

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

Honorable Fredrick E. Clement
Fresno Federal Courthouse
2500 Tulare Street, 5th Floor
Courtroom 11, Department A
Fresno, California

PRE-HEARING DISPOSITIONS

DAY: WEDNESDAY
DATE: APRIL 24, 2019
CALENDAR: 1:30 P.M. CHAPTERS 11 AND 9 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. [17-13112](#)-A-11 **IN RE: PIONEER NURSERY, LLC**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
8-11-2017 [[1](#)]

PETER FEAR

No Ruling

2. [18-14414](#)-A-11 **IN RE: TITUS INDUSTRIAL, INC.**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION NON-INDIVIDUAL FILED. (FEE PAID \$0.00) (EFILINGID:
6385636)
10-30-2018 [[1](#)]

LEONARD WELSH

No Ruling

3. [10-62315](#)-A-11 **IN RE: BEN ENNIS**
[FRC-14](#)

CONTINUED OBJECTION TO CLAIM OF BANK OF THE SIERRA, CLAIM
NUMBER 20
1-29-2019 [[2289](#)]

DAVID STAPLETON/MV
RILEY WALTER
MICHAEL GOMEZ/ATTY. FOR MV.
RESPONSIVE PLEADING

Final Ruling

At the suggestion of the parties, the matter is continued to May 22, 2019, at 1:30 p.m. No later than May 15, 2019, the court requests the parties to file a joint statement signaling their suggestion to the future handling of this matter, e.g., dropping from calendar, continuing to a date certain.

4. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
4-26-2018 [[1](#)]

MICHAEL COLLINS

No Ruling

5. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-29](#)

MOTION TO EMPLOY SIX-33 SOLUTIONS, LLC AS WATER RIGHTS
CONSULTANT AND/OR MOTION FOR COMPENSATION FOR SIX-33
SOLUTIONS, LLC, OTHER PROFESSIONAL(S)
3-25-2019 [[1794](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

6. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-30](#)

MOTION FOR COMPENSATION FOR RANDY SUGARMAN, CHAPTER 11
TRUSTEE(S)
3-20-2019 [[1760](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.

Final Ruling

Application: Second Interim Allowance of Compensation and Expense
Reimbursement (Chapter 11 trustee)

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

Disposition: Approved

Order: Civil minute order

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 application was required not less than 14
days before the hearing on the application. LBR 9014-1(f)(1)(B).
Save and except the U.S. Trustee's reservation of rights, 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, the chapter 11 trustee has applied for an allowance of interim compensation and reimbursement of expenses. The starting point in reviewing a chapter 11 trustee's fees is § 326 of the Bankruptcy Code. Section 326(a) provides a formula for determining the maximum compensation a trustee may receive in a chapter 11 case. See, e.g., *In re Ruiz*, 541 B.R. 892, 896 (B.A.P. 9th Cir. 2015) (reviewing court's order on chapter 7 trustee's compensation).

In addition, the court must also consider § 330(a)(1), (3), and (7). See *In re Salgado-Nava*, 473 B.R. 911, 920 n.11 (B.A.P. 9th Cir. 2012) ("But we cannot assume that Congress inadvertently included chapter 11 trustees within the scope of §330(a)(7)."). "Section 330(a)(7) applies to all trustees under all chapters." *Id.* at 919.

Under § 330(a)(7), in determining the reasonableness of a chapter 11 trustee's compensation, "the court shall treat such compensation as a commission, based on § 326." Congress has linked the reasonableness of a chapter 11 trustee's compensation to the commission rates set forth in § 326 for the vast majority of cases. *Id.* at 916-17, 920.

But for chapter 11 trustees, unlike chapter 7 trustees, § 330(a)(3) applies. BAPCPA's enactment in 2005 "amended § 330(a)(3) so that the only types of trustees that come within its ambit are chapter 11 trustees" *Id.* "On the other hand, if extraordinary circumstances exist, or if chapter 11 trustee fees are at issue, the bankruptcy court may be called upon in those cases to determine whether there exists a rational relationship between the amount of the commission and the type and level of services rendered. In the case of a chapter 11 trustee, this determination necessarily requires consideration of the § 330(a)(3) factors, and also ordinarily includes a lodestar analysis." *Id.* at 921 (emphases added). In short, the reasonableness factors listed in § 330(a)(3) continue to directly apply to chapter 11 trustees even though chapter 7 trustees are no longer subject to its terms. See *id.*

The court finds (1) that the compensation requested by the trustee is consistent with 11 U.S.C. § 326(a); and (2) that a rational relationship exists between the commission amount of § 326(a) and the type of services rendered, § 330(a)(3), (7).

