

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

Honorable Stephen L. Johnson

Thursday, March 21, 2019

Current as of 3/20/2019 at 7:44 AM

San Jose Courtroom 3099

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

10:00 AM **17-53091** Leticia Vargas Rojas

Ch 13

Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: [Application for Compensation Fee \\$19,000.00 Filed by Norma Hammes \(82\)](#)

Comment **Tentative Ruling:** Fees are reasonable but no cover letter is attached informing Debtor of application for fees and right to object. Matter will be called.

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10:00 AM **18-50684** Jennifer K. Trinh and

Ch 13

Tung Van Le

Trustee: Derham-Burk

Moving: Jon G. Brooks

Opposing:

Debtor or Plaintiff Attorney: Jon G. Brooks

Matter: [Second Supplemental Application for Compensation Fee \\$3,450.00 and Expenses \\$0.00 Filed by Jon Brooks \(70\)](#)

Comment **Tentative Ruling:** Fees reasonable, necessary and beneficial to debtor and are allowed under 11 USC § 330(a)(4)(B).

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10:00 AM **18-51410** Donald Caravayo

Ch 13

Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: [Objection to Confirmation of Chapter 13 Plan filed by Devin Derham-Burk \(27\)](#)

Comment **Tentative Ruling:** Objection withdrawn on 3/18. Can Trustee recommend confirmation?

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10:00 AM **18-51410** Donald Caravayo
Ch 13
Trustee: Derham-Burk

Moving: Robert P. Zahradka

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **Objection to Confirmation of Plan with Exhibits Filed by BANK OF AMERICA, N.A. (18)**

Comment **Tentative Ruling: Objection withdrawn on 11/29/18. Matter is dropped from calendar.**

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10:00 AM **18-51410** Donald Caravayo
Ch 13
Trustee: Derham-Burk

Moving: Edward Egan Smith

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **Objection to Confirmation of Plan Filed by Christina Georgiou-Birch (21)**

***Objection withdrawn by Robert L. Georgiou-Birch and Christina A. Georgiou-Birch on 2/27/2019 (39)**

Comment **Tentative Ruling: Objection withdrawn on 2/27/19. Matter is dropped from calendar.**

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10:00 AM **18-51454** Kimberly Anne Dulay
Ch 13
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **Objection to Confirmation of Chapter 13 Plan by Francis Lawrence Dulay (13)**

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

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10:00 AM **18-51454** Kimberly Anne Dulay
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: **Objection to Confirmation of Chapter 13 Plan Devin Derham-Burk (17)**

***Objection withdrawn by Trustee on 2/25/2019 (33)**

Comment **Tentative Ruling: Objection withdrawn on 2/25/19. Matter dropped from calendar.**

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10:00 AM **18-52445** Ramiro Hernandez
Ch 13
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

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Matter: **Motion For Order Against the Social Security Administration for Contempt of Court, Stay Violation Damages Under 11 USC 362(k) and for Emotional Distress Damages Filed by Debtor (27)**

Comment **Tentative Ruling: This matter will be called.**

10:00 AM **18-52747** Nestor Constantino and
Ch 13 Madeline Constantino
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Vinod Nichani

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Matter: **Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e) Filed by Devin Derham-Burk (34)**

***Statement of Non-Opposition filed by Debtors (38)**

Comment **Tentative Ruling: Case will be dismissed under 11 USC § 109(e). No delay in termination of stay is warranted. Court will not retain jurisdiction because the case was not qualified to be in chapter 13 at the time of filing.**

10:00 AM **19-50011** Merreyl K Whitney
Ch 13
Trustee: Derham-Burk

Moving: Devin L. Pace

Opposing:

Debtor or Plaintiff Attorney: Jonathan Matthews

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Matter: **Motion to Dismiss Case (Pre-Confirmation) Pursuant to 11 U.S.C. Secs. 1307(c) and 109(e) Filed by Devin Derham-Burk (25)**

***Joinder filed by JPMorgan Chase Bank (33)**

Comment **Tentative Ruling: Motion will be granted and case will be dismissed. No finding of bad faith for reasons that will be stated on the record.**

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

Moving: Devin Derham-Burk

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

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Matter: **Motion to Dismiss Case for Failure to Make First Plan Payment Filed by Devin Derham-Burk (30)**

Comment **Tentative Ruling: Opposition required by 3pm on 3/20/19 or hearing will be dropped. See Docket Text Order entered on 3/19/19.**

10:00 AM **19-50316** Cheryl L. Blank
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney: Brette L. Evans

Matter: **Order (1) Denying Debtor's Application to Pay Filing Fee in Installments and (2) Requiring Debtor to Appear in Person to Show Cause Why This Case Should not be Dismissed with Prejudice (11)**

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Comment **Tentative Ruling: This matter will be called.**

10:00 AM **19-50383** Julian Ramirez
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

Debtor or Plaintiff Attorney:

Matter: **Order (1) Denying Debtors Application To Pay Filing Fee In Installments And (2) Requiring Debtor To Appear In Person To Show Cause Why This Case Should Not Be Dismissed With Prejudice (8)**

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Comment **Tentative Ruling: This matter will be called.**
