

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

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

DAY: MONDAY
DATE: FEBRUARY 1, 2021
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. [19-25117](#)-A-11 **IN RE: DONNA HEISCHOB**

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

MIKALAH LIVIAKIS/ATTY. FOR DBT.

No Ruling

2. [19-25117](#)-A-11 **IN RE: DONNA HEISCHOB**
[MRL-7](#)

APPROVAL OF AMENDED DISCLOSURE STATEMENT
12-13-2020 [[151](#)]

MIKALAH LIVIAKIS/ATTY. FOR DBT.
RESPONSIVE PLEADING

No Ruling

3. [19-25117](#)-A-11 **IN RE: DONNA HEISCHOB**
[MRL-8](#)

MOTION FOR COMPENSATION FOR MIKALAH RAYMOND LIVIAKIS,
DEBTORS ATTORNEY(S)
12-18-2020 [[158](#)]

MIKALAH LIVIAKIS/ATTY. FOR DBT.

Tentative Ruling

Application: Allowance of Final Compensation and Expense
Reimbursement

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

Disposition: Approved

Order: Civil minute order

Compensation approved: \$17,000.00

Costs approved: \$0.00

Retainer to be applied: \$0.00

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, Mikalah R. Liviakis, counsel for the debtor in possession, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$17,000.00 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 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 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.

Mikalah R. Liviakis'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 \$17,000.00 and reimbursement of expenses in the amount of \$0.00. The applicant is not holding any retainer.

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.

4. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT
[BRL-2](#)**

MOTION FOR RELIEF FROM AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
1-13-2021 [[140](#)]

GABRIEL LIBERMAN/ATTY. FOR DBT.
BENJAMIN LEVINSON/ATTY. FOR MV.
LISA MOTES VS.

No Ruling

5. [20-24259](#)-A-11 **IN RE: NESTOR/MARIA QUILATES**

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

ARASTO FARSAD/ATTY. FOR DBT.

Final Ruling

At the court hearing on January 19, 2021, the court continued this Status Conference to March 15, 2021 at 1:30 p.m.

6. [20-24259](#)-A-11 **IN RE: NESTOR/MARIA QUILATES
[AF-3](#)**

APPROVAL OF AMENDED PLAN AND AMENDED DISCLOSURE STATEMENT
12-27-2020 [[48](#)]

ARASTO FARSAD/ATTY. FOR DBT.

Final Ruling

At the originally set hearing on January 19, 2021, the Original Plan and Disclosure Statement and the Amended Plan and Disclosure Statements were denied without prejudice and ordered that the Attorney file a new Plan and Disclosure Statement to be filed, served, and set for hearing on 3/15/21 at 1:30 p.m.

7. [20-24783](#)-A-11 **IN RE: GREGORY G. SMITH, M.D., A
PROFESSIONAL CORPORATION**
[MHK-7](#)

MOTION TO EXTEND TIME AND/OR TO ASSUME LEASE OR EXECUTORY
CONTRACT

1-14-2021 [[143](#)]

ANTHONY ASEBEDO/ATTY. FOR DBT.

No Ruling

8. [20-25396](#)-A-11 **IN RE: RACEDAY CYCLE, INC.**
[FEC-1](#)

ORDER TO SHOW CAUSE

1-14-2021 [[35](#)]

STEPHEN REYNOLDS/ATTY. FOR DBT.

No Ruling

9. [20-25396](#)-A-11 **IN RE: RACEDAY CYCLE, INC.**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION

12-1-2020 [[1](#)]

STEPHEN REYNOLDS/ATTY. FOR DBT.

No Ruling