

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

Honorable Stephen L. Johnson

Thursday, December 13, 2018

Current as of 12/12/2018 at 2:29 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

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

10:00 AM **15-53873** Donald James Wilson and
Ch 13 Cheryl Ann ToffWilson
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Matter: [Motion to Modify Plan Filed by Debtors \(55\)](#)

[Opposition filed by Trustee \(57\)](#)

Comment **Tentative Ruling:** Objection will be sustained because Debtor has filed new modification motion (DKT 66).

10:00 AM **17-52172** Sitha Rith
Ch 13
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Matter: [Motion to Modify Plan Filed by Debtor \(46\)](#)

[*Opposition filed by Trustee \(67\)](#)

Comment **Tentative Ruling:** Objection will be sustained because it appears proper and Debtor did not file Certificate of Service showing proper service of Motion.

10:00 AM **18-50303** Abel Lugo and
Ch 13 Andrea Marie Lugo
Trustee: Derham-Burk

Moving: Lars T. Fuller

Opposing:

Matter: [Motion to Extend Time to Confirm Filed by Debtor \(34\)](#)

Comment **Tentative Ruling:** Deny as moot. Case is on the uncontested confirmation calendar on the same day.

10:00 AM **18-50382** Guadalupe Zamora
Ch 13
Trustee: Derham-Burk

Moving:
Opposing:

Matter: **Fourth Amended Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk (39)**

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***Objection withdrawn by the Trustee on 11/13/2018 (52)**

Comment **Tentative Ruling: Objection withdrawn.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

10:00 AM **18-50382** Guadalupe Zamora
Ch 13
Trustee: Derham-Burk

Moving: Nancy Lee
Opposing:

Matter: **Objection to Confirmation of Plan Filed by Bank of America, N.A. (51)**

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Comment **Tentative Ruling: Matter will be called. Objection will be overruled unless Creditor appears to contest resolution stated in Debtor's objection.**

10:00 AM **18-50729** Nemesio B. Barcellano, Jr.
Ch 13
Trustee: Derham-Burk

Moving: Kelsey Luu
Opposing:

Matter: **Objection to Confirmation of Plan Filed by U.S. Bank National Association (23)**

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***Objection withdrawn by U.S. Bank National Association (41)**

Comment **Tentative Ruling: Objection withdrawn.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

10:00 AM **18-51879** Joanna Hoh
Ch 13
Trustee: Derham-Burk

Moving: Devin Derham-Burk
Opposing:

Matter: **Motion to Dismiss Case Pre-Confirmation for Lack of Evidence that Post Petition Installment Payments to Class 1 Creditors are Current Filed by Devin Derham-Burk (34)**

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Comment **Tentative Ruling: Matter is dropped from calendar. Motion was granted per Docket Text Order on 12/12.**

10:00 AM **18-51940** Vincent Eugene Bianco, III
Ch 13
Trustee: Derham-Burk

Moving:
Opposing:

Matter: [Objection to Confirmation of Chapter 13 Plan Filed by Devin Derham-Burk \(17\)](#)

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Comment Tentative Ruling: Trustee's objection will be sustained as there are no facts to support a contrary ruling. Further, this matter deals with prior objection that has been superceded. Trustee to upload order sustaining objection at DKT 17.

10:00 AM **18-51940** Vincent Eugene Bianco, III
Ch 13
Trustee: Derham-Burk

Moving: Vinod Nichani
Opposing:

Matter: [Objection to Confirmation of Plan Filed by Theresa Plunkett \(19\)](#)

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Comment Tentative Ruling: Matter is dropped from calendar. Confirmation objection withdrawn on 12/12.

10:00 AM **18-52010** Sze-Yau Derek Yiu
Ch 13
Trustee: Derham-Burk

Moving: Devin Derham-Burk
Opposing:

Matter: [Motion to Dismiss Case Pre-Confirmation for Lack of Evidence that Post Petition Installment Payments to Class 1 Creditors are Current Filed by Devin Derham-Burk \(29\)](#)

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Comment Tentative Ruling: Overrule objection due to plan terms premised on sale in early 2019. If plan is not confirmed or sale is not completed, Trustee may renew motion in future.

10:00 AM **18-52028** Ross R Foulk
Ch 13
Trustee: Derham-Burk

Moving: Devin Derham-Burk
Opposing:

Matter: [Motion to Dismiss Case Pre-Confirmation for Lack of Evidence that Post Petition Installment Payments to Class 1 Creditors are Current Filed by Devin Derham-Burk \(23\)](#)

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Comment Tentative Ruling: Matter is dropped from calendar. Motion was granted per Docket Text Order on 12/12.
