

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

**Honorable Stephen L. Johnson**

**Thursday, January 17, 2019**

*Current as of 1/15/2019 at 3:18 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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11:30 AM **17-52912** Denise Diane Montalvo

Ch 13

Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** Aaron Lipton

**Matter:** [Motion to Dismiss Case for Failure to Remain Current with Post-Petition Mortgage Payments Filed by Devin Derham-Burk \(38\)](#)

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

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1

11:30 AM **18-51272** Therese M Roy

Ch 13

Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** Kendall Coffman

**Matter:** [Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307\(c\) Filed by Devin Derham-Burk \(31\)](#)

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

**\*Suppl Opposition filed by Debtor (36)**

**Comment** **Tentative Ruling:** Case will be dismissed if a plan is not confirmed by 3/21/2019.

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2

11:30 AM **18-51303** Ethan Alan Edgar

Ch 13

Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

**Matter:** [Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307\(c\) Filed by Devin Derham-Burk \(43\)](#)

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

**Comment** **Tentative Ruling:** Case will be dismissed if a plan is not confirmed by 3/21/2019.

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11:30 AM **18-51341** Donald Chapman  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

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

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (22)**

**\*Reply filed by Debtor (24)**

**Comment** **Tentative Ruling: Case will be dismissed if a plan is not confirmed by 3/21/2019.**

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4

11:30 AM **18-51342** Monica Betty 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 Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (30)**

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

**Comment** **Tentative Ruling: Case will be dismissed if a plan is not confirmed by 3/21/2019.**

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5

11:30 AM **18-51347** Elizabeth Jimenez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (26)**

**\*Opposition filed by Debtor (28)**

**Comment** **Tentative Ruling: Case will be dismissed if a plan is not confirmed by 3/21/2019.**

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6

11:30 AM **18-51410** Donald Caravayo  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

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

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (29)**

**\*Opposition filed by Debtor (31)**

**Comment** **Tentative Ruling: Motion granted. All of Debtor's arguments regarding procedure rejected in In re Malek, 2018 WL 4354035 (Bankr. N.D.Cal. Sept 12, 2018).**

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11:30 AM **18-51437** Natalie Marie Mitchell  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (31)**

**\*Opposition filed by Debtor (33)**

**Comment** **Tentative Ruling: Case will be dismissed if a plan is not confirmed by 3/21/2019.**

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8

11:30 AM **18-51454** Kimberly Anne Dulay  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

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

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (26)**

**\*Opposition filed by Debtor (28)**

**Comment** **Tentative Ruling: Case will be dismissed if a plan is not confirmed by 3/21/2019. Debtor's arguments were rejected by the court in In re Malek, 2018 WL 4354035 (Bankr. N.D.Cal. Sept 12, 2018).**

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9

11:30 AM **18-51493** Anna Mumbi Kamau  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

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**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (30)**

**\*Opposition filed by Debtor (32)**

**Comment** **Tentative Ruling: Given debtor's failure to appear at 341 despite months that have passed since July 2018 filing, and for reasons stated in motion, case dismissed.**

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11:30 AM **18-51555** Ana Ramirez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** Clark A. Miller

11

**Matter:** **Motion to Dismiss Case For Non-Payment (Pre-Confirmation) Pursuant to 11 U.S.C. Sec. 1307(c)(1) Filed by Devin Derham-Burk (33)**

**\*Request for Hearing**

**Comment** **Tentative Ruling: Matter is dropped from calendar. Motion withdrawn on 1/9/19.**

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11:30 AM **18-51608** Marcos Espitia and  
Ch 13 Claudia Angelica Alvarez  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

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

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**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (31)**

**\*Opposition Filed by Debtors (37)**

**Comment** **Tentative Ruling: Case will be dismissed if a plan is not confirmed by 3/21/2019.**

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11:30 AM **18-51627** Conrad J Hernandez  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** Jessica Galletta

13

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (54)**

**\*Response filed by Debtor (56)**

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

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11:30 AM **18-51634** Rebecca Tello Carrillo  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

14

**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (38)**

**\*Objection Filed by Debtor (40)**

**Comment** **Tentative Ruling:** Case will be dismissed. No substantive response filed to Trustee's multipart objection (DKT 37); case is making no progress.

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11:30 AM **18-51650** Ariel Garcia De La Vega  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** David A. Boone

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**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (25)**

**\*Objection Filed by Debtor (27)**

**Comment** **Tentative Ruling:** Case will be dismissed. No substantive response filed to Trustee's multipart objection (DKT 24); case is making no progress.

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11:30 AM **18-51664** Geoffrey Thomas Peterson and  
Ch 13 Ashley Renee Peterson  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** Ronda N. Edgar

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**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. Sec. 1307(c) Filed by Devin Derham-Burk (29)**

**\*Opposition filed by Debtors (31)**

**Comment** **Tentative Ruling:** Case will be dismissed. No substantive response filed to Trustee's multipart second objection (DKT 28); case is making no progress.

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