

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

**Honorable Stephen L. Johnson**

**Thursday, August 15, 2019**

*Current as of 8/12/2019 at 3:44 PM*

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**San Jose Courtroom 9**

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

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10:00 AM **16-50099** Khalil A. Khishen

Ch 13

Trustee: Derham-Burk

**Moving:** Brette L. Evans

**Opposing:**

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

**Matter:** [Application for Compensation Fee \\$5,480.00 and Expenses \\$124.20 Filed by Brette Evans \(41\)](#)

**Comment** [Tentative Ruling: Fees allowed under § 330\(a\)\(4\)\(B\).](#)

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1

10:00 AM **16-50385** Andrew Gonzales

Ch 13

Trustee: Derham-Burk

**Moving:** Norma L. Hammes

**Opposing:**

**Debtor or Plaintiff Attorney:** Norma L. Hammes

**Matter:** [Motion For Order Allowing Financing Of Real Property Filed by Andrew Gonzales \(126\)](#)

[\\*Order Shortening Time](#)

[\\*Statement of Non-Opposition filed by Trustee \(134\)](#)

**Comment** [Tentative Ruling: Motion will be granted.](#)

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2

10:00 AM **16-51674** Brigitte Marquis

Ch 13

Trustee: Derham-Burk

**Moving:** Cathay Fulton Ericksen

**Opposing:**

**Debtor or Plaintiff Attorney:** Cathay Fulton Ericksen

**Matter:** [Motion to Approve Debtor's Purchase of Real Property \(Incur New Debt\) Post-Confirmation Filed by Brigitte Marquis \(34\)](#)

[\\*Statement of Non-Opposition filed by the Trustee \(39\)](#)

**Comment** [Tentative Ruling: Deny as unnecessary if trustee approves. Property is revested per plan, and no provision of chapter 13 permits borrowing under § 364 in nonbusiness case.](#)

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3

10:00 AM 17-51412 Roy Lopez, Jr.  
Ch 13  
Trustee: Derham-Burk

**Moving:** Lars T. Fuller

**Opposing:**

**Debtor or Plaintiff Attorney:** Lars T. Fuller

4

**Matter:** **Motion to Incur Debt to Purchase Real Property at 429 West Rosenberg Ave. Modesto, CA Filed by Debtor (68)**

**\*Objection filed by the Trustee (73)**

**Comment** **Tentative Ruling: Deny as unnecessary if trustee approves. Property is revested per plan, and no provision of chapter 13 permits borrowing under § 364 in nonbusiness case.**

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10:00 AM 18-50612 Marie Anderson  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** W. Kirk Moore

5

**Matter:** **Motion to Dismiss Case for Failure to File Declaration of Direct Payment Filed by Devin Derham-Burk (76)**

**\*Opposition filed by Debtor (79)**

**\*Motion withdrawn by Trustee on 8/9/2019 (85)**

**(fr 6/20)**

**Comment** **Tentative Ruling: Motion withdrawn. Matter is dropped from calendar.**

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10:00 AM 18-51734 Carl Clayton Lee  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

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

6

**Matter:** **Motion to Dismiss Case for Failre to Make Plan Payments Filed by Devin Derham-Burk (42)**

**\*Opposition filed by Debtor (45)**

**Comment** **Tentative Ruling: Case will be dismissed if plan is not paid current.**

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10:00 AM **18-51867** Gabriel Roman De La Torre and  
Ch 13 Deborah Ann De La Torre  
Trustee: Derham-Burk

**Moving:** Nanette Dumas

**Opposing:**

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

**Matter:** **Motion for Order re Funds Erroneously Disbursed by Title Company in Connection with Sale of Debtors' Real Property Filed by Devin Derham-Burk (46)**

**Comment** **Tentative Ruling: Motion will be granted as no objection has been filed and appears proper.**

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7

10:00 AM **18-51921** Doria Yvette Frias  
Ch 13  
Trustee: Derham-Burk

**Moving:** William W. Winters

**Opposing:**

**Debtor or Plaintiff Attorney:** William W. Winters

**Matter:** **Application for Compensation Fee \$7,500.00 Expenses \$462.41 Filed by William Winters (36)**

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

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8

10:00 AM **18-52561** Richard Huong Damone  
Ch 13  
Trustee: Derham-Burk

**Moving:** Cassandra J. Richey

**Opposing:**

**Debtor or Plaintiff Attorney:** W. Kirk Moore

**Matter:** **Objection to Confirmation of Plan Filed by Nationstar Mortgage LLC d/b/a Mr. Cooper (16)**

**Comment** **Tentative Ruling: Counsel for creditor to appear at hearing or obj will be overruled. Debtor filed amended plan 7/16/19 to pay escrow arrears through plan. That's a different solution than creditor offered so court needs creditor input.**

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9

10:00 AM **18-52561** Richard Huong Damone  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

**Debtor or Plaintiff Attorney:** W. Kirk Moore

**Matter:** **Objection to Confirmation of Chapter 13 Plan filed by Devin Derham-Burk, Devin (29)**

**Comment** **Tentative Ruling: Confirmation Objection withdrawn on 8/7. This matter is dropped from the calendar.**

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10

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

11

**Matter:** [Application for Compensation Fee \\$8,375.00 Expenses \\$479.17 Filed by William Winters \(57\)](#)

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

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

**Moving:** Brette L. Evans

**Opposing:**

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

12

**Matter:** [Application for Compensation Fee \\$17,955.00 and Expenses \\$76.50 Filed by Brette Evans \(61\)](#)

**Comment** **Tentative Ruling: Fees and expenses allowed under § 330(a)(4)(B).**

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10:00 AM **19-50609** Debra L. Brown  
Ch 13  
Trustee: Derham-Burk

**Moving:**

**Opposing:**

**Debtor or Plaintiff Attorney:** Lars T. Fuller

13

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

**\*Objection withdrawn by Trustee on 8/2/2019 (22)**

**Comment** **Tentative Ruling: Confirmation Objection withdrawn on 8/2. Matter is dropped from the calendar.**

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10:00 AM **19-50956** Daniel Aleman  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** Aaron Lipton

14

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

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

**(fr 8/1)**

**Comment** **Tentative Ruling: If the June and July 2019 payments are not current, case will be dismissed.**

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