

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

Honorable Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

PRE-HEARING DISPOSITIONS

DAY: TUESDAY
DATE: JANUARY 7, 2020
CALENDAR: 9:00 A.M. CHAPTERS 9 AND 11 CASES

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

No Ruling: All parties will need to appear at the hearing unless otherwise ordered.

Tentative Ruling: If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

Final Ruling: Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

Orders: Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [16-10015](#)-A-9 **IN RE: SOUTHERN INYO HEALTHCARE DISTRICT**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
1-4-2016 [[1](#)]

MICHAEL DELANEY/ATTY. FOR DBT.

Final Ruling

The status conference is continued to January 28, 2020, at 9:00 a.m.

2. [16-10015](#)-A-9 **IN RE: SOUTHERN INYO HEALTHCARE DISTRICT**
 [FEC-3](#)

CONTINUED ORDER TO SHOW CAUSE
4-11-2019 [[606](#)]

MICHAEL DELANEY/ATTY. FOR DBT.
RESPONSIVE PLEADING

Final Ruling

The Order to Show Cause is continued to January 28, 2020, at 9:00 a.m.

3. [16-10015](#)-A-9 **IN RE: SOUTHERN INYO HEALTHCARE DISTRICT**
 [WGG-6](#)

APPROVAL OF THIRD AMENDED DISCLOSURE STATEMENT
11-8-2019 [[754](#)]

MICHAEL DELANEY/ATTY. FOR DBT.

Final Ruling

In consideration of the representations by Southern Inyo Healthcare District regarding amendments to the plan and disclosure statement, see Reply 2:11-22, December 30, 2019, ECF # 830, the court believes the hearing on January 7, 2020, would not be productive and on its motion continues the hearing to January 28, 2020, at 9:00 a.m. Not later than January 14, 2020, the debtor will file and, where required by law, serve the amended plan and amended disclosure statement. Not later than January 21, 2020, parties in interest may file and serve further opposition or comments. The court will issue a minute order.

4. [19-25064](#)-A-11 **IN RE: SLIDEBELTS INC.**
[BMR-19](#)

MOTION TO EMPLOY JONATHAN MENKES AS SPECIAL COUNSEL
12-6-2019 [\[168\]](#)

BRIAN ROTHSCHILD/ATTY. FOR DBT.

Final Ruling

Application: Employment of Counsel for Debtor in Possession

Notice: LBR 9014-1(f)(1); written opposition required

Disposition: Approved

Order: Prepared by applicant pursuant to instructions below

Unopposed applications are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). Written opposition to this motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). None has been filed. The default of the responding party is entered. The court considers the record, accepting well-pleaded facts as true. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

Chapter 11 debtors in possession may employ counsel to advise and assist them in the discharge of their statutory duties. See 11 U.S.C. § 327(a). That authority extends to the employment of special counsel and to counsel that represented the debtor prior to the petition date. "The trustee, with the court's approval, may employ, for a specified special purpose, other than to represent the trustee in conducting the case, an attorney that has represented the debtor, if in the best interest of the estate, and if such attorney does not represent or hold any interest adverse to the debtor or to the estate with respect to the matter on which such attorney is to be employed." 11 U.S.C. § 327(e). Here, the applicant satisfies the requirements of § 327(a), and the court will approve the application.

The order shall contain the following provision: "Nothing contained herein shall be construed to approve any provision of any agreement between [counsel's name] and the debtor in possession for indemnification, arbitration, choice of venue, jurisdiction, jury waiver, limitation of damages, or similar provision." The order shall also state its effective date, which date shall be 30 days before the date the employment application was filed except that the effective date shall not precede the petition date.

5. [19-25117](#)-A-11 **IN RE: DONNA HEISCHOB**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
12-18-2019 [[59](#)]

MIKALAH LIVIAKIS/ATTY. FOR DBT.

Final Ruling

The installment having been paid, the order to show cause is discharged. The case will remain pending.