

**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: MARCH 8, 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. If the parties stipulate to continue the hearing on the matter or agree to resolve the matter in a way inconsistent with the final ruling, then the court will consider vacating the final ruling only if the moving party notifies chambers before 4:00 pm at least one business day before the hearing date: Department A-Kathy Torres (559)499-5860; Department B-Jennifer Dauer (559)499-5870. If a party has grounds to contest a final ruling because of the court's error under FRCP 60 (a) (FRBP 9024) ["a clerical mistake (by the court) or a mistake arising from (the court's) oversight or omission"] the party shall notify chambers (contact information above) and any other party affected by the final ruling by 4:00 pm one business day before the hearing.

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. [10-12709](#)-A-11 **IN RE: ENNIS COMMERCIAL PROPERTIES, LLC**
[FRC-11](#)

MOTION FOR AN ORDER TO APPROVE FOURTH INTERIM DISTRIBUTION
2-7-2018 [[1845](#)]

DAVID STAPLETON/MV
PETER FEAR
MICHAEL GOMEZ/ATTY. FOR MV.

Final Ruling

Motion: For an Order Approving Fourth Interim Distribution

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

Disposition: Granted

Order: Prepared by moving party

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 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).

The plan administrator request authorization to disburse \$1.3 million to unsecured creditors in accordance with the table provided in the motion. Section V(N) of the Plan provides that the "Plan Administrator shall be entitled to see such Bankruptcy Court orders and instructions as the Plan Administrator deems necessary to carry out and further the intentions and purposes, and to give full effect to, the provisions of the plan." The confirmed plan also contains a mechanism for disbursing funds to creditors at Article VI. The court will authorize the distribution. The moving party shall prepare and submit an order.

2. [15-12827](#)-A-11 **IN RE: BLUEGREENPISTA ENTERPRISES, INC.**

CHAPTER 11 DISCLOSURE STATEMENT FILED BY TRUSTEE RANDELL
PARKER
1-25-2018 [[778](#)]

TRUDI MANFREDO/ATTY. FOR MV.

No Ruling

3. [17-12389](#)-A-11 **IN RE: DON ROSE OIL CO., INC.**
[SAS-1](#)

MOTION FOR LEAVE TO FILE LATE PROOF OF CLAIM
2-8-2018 [[729](#)]

CAPCALL, LLC/MV
RILEY WALTER
ROLAND JONES/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling