

**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: WEDNESDAY
DATE: APRIL 12, 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. [16-10015](#)-A-9 SOUTHERN INYO HEALTHCARE STATUS CONFERENCE CONTINUED RE:
DISTRICT CHAPTER 9 VOLUNTARY PETITION
1-4-16 [[1](#)]

ASHLEY MCDOW/Atty. for dbt.

Final Ruling

The status conference is continued to June 15, 2017, at 1:30 p.m.

2. [15-12827](#)-A-11 BLUEGREENPISTA MOTION TO EMPLOY TODD TUROCI AS
TTF-4 ENTERPRISES, INC. ATTORNEY(S)
3-14-17 [[561](#)]

TODD TUROCI/Atty. for dbt.
RESPONSIVE PLEADING

No tentative ruling.

3. [17-10337](#)-A-11 ATKINS SPECIALTY MOTION TO EMPLOY WAYNE LONG &
KDG-2 SERVICES, INC. CO. AS ACCOUNTANT(S)
ATKINS SPECIALTY SERVICES, 3-22-17 [[35](#)]
INC./MV
JACOB EATON/Atty. for dbt.

No tentative ruling.

4. [17-10337](#)-A-11 ATKINS SPECIALTY MOTION TO SELL AND/OR MOTION TO
KDG-4 SERVICES, INC. PAY
ATKINS SPECIALTY SERVICES, 3-22-17 [[41](#)]
INC./MV
JACOB EATON/Atty. for dbt.

No tentative ruling.

5. [15-14274](#)-A-11 LOURIE FOLLAND
FW-11
GREGG PALMER/MV
PETER FEAR/Atty. for dbt.

MOTION FOR COMPENSATION FOR
GREGG J. PALMER, APPRAISER(S)
3-3-17 [[196](#)]

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, Gregg J. Palmer, MAI, has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$750 and reimbursement of expenses in the amount of \$0.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional 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.

Gregg J. Palmer, MAI'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 \$750 and reimbursement of expenses in the amount of \$0.

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.