



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

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

DAY: TUESDAY
DATE: JANUARY 16, 2024
CALENDAR: 9:00 A.M. CHAPTER 9 AND 11 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be heard simultaneously: (1) **IN PERSON** in Courtroom 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered.

Parties in interest and members of the public may connect to the ZoomGov video and audio feeds, free of charge, using the connection information provided:

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To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
3. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Please join at least 10 minutes prior to the start of the calendar. You are required to give the court 24 hours advance notice on the [Court Calendar](#).

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including screen shots or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

PRE-HEARING DISPOSITION INSTRUCTIONS

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. However, 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. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT
[CAE-1](#)**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
7-30-2020 [[1](#)]

GABRIEL LIBERMAN/ATTY. FOR DBT.

Final Ruling

The court is in receipt of the Chapter 11 trustee's status report, ECF No. 860, and, having reviewed it, the court has no questions. No other party has filed a status report and deadline to do so has passed. Order, ECF No. 844. The status conference is continued to June 3, 2024, at 9:00 a.m. Not later than 14 days prior to the continued status conference the trustee shall, and any other party may, file a status report. A civil minute order shall issue.

2. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT
[JIG-9](#)**

AMENDED MOTION TO EMPLOY DAVID M. GOODRICH AS ATTORNEY(S)
12-19-2023 [[852](#)]

GABRIEL LIBERMAN/ATTY. FOR DBT.
DAVID GOODRICH/ATTY. FOR MV.

No Ruling

3. [23-20755](#)-A-11 **IN RE: POINT BUCKLER CLUB, LLC
[MEV-2](#)**

MOTION FOR COMPENSATION FOR MARC VOISENAT, DEBTORS
ATTORNEY(S)
12-7-2023 [[87](#)]

MARC VOISENAT/ATTY. FOR DBT.
DEBTOR DISMISSED: 07/10/23
RESPONSIVE PLEADING

No Ruling

4. [23-24467](#)-A-11 **IN RE: GREATER LIGHT BAPTIST CHURCH OF
SACRAMENTO
[GEL-1](#)**

CONTINUED MOTION TO USE CASH COLLATERAL AND/OR MOTION FOR
ADEQUATE PROTECTION
12-14-2023 [\[5\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

No Ruling

5. [22-23186](#)-A-11 **IN RE: C S I ROOF REMOVAL, INC.
[MJD-7](#)**

MOTION FOR COMPENSATION BY THE LAW OFFICE OF STUTZ LAW
OFFICE, P.C. FOR MATTHEW J. DECAMINADA, DEBTORS ATTORNEY(S)
12-11-2023 [\[115\]](#)

MATTHEW DECAMINADA/ATTY. FOR DBT.

Tentative 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). 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, Stutz Law Firm, 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 \$4,020 and reimbursement of expenses in the amount of \$0.0.

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.

LOCAL RULES VIOLATIONS

The court notes violations of applicable local rules.

LBR 9014-1(d)(3): State Relief Sought

The fee application fails to specify whether the application is for interim or final in nature. Fed. R. Bankr. 9013. Local Bankruptcy Rule 9014-1 provides: "Motion or Other Request for Relief. *The application, motion, contested matter, or other request for relief shall set forth the relief or order sought* and shall state with particularity the factual and legal grounds therefor. Legal grounds for the relief sought means citation to the statute, rule, case, or common law doctrine that forms the basis of the moving party's request but does not include a discussion of those authorities or argument for their applicability." LBR 9014-1(d)(3) (emphasis added). Because the fee application is for a define period, i.e., July 11, 2023, through December 10, 2023, Appl. 1:24-25, ECF No. 115, and because the motion does not address finalizing compensation previously awarded, *Id.* at 5:23-26, the court infers that the applicant only seeks approval of interim compensation. But the application does not unequivocally state the grounds for relief sought.

Certificate of Service

The Certificate of Service violates LBR 9014-1(d)(5), which provides: "Except as otherwise provided herein, every application, motion, contested matter, or other request for an order shall be filed separately from every other request. All requests for relief shall state with particularity the grounds therefor and shall set forth the relief or order sought. Other documents, exhibits, or supporting pleadings shall not be incorporated by reference."

Here, the Certificate of Services amalgamates service of the service required for plan confirmation and for this fee application. It is titled, "Ballot Tabulation, Fee Application, MPA [acronym unknown] in Support of Confirmation & DIP Declaration in Support of Confirmation." Certificate of Service, p. 1, ECF No. 123.

The Certificate of Service itself provides a similarly difficult to follow description, indicating service was accomplished on: "1) Ballot Tabulation; 2) MPA in Support of Confirmation; 3) DIP Declaration in Support of Confirmation;; 4) Fee Application; 5) Attorney Declaration in Support of Fee Application; 6) DIP Declaration in Support of Fee Application; 7) Notice of Hearing [failing to specify whether for plan confirmation or fee application]; and 8) Certificate of Service [failing to specify whether for plan confirmation or fee application]." *Id.* at § 4.

Pagination

Local Rules require pagination. "Page Numbering. The pages of each document shall be numbered consecutively at the bottom center of the page. Page "1" is the first page of the document bearing the caption of the case or adversary proceeding." LBR 9004-2(c)(3).

The movant has not numbered the pages of the application or supporting documents. See Appl., ECF No. 115.

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.

Stutz Law Firm'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 \$4,020.00 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.

6. [23-23996](#)-A-11 **IN RE: 9250 BIG HORN HOLDINGS, INC.**
[GEL-2](#)

MOTION TO USE CASH COLLATERAL AND/OR MOTION TO SCHEDULE
DEADLINES RELATING TO A FINAL HEARING ON USE OF CASH
COLLATERAL
1-2-2024 [\[36\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

No Ruling