

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

Honorable Stephen L. Johnson

Thursday, August 1, 2019

Current as of 7/30/2019 at 1:40 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

10:00 AM **14-50507** Leslie Vasquez

Ch 13

Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing:

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

Matter: [Application for Compensation Fee \\$7,747.50 and Expenses \\$255.31 Filed by Renee Mendoza \(93\)](#)

Comment **Tentative Ruling:** Fees will be allowed under 11 USC 330(a)(4)(B).

10:00 AM **18-51670** Natasha Thien Tran

Ch 13

Trustee: Derham-Burk

Moving: John F. Bradley Jr.

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: [Objection to Confirmation of Plan debtor's first amended plan Filed by Long Duong \(35\)](#)

Comment **Tentative Ruling:** Objection will be overruled based on Status Conference Statement filed by creditor's counsel. Matter will be called to address Statement filed by Debtor's counsel.

10:00 AM **18-51670** Natasha Thien Tran

Ch 13

Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: [Second Amended Objection to Confirmation of Chapter 13 Plan Devin Derham-Burk \(36\)](#)

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

10:00 AM **18-52015** Gary Michael Lemmon and
Ch 13 Linda Marie Lemmon
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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

***Objection withdrawn by Trustee (41)**

Comment **Tentative Ruling: Objection withdrawn.**

10:00 AM **18-52015** Gary Michael Lemmon and
Ch 13 Linda Marie Lemmon
Trustee: Derham-Burk

Moving: Reilly Wilkinson

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **Objection to Confirmation of Plan Filed by PATELCO CREDIT UNION (29)**

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

10:00 AM **18-52131** Noel Valencia Aspiras and
Ch 13 Jennette Ilagan Aspiras
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

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

Matter: **Motion to Modify Chapter 13 Plan Filed by Debtors (27)**

***Objection filed by Trustee (29)**

***Amended Objection filed by Trustee (30)**

Comment **Tentative Ruling: Matter will be called. Based on the papers, the modification proposed does not appear feasible and the court is inclined to deny the motion to modify.**

10:00 AM **18-52753** Paul Retlewski and
Ch 13 Peggy Ku-Retlewski
Trustee: Derham-Burk

Moving: Wendy A. Locke

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: **Objection to Confirmation of Plan Filed by THE BANK OF NEW YORK MELLON (33)**

Comment **Tentative Ruling: Matter will be called. Court inclined to sustain objection as currently filed amended plan only extends deadline that has already been missed to pay the arrears due.**

10:00 AM **18-52753** Paul Retlewski and
Ch 13 Peggy Ku-Retlewski
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

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Matter: **Fourth Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (54)**

Comment **Tentative Ruling:** Matter will be called. Trustee's objection is likely to be sustained given court's tentative on BONY objection.

10:00 AM **19-50620** Denise Janette Madril
Ch 13
Trustee: Derham-Burk

Moving: Andrew A. Moher

Opposing:

Debtor or Plaintiff Attorney: Andrew A. Moher

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Matter: **First and Final Application for Compensation Fee \$2234.91 Filed by Andrew Moher (46)**

Comment **Tentative Ruling:** Fees will be allowed under 11 USC 330(a)(4)(B) and can be paid from any funds trustee has on hand.

10:00 AM **19-50887** Nathaniel B. Sobayo
Ch 13
Trustee: Derham-Burk

Moving: Devin Derham-Burk

Opposing:

Debtor or Plaintiff Attorney: William W. Winters

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Matter: **Motion to Dismiss Case Pre-Confirmation for Failure to File Proof of Direct Payment of Long-Term Debt Filed by Devin Derham-Burk (31)**

***Motion to Continue filed by Debtor (4)**

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

10:00 AM **19-50937** Theresa Anne Scarpa
Ch 13
Trustee: Derham-Burk

Moving: Devin Derham-Burk

Opposing:

Debtor or Plaintiff Attorney: W. Kirk Moore

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Matter: **Motion to Dismiss Case for Failure to Make First Plan Payment Filed by Devin Derham-Burk (16)**

***Opposition filed by Debtor (21)**

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

10:00 AM **19-50956** Daniel Aleman
Ch 13
Trustee: Derham-Burk
Moving: Devin Derham-Burk
Opposing:
Debtor or Plaintiff Attorney: Aaron Lipton

Matter: **Motion to Dismiss Case for Failure to Make First Plan Payment Filed by Devin Derham-Burk (19)**

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***Opposition filed by Debtor (25)**

Comment **Tentative Ruling: Case will be dismissed.**

10:00 AM **19-51159** Michael Lawrence Earley
Ch 13
Trustee: Derham-Burk
Moving: Devin Derham-Burk
Opposing:
Debtor or Plaintiff Attorney: Aaron Lipton

Matter: **Motion to Dismiss Case pursuant to 11 U.S.C. section 109(g)(2) Filed by Devin Derham-Burk (16)**

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***Opposition filed by Debtor (30)**

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