

**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: TUESDAY
DATE: JANUARY 10, 2017
CALENDAR: 1:30 P.M. CHAPTER 11 AND 9 CASES

GENERAL DESIGNATIONS

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

ORAL ARGUMENT

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

COURT'S ERRORS IN FINAL RULINGS

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [15-12827](#)-A-11 BLUEGREENPISTA CONTINUED STATUS CONFERENCE RE:
ENTERPRISES, INC. VOLUNTARY PETITION
7-18-15 [[1](#)]

DAVID JENKINS/Atty. for dbt.

No tentative ruling.

2. [15-12827](#)-A-11 BLUEGREENPISTA MOTION FOR COMPENSATION BY THE
BBR-1 ENTERPRISES, INC. LAW OFFICE OF BELDEN BLAINE
RAYTIS, LLP FOR T. SCOTT
BELDEN, TRUSTEES ATTORNEY(S)
12-13-16 [[466](#)]

DAVID JENKINS/Atty. for dbt.

Final Ruling

Application: Allowance of First and Final 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, Belden Blaine Raytis, LLP, counsel for the Chapter 11 trustee, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$6,357.50 and reimbursement of expenses in the amount of \$41.20.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the trustee 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 a final basis.

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.

Belden Blaine Raytis, LLP's application for allowance of final 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 final compensation in the amount of \$6,357.50 and reimbursement of expenses in the amount of \$41.20. The applicant is authorized to draw on any retainer held.

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.

3. [15-12827](#)-A-11 BLUEGREENPISTA MOTION FOR COMPENSATION FOR
JES-2 ENTERPRISES, INC. JAMES SALVEN, ACCOUNTANT(S)
JAMES SALVEN/MV 12-13-16 [[487](#)]
DAVID JENKINS/Atty. for dbt.

Final Ruling

Application: Allowance of Final 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, James E. Salven, accountant for the Chapter 11 trustee, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$12,677.00 and reimbursement of expenses in the amount of \$848.52. The applicant also asks that the court allow on a final basis all prior applications for fees and costs that the court has previously allowed on an interim basis.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the trustee 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 a final basis. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

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.

James E. Salven's application for allowance of final 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 final compensation in the amount of \$12,677.00 and reimbursement of expenses in the amount of \$848.52. The applicant is authorized to draw on any retainer held. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

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.

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| 4. | 15-12827 -A-11 BLUEGREENPISTA
TGM-17 ENTERPRISES, INC.
RANDELL PARKER/MV
DAVID JENKINS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv. | MOTION FOR ALLOWANCE OF A
SURCHARGE
12-13-16 [493] |
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No tentative ruling.

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| 5. | 15-12827 -A-11 BLUEGREENPISTA
TGM-18 ENTERPRISES, INC. | MOTION FOR COMPENSATION FOR
TRUDI G. MANFREDO, TRUSTEES
ATTORNEY(S)
12-13-16 [474] |
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- DAVID JENKINS/Atty. for dbt.

Final Ruling

Application: Allowance of Final 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, Trudi G. Manfredo, counsel for the Chapter 11 trustee, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$34,146.50 and reimbursement of expenses in the amount of \$1,745.95. The applicant also asks that the court allow on a final basis all prior applications for fees and costs that the court has previously allowed on an interim basis.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the trustee 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 a final basis. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

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.

Trudi G. Manfredo's application for allowance of final 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 final compensation in the amount of \$34,146.50 and reimbursement of expenses in the amount of \$1,745.95. The applicant is authorized to draw on any retainer held. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

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. [15-12827](#)-A-11 BLUEGREENPISTA
TGM-19 ENTERPRISES, INC.
RANDELL PARKER/MV
MOTION FOR COMPENSATION FOR
RANDELL PARKER, CHAPTER 11
TRUSTEE(S)
12-13-16 [[481](#)]
DAVID JENKINS/Atty. for dbt.
TRUDI MANFREDO/Atty. for mv.

Tentative Ruling

Application: Final Allowance of 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, the trustee has applied for an allowance of compensation and reimbursement of expenses. The court finds (1) that the compensation requested by the trustee is consistent with 11 U.S.C. § 326(a); (2) that no extraordinary circumstances are present in this case, *see In re Salgado-Nava*, 473 B.R. 911 (B.A.P. 9th Cir. 2012)(Chapter 7); and (3) that expenses for which reimbursement is sought are actual and necessary. The court approves the application and allows compensation in the amount of \$20,182.52 and reimbursement of expenses in the amount of \$0.00. The applicant also asks that the court allow on a final basis all prior applications for fees and costs that the court has previously allowed on an interim basis. And the court now does so.

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.

Randell Parker'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

IT IS ORDERED that the application is approved on a final basis. The court allows to the trustee compensation in the amount of \$20,182.52 and reimbursement of expenses in the amount of \$0.00 for August 17, 2016, forward. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

7. [15-10161](#)-A-11 FRESNO COUNTY MOTION FOR RELIEF UNDER FEDERAL
SPORTSMEN'S CLUB RULE OF CIVIL PROCEDURE 60(B)
DOUGLAS BOWMAN/MV 11-21-16 [[241](#)]
PETER FEAR/Atty. for dbt.
DOUGLAS BOWMAN/Atty. for mv.
RESPONSIVE PLEADING

8. [16-13271](#)-A-11 BLAIR GLADWIN AND TONETTA MOTION TO SELL FREE AND CLEAR
THA-9 SIMONE GLADWIN OF LIENS
BLAIR GLADWIN/MV 12-15-16 [[71](#)]
THOMAS ARMSTRONG/Atty. for dbt.

9. [15-14274](#)-A-11 LOURIE FOLLAND CONTINUED STATUS CONFERENCE RE:
CHAPTER 11 VOLUNTARY PETITION
10-30-15 [[1](#)]
PETER FEAR/Atty. for dbt.

10. [15-14274](#)-A-11 LOURIE FOLLAND CONTINUED HEARING RE:
FW-3 CONFIRMATION AMENDED/MODIFIED
PLAN
8-9-16 [[74](#)]
PETER FEAR/Atty. for dbt.

No tentative ruling.

11. [15-14274](#)-A-11 LOURIE FOLLAND
FW-5
LOURIE FOLLAND/MV

PETER FEAR/Atty. for dbt.
RESPONSIVE PLEADING

PRETRIAL CONFERENCE RE: MOTION
TO VALUE COLLATERAL OF CIT
BANK, N.A.
8-19-16 [[89](#)]

No tentative ruling.

12. [15-14274](#)-A-11 LOURIE FOLLAND
PPR-1
CIT BANK, N.A./MV

PETER FEAR/Atty. for dbt.
MELISSA VERMILLION/Atty. for mv.

CONTINUED OBJECTION TO
CONFIRMATION OF PLAN BY CIT
BANK, N.A.
9-23-16 [[111](#)]

No tentative ruling.