

**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: THURSDAY
DATE: OCTOBER 11, 2018
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. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-28](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF WALTER WILHELM
LAW GROUP FOR RILEY C. WALTER, DEBTORS ATTORNEY(S)
9-13-2018 [[814](#)]

RILEY WALTER

Final Ruling

Application: Allowance of Third 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, Walter Wilhelm, counsel for the debtor in possession, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$129,041.50 and reimbursement of expenses in the amount of \$14,646.60.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the debtor in possession 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'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 \$129,041.50 and reimbursement of expenses in the amount of \$14,646.60. Fees and expenses approved by this application aggregate \$143,688.10. The applicant is holding no retainer.

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 chapter 11 trustee 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.

2. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-29](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF COLLINS AND
COLLINS, LP FOR MICHAEL B. COLLINS, SPECIAL COUNSEL(S)
9-13-2018 [[808](#)]

RILEY WALTER

Final Ruling

Application: Allowance of Second 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, Collins & Collins, LP, special counsel for the debtor in possession, has applied for an allowance of interim

compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$14,544.00 and reimbursement of expenses in the amount of \$784.60.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the debtor in possession 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 & Collins, LP'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 \$14,544.00 and reimbursement of expenses in the amount of \$784.60. Fees and expenses approved by this application aggregate \$143,688.10. The applicant is holding no retainer.

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 chapter 11 trustee 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.

3. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-30](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF WALTER WILHELM
LAW GROUP FOR ELIZABETH HOWARD, SPECIAL COUNSEL(S)
9-13-2018 [[805](#)]

RILEY WALTER

Final Ruling

The hearing is continued to December 12, 2018, at 1:30 p.m.
Opposition by the trustee is due by November 21, 2018, and any reply
by the applicant is due by November 28, 2018.

4. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-31](#)

MOTION FOR COMPENSATION FOR GENSKE, MULDER AND COMPANY, LLP,
ACCOUNTANT(S)
9-13-2018 [[818](#)]

GENSKE, MULDER AND COMPANY,
LLP/MV
RILEY WALTER
RESPONSIVE PLEADING

Final Ruling

This matter is continued to December 12, 2018, at 1:30 p.m. The trustee, and any other party in interest, may file opposition to the application not later than November 21, 2018. The applicant may file a reply not later than November 28, 2018. The court declines the trustee's request to order the applicant to file a new invoice reflecting time expended in .10 hour increments. But failure to comply with applicable guidelines for fee applications may form the basis of substantive opposition to the application and, without more, might form the basis of a denial of compensation. If the applicant wishes to file an amended invoice to address this issue, and thereby cutoff opposition to the fee application on that basis, it may do so by October 31, 2018. The court will issue a civil minute order.

5. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-32](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF SAGASER,
WATKINS AND WIELAND, PC FOR IAN B. WIELAND, SPECIAL
COUNSEL(S)
9-13-2018 [[811](#)]

RILEY WALTER

Final Ruling

Application: Allowance of First 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, Sagaser, Watkins and Wieland, PC, special counsel for the debtor in possession, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$2,071.00 and reimbursement of expenses in the amount of \$5.18.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the debtor in possession 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 and Wieland, PC'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 \$2,071.00 and reimbursement of expenses in the amount of \$5.18. Fees and expenses approved by this application aggregate \$2,076.18. The applicant is holding no retainer.

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 trustee 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.

6. [11-17165](#)-A-11 **IN RE: OAKHURST LODGE, INC., A CALIFORNIA CORPORATION**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
6-22-2011 [[1](#)]

DONNA STANDARD

No Ruling

7. [11-17165](#)-A-11 **IN RE: OAKHURST LODGE, INC., A CALIFORNIA CORPORATION**
[AJM-5](#)

MOTION TO COMPROMISE CONTROVERSY/APPROVE SETTLEMENT AGREEMENT WITH OAKHURST LODGE, INC., STEVEN KENT MARSHALL, TOTAL LENDERS SOLUTIONS, INC. AND OAKHURST LODGE, LP
9-13-2018 [[397](#)]

FIRST-CITIZENS BANK & TRUST
COMPANY/MV
DONNA STANDARD
AARON MALO/ATTY. FOR MV.

No Ruling