

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

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

**DAY: MONDAY**  
**DATE: OCTOBER 19, 2020**  
**CALENDAR: 1:30 P.M. CHAPTERS 9, 11 AND 12 CASES**

**RULINGS**

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

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. Non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

**CHANGES TO PREVIOUSLY PUBLISHED RULINGS**

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: "**[Since posting its original rulings, the court has changed its intended ruling on this matter]**".

**ERRORS IN RULINGS**

Clerical errors of an insignificant nature, e.g. nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [19-27800](#)-A-11    **IN RE: EDUARDO/FLORINDA SAN ANTONIO**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION  
12-18-2019    [[1](#)]

ARASTO FARSAD/ATTY. FOR DBT.

**No Ruling**

2. [19-27800](#)-A-11    **IN RE: EDUARDO/FLORINDA SAN ANTONIO**

CONFIRMATION OF PLAN OF REORGANIZATION FILED BY DEBTOR'S  
6-25-2020    [[91](#)]

ARASTO FARSAD/ATTY. FOR DBT.

**Final Ruling**

Since this matter is duplicative of item #3 on this calendar, i.e., motion to confirm chapter 11 plan, the matter is dropped as moot. The court will issue a civil minute order.

3. [19-27800](#)-A-11    **IN RE: EDUARDO/FLORINDA SAN ANTONIO**  
[AF-4](#)

MOTION TO CONFIRM CHAPTER 11 PLAN  
9-16-2020    [[113](#)]

ARASTO FARSAD/ATTY. FOR DBT.

**No Ruling**

4. [19-25117](#)-A-11    **IN RE: DONNA HEISCHOB**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION  
8-14-2019    [[1](#)]

MIKALAH LIVIAKIS/ATTY. FOR DBT.

**Final Ruling**

The status conference is continued to November 23, 2020, at 1:30 p.m. to coincide with the hearing on the amended disclosure statement. The court will issue a civil minute order.

5. [20-23726](#)-A-11    **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**  
[GEL-2](#)

CONTINUED MOTION TO EMPLOY GABRIEL E. LIBERMAN AS  
ATTORNEY(S)  
8-13-2020    [[23](#)]

GABRIEL LIBERMAN/ATTY. FOR DBT.

**No Ruling**

6. [20-23726](#)-A-11    **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**  
[GEL-4](#)

MOTION TO APPROVE STIPULATION BETWEEN PRIME-US PARK TOWER,  
LLC AND DEBTOR REGARDING DEBTORS MOTION TO REJECT UNEXPIRED  
NONRESIDENTIAL PROPERTY LEASE, PERMITTING LIMITED STAY  
RELIEF, AND SURRENDER OF PROPERTY  
9-28-2020    [[48](#)]

GABRIEL LIBERMAN/ATTY. FOR DBT.

**No Ruling**

7. [20-23543](#)-A-11    **IN RE: 1420 HOWE BUSINESS CENTER**  
REHABILITATION LP  
[JLB-1](#)

MOTION TO EMPLOY JAMES L. BRUNELLO AS ATTORNEY(S)  
9-21-2020    [[22](#)]

JAMES BRUNELLO/ATTY. FOR DBT.

**No Ruling**

8. [20-23543](#)-A-11    **IN RE: 1420 HOWE BUSINESS CENTER**  
REHABILITATION LP  
[JLB-2](#)

MOTION TO EMPLOY JTS ENGINEERING CONSULTANTS, INC. AS  
ENGINEER  
10-2-2020    [[31](#)]

JAMES BRUNELLO/ATTY. FOR DBT.

**No Ruling**

9. [19-23553](#)-A-11     **IN RE: SHAWN/HEATHER WHITNEY**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION  
6-3-2019    [[1](#)]

JOHN DOWNING/ATTY. FOR DBT.

**Final Ruling**

The status conference is continued to November 16, 2020, at 1:30 p.m. to coincide with the hearing on the disclosure statement. A civil minute order will issue.

10. [20-24259](#)-A-11     **IN RE: NESTOR/MARIA QUILATES**

STATUS CONFERENCE RE: VOLUNTARY PETITION  
9-4-2020    [[1](#)]

ARASTO FARSAD/ATTY. FOR DBT.

**No Ruling**

11. [20-24259](#)-A-11     **IN RE: NESTOR/MARIA QUILATES**  
[AF-1](#)

MOTION TO EMPLOY ARASTO FARSAD AS ATTORNEY(S)  
9-11-2020    [[10](#)]

ARASTO FARSAD/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). Employment may be authorized if the applicant neither holds nor represents an interest adverse to the estate and

is disinterested. *Id.* §§ 101(14), 327(a). 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.