

**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 3:47 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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11:00 AM **18-52730** David John Civelli and  
Ch 13 Rachel Elizabeth Civelli  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** E. Vincent Wood

**Matter:** [Motion to Dismiss Case Pre-confirmation for Non-Payment Filed by Devin Derham-Burk \(45\)](#) 1

[\\*Opposition filed by Debtors \(48\)](#)

**Comment** Tentative Ruling: Plan payments must be current or case will be dismissed. If they are, Debtors will have until 10/17/2019 to confirm a plan.

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11:00 AM **18-52753** Paul Retlewski and  
Ch 13 Peggy Ku-Retlewski  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

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

**Matter:** [Motion to Dismiss Case Pre-confirmation Filed by Devin Derham-Burk \(55\)](#) 2

[\\*Reply filed by Debtors \(61\)](#)

**Comment** Tentative Ruling: Per trustee's request, matter is continued to 9/19/19 at 11:00 am.

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11:00 AM **18-52800** Lucino Lujano  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** Dean Lloyd

**Matter:** [Motion to Dismiss Case Pre-confirmation Filed by Devin Derham-Burk \(42\)](#) 3

[\\*Opposition filed by Debtor \(56\)](#)

**Comment** Tentative Ruling: Debtor must confirm a plan by 10/17/2019 or the case will be dismissed.

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11:00 AM **18-52810** Francisco M Montilla and  
Ch 13 Teresa Santos Montilla  
Trustee: Derham-Burk  
**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Gloria A. Florendo

**Matter:** **Motion to Dismiss Case Pre-conformation Filed by Devin Derham-Burk (17)**

**\*Opposition filed by Debtors (24)**

**\*Amended Opposition filed by Debtors (25)**

**Comment** **Tentative Ruling: Debtor must confirm a plan by 10/17/2019 or the case will be dismissed. The amended objection only contains two points (one involves tax returns)!**

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11:00 AM **19-50118** John Patrick Monastirsky and  
Ch 13 Susan Valdeabella Serafino  
Trustee: Derham-Burk  
**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Norma L. Hammes

**Matter:** **Motion to Dismiss Case Pre-conformation Filed by Devin Derham-Burk (23)**

**\*Opposition filed by Debtors (26)**

**Comment** **Tentative Ruling: Court will overrule objections to motion based on In re Malek, 2018 WL 4354035, and will give debtor until 10/17/2019 to confirm a plan or case will be dismissed.**

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11:00 AM **19-50141** Nina Marie Brodrick  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Norma L. Hammes

**Matter:** **Motion to Dismiss Case Pre-conformation Filed by Devin Derham-Burk (24)**

**\*Opposition filed by Debtor (27)**

**Comment** **Tentative Ruling: Court will overrule objections to motion based on In re Malek, 2018 WL 4354035, and will give debtor until 10/17/2019 to confirm a plan or case will be dismissed. Debtor's questions in brief require briefing and litigation; no advisory opn.**

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11:00 AM **19-50159** Hector Sumajit Cerezo and  
Ch 13 Aida DelaCruz Cerezo  
Trustee: Derham-Burk  
**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Paul Seabrook

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**Matter:** **Motion to Dismiss Case Pre-confirmation Filed by Devin Derham-Burk (45)**

**\*Opposition filed by Debtors (48)**

**Comment** **Tentative Ruling: Debtors plan will be dismissed if not confirmed by 10/17/2019.**

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11:00 AM **19-50174** Aida Elizabeth Charlton  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Norma L. Hammes

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**Matter:** **Motion to Dismiss Case Pre-confirmation Filed by Devin Derham-Burk (27)**

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

**Comment** **Tentative Ruling: Court will overrule objections to motion based on In re Malek, 2018 WL 4354035, and will give debtor until 10/17/2019 to confirm a plan or case will be dismissed.**

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11:00 AM **19-50332** Marci M Carl  
Ch 13  
Trustee: Derham-Burk  
**Moving:** Devin Derham-Burk  
**Opposing:**  
**Debtor or Plaintiff Attorney:** Jason Vogelpohl

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**Matter:** **Motion to Dismiss Case Pre-confirmation Filed by Devin Derham-Burk (34)**

**\*Opposition filed by Debtors (38)**

**Comment** **Tentative Ruling: Debtor must confirm a plan by 10/17/2019 or the case will be dismissed.**

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