

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

Honorable Stephen L. Johnson

Thursday, December 12, 2019

Current as of 12/10/2019 at 9:50 AM

San Jose Courtroom 9

U.S. Courthouse and Federal Bldg.

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

10:00 AM **14-52561** Bradley S. Hamilton

Ch 13

Trustee: Derham-Burk

Moving: Susan D. Silveira

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

Matter: **Amended Motion For Contempt for Violations of the Automatic Stay and of FRBP 3002.1 (b) and FRBP 3002.1(c); Request for Refund of Overpayment; for Payment of Attorney fees; for Sanctions and Other Relief Filed by Debtor (43)**

(fr 9/26, 10/17, 10/31, 11/14)

Comment **Tentative Ruling:** Matter will be called for update so lawyers should appear (by telephone is acceptable). Parties indicated in 11/1/2019 stipulation (DKT 58) that it is settled.

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: **Motion for Determination of Final Cure and Mortgage Payment re: Rule 3002.1 Filed by Debtors (168)**

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

10:00 AM **17-51359** Erwin D'Nard Henderson and

Ch 13

Amanda Lee Henderson

Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: **Application for Compensation Fee \$7,170.00 and Expenses \$105.30 Filed by Brette Evans (70)**

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

10:00 AM **18-50284** Andrez Huante Escamilla and
Ch 13 Isabel Ortiz Escamilla
Trustee: Derham-Burk

Moving: Scott M. Johnson

Opposing:

Debtor or Plaintiff Attorney: Scott M. Johnson

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Matter: **Motion to Incur Debt for the Purpose of Purchasing Residential Property Filed by Andrez Escamilla (40)**

***Opposition filed by Trustee (42)**

Comment **Tentative Ruling: Motion will be denied as unnecessary and because code does not authorize borrowing by chapter 13 debtor.**

10:00 AM **18-52375** Peter Van Nguyen
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Debtor or Plaintiff Attorney: David A. Boone
David (dw) Boone

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Matter: **Objection to Claim Number 4 by Claimant Ocean Blue Financial, Inc. Filed by Debtor (66)**

***Opposition filed by Creditor Ocean Blue Financial Inc. (71)**

***Reply filed by Debtor (74)**

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

10:00 AM **19-50174** Aida Elizabeth Charlton
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: **First Amended Trustee's Objection to Confirmation Filed by Devin Derham-Burk (26)**

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

10:00 AM **19-50174** Aida Elizabeth Charlton
Ch 13
Trustee: Derham-Burk

Moving: Sean Ferry

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: **Objection to Confirmation of Plan Filed by Deutsche Bank Trust Company Americas (14)**

Comment **Tentative Ruling: This matter will be dropped. The claim objection should have been set for hearing (see DKTs 33 and 36) as it was at issue in September 2019.**

10:00 AM **19-50188** Joshua L. Kerswell
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Renee C. Mendoza
Cathleen Cooper Moran

Matter: **Second Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham Burk (32)**

(fr 10/10, 11/14)

Comment **Tentative Ruling: This will be called together with next matter.**

10:00 AM **19-50188** Joshua L. Kerswell
Ch 13
Trustee: Derham-Burk

Moving: Austin P. Nagel

Opposing:

Debtor or Plaintiff Attorney: Renee C. Mendoza
Cathleen Cooper Moran

Matter: **Objection to Confirmation of Plan Filed by Global Lending Services LLC (23)**

(fr 10/10, 11/14)

Comment **Tentative Ruling: Matter will be called. Objecting party's counsel to appear (telephonic permitted) or the objection will be overruled.**

10:00 AM **19-50316** Cheryl L. Blank
Ch 13
Trustee: Derham-Burk

Moving: Austin P. Nagel

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: **Objection to Confirmation of Plan (to Second Amended Plan) Filed by Blossom Hill Estates Homeowners Association (79)**

Comment **Tentative Ruling: Matter will be called. This is not a legal dispute but only involves facts (and, possibly good faith on delayed payment). Also, what is effect of 3d Amended Plan on existing obj? (DKT 85).**

10:00 AM **19-50459** Esmeralda Martinez Sanchez
Ch 13
Trustee: Derham-Burk
Moving: Devin Derham-Burk
Opposing:
Debtor or Plaintiff Attorney: David A. Boone
David (dw) Boone
Anh Nguyen

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Matter: **Motion to Dismiss Case for Failure to Make Plan Payments Filed by Devin Derham-Burk (40)**

***Opposition filed by Debtor (42)**

Comment **Tentative Ruling:** Case will be dismissed if payment identified in DKT 42 has not been transmitted to movant.

10:00 AM **19-50804** Ana Ramirez
Ch 13
Trustee: Derham-Burk
Moving: Sean Ferry
Opposing:
Debtor or Plaintiff Attorney: Clark A. Miller

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Matter: **Objection to Confirmation of Plan Filed by U.S. Bank National Association (24)**

***Response filed by Debtor (50)**

Comment **Tentative Ruling:** Objection will be overruled given amended plan (DKT 40) unless creditor appears at the hearing (telephone authorized) and advises court of remaining confirmation objection.

10:00 AM **19-51233** Connie Carmen De La Rosa
Ch 13
Trustee: Derham-Burk
Moving:
Opposing:
Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: **Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (11)**

Comment **Tentative Ruling:** Objection will be overruled; Debtor has no objection to the filed claim of the IRS and the amount of security matches the proof of claim.

10:00 AM **19-51383** Silvia Lopez
Ch 13
Trustee: Derham-Burk
Moving: Rattan Dev S. Dhaliwal
Opposing:
Debtor or Plaintiff Attorney: Rattan Dev S. Dhaliwal

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Matter: **Motion to Reconsider Order Dismissing Case Filed by Debtor (28)**

Comment **Tentative Ruling:** Motion will be called for the court to announce an oral ruling.

10:00 AM **19-51934** Cindy Diane Cooper
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: **Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (25)**

Comment **Tentative Ruling: Objection will be overruled; Debtor has no objection to the filed claim of the IRS and the amount of security matches the proof of claim.**

10:00 AM **19-52268** Horacio Hernandez Rodriguez
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney:

ProSe / None

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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 (8)**

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