

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

**Honorable Stephen L. Johnson  
Thursday, February 21, 2019**

*Current as of 2/20/2019 at 12:46 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)**

**\*Opposition filed by Debtor (40)**

**(fr 1/17)**

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

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11:30 AM **17-53091** Leticia Vargas Rojas

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 (60)**

**\*Opposition filed by Debtor (63)**

**Comment** **Tentative Ruling: Court will overrule objections to motion based on In re Malek and will give  
debtor until 5/30/2019 to confirm a plan or case will be dismissed.**

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11:30 AM **18-50749** James Wainwright Vise  
Ch 13  
Trustee: Derham-Burk

**Moving:** Nanette Dumas

**Opposing:**

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

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**Matter:** **Motion to Dismiss Case Pre-Confirmation Pursuant to 11 U.S.C. section 1307(c) Filed by Devin Derham-Burk (24)**

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

**Comment** Tentative ruling: Court will overrule objections to motion based on In re Malek and will give debtor until 5/30/2019 to confirm a plan or case will be dismissed.

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11:30 AM **18-51155** Saeid Aflakian and  
Ch 13 Nahid Yavari  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

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

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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 (49)**

**\*Opposition filed by Debtors (51)**

**Comment** Tentative Ruling: Matter will be called on the 10:00 am calendar on 2/21/2019.

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11:30 AM **18-51559** Brent McClintock  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** Matthew G. Grech

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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**

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

**\*Declaration in support of Opposition filed by Debtor (29)**

**Comment** Tentative Ruling: Case will be dismissed if a plan is not confirmed by 5/30/2019.

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11:30 AM **18-51670** Natasha Thien Tran  
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 (28)**

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

**Comment** **Tentative Ruling: Case will be dismissed if a plan is not confirmed by 5/30/2019.**

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11:30 AM **18-51773** Robert Allan Glass and  
Ch 13 Barbara Glass  
Trustee: Derham-Burk

**Moving:** Devin L. Pace

**Opposing:**

**Debtor or Plaintiff Attorney:** Scott M. Johnson

**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 (36)**

**Comment** **Tentative Ruling: Case will be dismissed. The plan calls for sale by December 2018; that date has long passed. Without a plan that can be confirmed, the case warrants dismissal.**

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11:30 AM **18-52526** Ray Zavala  
Ch 13  
Trustee: Derham-Burk

**Moving:** Devin Derham-Burk

**Opposing:**

**Debtor or Plaintiff Attorney:** Aaron Lipton

**Matter:** **Motion to Dismiss Case Pre-Confirmation for Failure to File Proof of Direct Payment of Long-Term Debt Filed by Devin Derham-Burk (25)**

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

**Comment** **Tentative Ruling: Matter will be called. Debtor's counsel is reminded to file **TIMELY** oppositions to motions to dismiss. The opposition here is not timely.**

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