 13
Trustee: Derham-Burk

Moving: John G. Downing

Opposing:

Debtor or Plaintiff Attorney: Aaron Lipton

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Matter: **Motion to Convert Case to Chapter 7 Filed by Sarah Davis (36)**

***Opposition Filed by Debtor (41)**

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

10:00 AM **19-50795** Darold August Allen
Ch 13
Trustee: Derham-Burk
Moving: Devin Derham-Burk
Opposing:
Debtor or Plaintiff Attorney: Stanley A. Zlotoff

Matter: [Motion to Dismiss Case Pre-confirmation Filed by Devin Derham-Burk \(19\)](#)

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***Opposition filed by Debtor (23)**

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

10:00 AM **19-50795** Darold August Allen
Ch 13
Trustee: Derham-Burk
Moving: Stanley A. Zlotoff
Opposing:
Debtor or Plaintiff Attorney: Stanley A. Zlotoff

Matter: [Amended Chapter 13 Plan Filed by Debtor \(27\)](#)

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Comment **Tentative Ruling: This matter is dropped from calendar. This is not the correct chapter 13 procedure. Debtor already set a contested confirmation hearing on Trustee's confirmation objection on this calendar.**

10:00 AM **19-50795** Darold August Allen
Ch 13
Trustee: Derham-Burk
Moving:
Opposing:
Debtor or Plaintiff Attorney: Stanley A. Zlotoff

Matter: [First Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk \(18\)](#)

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Comment **Tentative Ruling: This hearing is superseded by second amended objection to confirmation, which court hopes to deal with above. Matter will be dropped.**

10:00 AM **19-52137** James Walter Schubert
Ch 13
Trustee: Derham-Burk
Moving: James Walter Schubert
Opposing:
Debtor or Plaintiff Attorney:

ProSe / None

Matter: [Order Setting Hearing on Motion to Vacate Dismissal \(32\)](#)

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