

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

**Honorable Stephen L. Johnson**

**Thursday, June 27, 2019**

*Current as of 6/24/2019 at 2:32 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 **16-52893** Karen C Lubojacky and  
Ch 13 Pavel Lubojacky  
Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:**

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

**Matter:** **Motion to Incur Debt to Purchase Real Estate Filed by Debtors (30)**

**\*Opposition filed by Trustee (34)**

**Comment** **Tentative Ruling: Deny as unnecessary. Property revested at confirmation. 11 USC § 364 borrowing only applies to debtor engaged in business.**

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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:** **Motion for Order Allowing Debtor to Sell Residential Real Property Filed by Debtors (56)**

**\*Statement of Non-Opposition filed by Trustee (61)**

**\*Opposition filed by Ditech Financial LLC (62)**

**Comment** **Tentative Ruling: Matter will be called and denied. Among other things, secured creditor has not approved substantial short sale. See 11 USC § 363(f)(2).**

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10:00 AM **18-52412** Gregory M. Johnson  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

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

**Matter:** **First Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (40)**

**Comment** **Tentative Ruling: First amended obj to confirmation (DKT 40) has been superseded by second amended obj (DKT 47), and is moot. The second amended obj is not part of this contested hearing. Matter will be dropped from calendar.**

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10:00 AM **18-52412** Gregory M. Johnson  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

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

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

**Comment** **Tentative Ruling: This matter is dropped from calendar as it has been superceded by Trustee's First Amended and Second Amended Confirmation Objections.**

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10:00 AM **18-52412** Gregory M. Johnson  
Ch 13  
Trustee: Derham-Burk

**Moving:** Paul W. Moncrief

**Opposing:**

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

**Matter:** **Joinder to Objection of Trustee to Confirmation of Plan and Objection to Confirmation of Plan Filed by Thomas & Susan Elliott (27)**

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

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10:00 AM **18-52413** Suzanne L. Wilson  
Ch 13  
Trustee: Derham-Burk

**Moving:** Paul W. Moncrief

**Opposing:**

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

**Matter:** **Joinder to Objection of Trustee; Objection to Confirmation of Plan Filed by Thomas & Susan Elliott (28)**

**Comment** **Tentative Ruling: Matter will be called. Parties are advised that objection at DKT 47-54 is NOT ON CALENDAR.**

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10:00 AM **18-52413** Suzanne L. Wilson  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

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

**Matter:** **Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (26)**

**Comment** **Tentative Ruling: This matter is dropped from calendar as it has been superceded by Trustee's First Amended Confirmation Objection.**

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10:00 AM **18-52413** Suzanne L. Wilson  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

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

**Matter:** **First Amended Objection to Confirmation of Chapter 13 Plan Devin Derham-Burk (29)**

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

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10:00 AM **19-50027** Monica Carrillo  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

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

**Matter:** **Motion to Dismiss Case Pre-Confirmation for Failure to File Proof of Direct Payment of Long-Term Debt Filed by Devin Derham-Burk (49)**

**\*Reply filed by Debtor (52)**

**Comment** **Tentative Ruling: Matter will be continued at Debtor's counsel's request to July 18, 2019.**

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