The court approves the application and allows compensation in the amount of \$128,502.00 and reimbursement of expenses in the amount of \$0.00.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Randy Sugarman's application for allowance of compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on a final basis. The court allows the trustee compensation in the amount of \$128,502.00 and reimbursement of expenses in the amount of \$0.00.

IT IS FURTHER ORDERED that the trustee is authorized without further order of this court to pay from the estate the aggregate amount allowed by this order in accordance with the Bankruptcy Code.

7. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-31](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF MACCONAGHY AND BARNIER, PLC FOR JOHN H. MACCONAGHY, TRUSTEES ATTORNEY(S)
3-20-2019 [[1765](#)]

MICHAEL COLLINS

Final Ruling

Application: Allowance of Interim Compensation and Expense Reimbursement

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

Disposition: Approved, as modified

Order: Civil minute order

MacConaghy & Barnier, PLC, counsel for chapter 11 trustee Randy Sugarman, seeks interim compensation of \$182,666.67 and reimbursement of expenses of \$6,984.88. The U.S. Trustee opposes \$2,200 of the request as violative of *Baker Botts L.L.P. v. ASARCO LLC*, 135 S.Ct. 2158, 2169 (2015). No other party has opposed the application. MacConaghy & Barnier, PLC's reply voluntarily reduces its request by \$2,200.

COMPENSATION AND EXPENSES

In this Chapter 11 case, MacConaghy & Barnier, PLC has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$180,466.67 (as reduced by the Reply, April 17, 2019, ECF # 1916) and reimbursement of expenses in the amount of \$6,984.88.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable

compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

MacConaghy & Barnier, PLC's application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$180,466.67 and reimbursement of expenses in the amount of \$6,984.88. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

8. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-32](#)

MOTION FOR COMPENSATION FOR MICHAEL B. COLLINS, SPECIAL
COUNSEL(S)
3-22-2019 [\[1775\]](#)

MICHAEL COLLINS/MV
MICHAEL COLLINS

Final Ruling

Application: Allowance of Fourth Interim Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions 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 application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). Save and except the reservation of rights by the U.S. Trustee, 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, the Collins Law Firm, LLC, special counsel to chapter 11 trustee Randy Sugarman, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$32,152.00 and reimbursement of expenses in the amount of \$118.10.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Collins Law Firm, LLC's application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$32,152.00 and reimbursement of expenses in the amount of \$118.10. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

9. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-34](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF SAGASER,
WATKINS AND WIELAND, PC FOR IAN B. WIELAND, SPECIAL
COUNSEL(S)
3-26-2019 [[1800](#)]

MICHAEL COLLINS

Final Ruling

Application: Third Allowance of Interim Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions 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 application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). Save and except a reservation of rights by the U.S. Trustee, 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Sagaser, Watkins & Wieland, P.C., special counsel to chapter 11 trustee Randy Sugarman, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$3,926.50 and reimbursement of expenses in the amount of \$0.00.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Sagaser, Watkins & Wieland, P.C.,'s application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$3,926.50 and reimbursement of expenses in the amount of \$0.00. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

10. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-35](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF SCHWABE
WILLIAMSON AND WYATT FOR ELIZABETH E. HOWARD, SPECIAL
COUNSEL(S)
3-27-2019 [[1830](#)]

MICHAEL COLLINS

Final Ruling

Application: Allowance of Interim Compensation and Expense
Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions 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 application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). Save and except the reservation of rights by the U.S. Trustee, 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Schwabe Williamson & Wyatt, special counsel for chapter 11 trustee Randy Sugarman, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$52,496.25 and reimbursement of expenses in the amount of \$0.00.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Schwabe Williamson & Wyatt's application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$52,496.25 and reimbursement of expenses in the amount of \$0.00. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

11. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-36](#)

MOTION FOR COMPENSATION FOR FRAZER, LLP, ACCOUNTANT(S)
3-26-2019 [[1806](#)]

MICHAEL COLLINS

Final Ruling

Application: Second Allowance of Interim Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions 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 application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). Save and except the reservation of rights filed by the U.S. Trustee, 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Frazer, LLP, accountant for chapter 11 trustee Randy Sugarman, has applied for an allowance of interim

compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$98,620.50 and reimbursement of expenses in the amount of \$0.00.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Frazer, LLP's application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$98,620.50 and reimbursement of expenses in the amount of \$0.00. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

12. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-37](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF OGLETREE
DEAKINS NASH SMOAK AND STEWART, PC FOR TAMSEN L. LEACHMAN,
SPECIAL COUNSEL(S)
3-26-2019 [[1812](#)]

MICHAEL COLLINS
OST 4/3

Final Ruling

Application: First Allowance of Interim Compensation and Expense Reimbursement

Notice: LBR 9014-1(f)(1), (3); written opposition required

Disposition: Approved

Order: Civil minute order

Unopposed motions 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 application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). Save and except the reservation of rights by the U.S. Trustee, 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Ogeltree Deakins Nash Smoak & Stewart, P.C., special counsel for chapter 11 trustee Randy Sugarman, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$61,945.50 and reimbursement of expenses in the amount of \$13,534.35.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Ogeltree Deakins Nash Smoak & Stewart, P.C.,'s application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$61,945.50 and reimbursement of expenses in the amount of \$13,534.35. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

13. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[RAC-5](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF BLAKELEY LLP
FOR RONALD A. CLIFFORD, CREDITOR COMM. ATY(S)
3-27-2019 [[1823](#)]

MICHAEL COLLINS

Final Ruling

Application: Fourth Allowance of Interim Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions 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 application was required not less than 14 days before the hearing on the application. 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Blakely LLP has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$49,094.00 and reimbursement of expenses in the amount of \$1,044.84.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Blakely LLP's application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$49,094.00 and reimbursement of expenses in the amount of \$1,044.84. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

14. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-53](#)

MOTION FOR COMPENSATION FOR RILEY C. WALTER, SPECIAL
COUNSEL(S)
3-25-2019 [[1786](#)]

RILEY WALTER/MV
MICHAEL COLLINS
RILEY WALTER/ATTY. FOR MV.

Final Ruling

Application: Allowance of Interim Compensation and Expense
Reimbursement

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

Disposition: Approved

Order: Civil minute order

Unopposed motions 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 application was required not less than 14 days before the hearing on the application. LBR 9014-1(f)(1)(B). Save and except the reservation of rights by the U.S. Trustee, 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).

COMPENSATION AND EXPENSES

In this Chapter 11 case, Walter Wilhelm Law Group has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$41,203.50 and reimbursement of expenses in the amount of \$10,501.97.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional in a Chapter 11 case and "reimbursement for actual, necessary expenses." 11 U.S.C. § 330(a)(1). Reasonable compensation is determined by considering all relevant factors. See *id.* § 330(a)(3).

The court finds that the compensation and expenses sought are reasonable, and the court will approve the application on an interim basis. Such amounts shall be perfected, and may be adjusted, by a final application for compensation and expenses, which shall be filed prior to case closure.

CIVIL MINUTE ORDER

The court shall issue a civil minute order that conforms substantially to the following form:

Findings of fact and conclusions of law are stated in the civil minutes for the hearing.

Walter Wilhelm Law Group's application for allowance of interim compensation and reimbursement of expenses has been presented to the court. Having entered the default of respondent for failure to appear, timely oppose, or otherwise defend in the matter, and having considered the well-pleaded facts of the application,

IT IS ORDERED that the application is approved on an interim basis. The court allows interim compensation in the amount of \$41,203.50 and reimbursement of expenses in the amount of \$10,501.97. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

15. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-40](#)

MOTION TO EMPLOY A&M LIVESTOCK AUCTION, INC. AS AUCTIONEER,
AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES
4-9-2019 [[1869](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.

No Ruling

16. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-41](#)

MOTION TO SELL
4-9-2019 [[1875](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.

No Ruling

17. [18-14414](#)-A-11 **IN RE: TITUS INDUSTRIAL, INC.**
[LKW-2](#)

CONTINUED MOTION/APPLICATION TO USE CASH COLLATERAL, AND/OR
MOTION/APPLICATION FOR ADEQUATE PROTECTION
11-6-2018 [[19](#)]

TITUS INDUSTRIAL, INC./MV
LEONARD WELSH

No Ruling