

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

Honorable Fredrick E. Clement  
Fresno Federal Courthouse  
2500 Tulare Street, 5<sup>th</sup> Floor  
Courtroom 11, Department A  
Fresno, California

**PRE-HEARING DISPOSITIONS**

**DAY:** WEDNESDAY

**DATE:** APRIL 15, 2020

**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.

**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-15](#)

MOTION FOR COMPENSATION FOR DAVID STAPLETON, PLAN  
ADMINISTRATOR  
3-17-2020    [[1929](#)]

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

#### **Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion.

2. [10-12709](#)-A-11     **IN RE: ENNIS COMMERCIAL PROPERTIES, LLC**  
[FRC-16](#)

MOTION FOR COMPENSATION FOR DAVID STAPLETON, OTHER  
PROFESSIONAL(S)  
3-11-2020    [[1920](#)]

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

#### **Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion.

3. [10-12709](#)-A-11     **IN RE: ENNIS COMMERCIAL PROPERTIES, LLC**  
[FRC-17](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FRANDZEL ROBINS  
BLOOM & CSATO, L.C. FOR MICHAEL J. GOMEZ, OTHER  
PROFESSIONAL(S)  
3-18-2020    [[1942](#)]

PETER FEAR/ATTY. FOR DBT.  
MICHAEL GOMEZ/ATTY. FOR MV.

#### **Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion.

4. [10-12709](#)-A-11     **IN RE: ENNIS COMMERCIAL PROPERTIES, LLC**  
[FRC-19](#)

MOTION TO APPROVE FINAL REPORT AND ACCOUNT, AND/OR MOTION TO DISCHARGE PLAN ADMINISTRATOR, MOTION TO EXONERATE ANY BONDS POSTED BY PLAN ADMINISTRATOR, MOTION/APPLICATION TO APPROVE FINAL DISTRIBUTIONS, MOTION/APPLICATION TO CLOSE CHAPTER 11 CASE

3-18-2020    [[1936](#)]

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

**Final Ruling**

The default of all respondents is entered and the motion is granted. The movant shall upload an order consistent with the relief prayed in the motion.

5. [10-12709](#)-A-11     **IN RE: ENNIS COMMERCIAL PROPERTIES, LLC**  
[LRP-52](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF LANG, RICHERT & PATCH FOR DAVID A. ROBERTS, CREDITORS ATTORNEY(S)

3-6-2020    [[1914](#)]

PETER FEAR/ATTY. FOR DBT.  
DAVID ROBERTS/ATTY. FOR MV.

**Final Ruling**

The default of all respondents is entered and the motion is granted. The movant shall upload an order consistent with the relief prayed in the motion. The order shall be approved as to form by Michael J. Gomez, Frandzel, Robins Bloom & Casto, L.C.

6. [18-14414](#)-A-11     **IN RE: TITUS INDUSTRIAL, INC.**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION

10-30-2018    [[1](#)]

LEONARD WELSH/ATTY. FOR DBT.

**No Ruling**

7. [18-14414](#)-A-11     **IN RE: TITUS INDUSTRIAL, INC.**  
[LKW-2](#)

CONTINUED MOTION TO USE CASH COLLATERAL  
11-6-2018    [[19](#)]

TITUS INDUSTRIAL, INC./MV  
LEONARD WELSH/ATTY. FOR DBT.

**No Ruling**

8. [10-62315](#)-A-11     **IN RE: BEN ENNIS**  
[FRC-17](#)

MOTION FOR COMPENSATION FOR DAVID STAPLETON, PLAN  
ADMINISTRATOR  
3-17-2020    [[2378](#)]

DAVID STAPLETON/MV  
RILEY WALTER/ATTY. FOR DBT.  
MICHAEL GOMEZ/ATTY. FOR MV.

**Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion.

9. [10-62315](#)-A-11     **IN RE: BEN ENNIS**  
[FRC-18](#)

MOTION FOR COMPENSATION FOR THE STAPLETON GROUP, OTHER  
PROFESSIONAL(S)  
3-11-2020    [[2366](#)]

THE STAPLETON GROUP/MV  
RILEY WALTER/ATTY. FOR DBT.  
MICHAEL GOMEZ/ATTY. FOR MV.

**Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion.

10. [10-62315](#)-A-11     **IN RE: BEN ENNIS**  
[FRC-19](#)

MOTION FOR COMPENSATION FOR FRANDZEL ROBINS BLOOM & CSATO,  
L.C., OTHER PROFESSIONAL(S)  
3-18-2020    [[2384](#)]

RILEY WALTER/ATTY. FOR DBT.  
MICHAEL GOMEZ/ATTY. FOR MV.

**Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion.

11. [10-62315](#)-A-11     **IN RE: BEN ENNIS**  
[FRC-20](#)

MOTION APPROVING FINAL REPORT AND ACCOUNT, MOTION  
DISCHARGING PLAN ADMINISTRATOR, MOTION EXONERATING ANY BONDS  
POSTED BY PLAN ADMINISTRATOR, MOTION/APPLICATION APPROVING  
FINAL DISTRIBUTIONS, MOTION/APPLICATION TO CLOSE CHAPTER 11  
CASE  
3-18-2020    [[2391](#)]

DAVID STAPLETON/MV  
RILEY WALTER/ATTY. FOR DBT.  
MICHAEL GOMEZ/ATTY. FOR MV.

**Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion.

12. [10-62315](#)-A-11     **IN RE: BEN ENNIS**  
[LRP-66](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF LANG, RICHERT &  
PATCH, P.C. FOR DAVID A. ROBERTS, OTHER PROFESSIONAL(S)  
3-16-2020    [[2372](#)]

RILEY WALTER/ATTY. FOR DBT.  
DAVID ROBERTS/ATTY. FOR MV.

**Final Ruling**

The default of all respondents is entered and the motion is granted.  
The movant shall upload an order consistent with the relief prayed  
in the motion. The order shall be approved as to form by Michael J.  
Gomez, Frandzel, Robins Bloom & Casto, L.C.

13. [19-14052](#)-A-11     **IN RE: BALDOMERO CISNEROS**  
[LKW-11](#)

MOTION TO EMPLOY RICHARD D. COOPER AS BROKER(S)  
3-19-2020    [[139](#)]

BALDOMERO CISNEROS/MV  
LEONARD WELSH/ATTY. FOR DBT.

#### **Tentative Ruling**

**Application:** Approval of Employment

**Notice:** LBR 9014-1(f)(2); no written opposition required

**Disposition:** Approved

**Order:** Prepared by applicant pursuant to the instructions below

Unopposed applications are subject to the rules of default. Fed. R. Civ. P. 55, incorporated by Fed. R. Bankr. P. 7055, 9014(c). 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 court may approve employment of professional persons who "do not hold or represent an interest adverse to the estate, and that are disinterested persons." 11 U.S.C. § 327(a); *see also id.* § 101(14) (defining "disinterested person"). Here, the debtor in possession seeks to employ Richard D. Cooper, real estate broker. From the factual information provided in the motion and supporting papers, the court will approve the employment.

The order shall contain the following provision: "Nothing contained herein shall be construed to approve any provision of any agreement between [professional's name] and the estate for indemnification, arbitration, choice of venue, jurisdiction, jury waiver, limitation of damages, or similar provision." The order shall also state its effective date, which date shall be 30 days before the date the employment application was filed except that the effective date shall not precede the petition date.

14. [19-14052](#)-A-11     **IN RE: BALDOMERO CISNEROS**  
[LKW-12](#)

MOTION TO SELL FREE AND CLEAR OF LIENS  
3-20-2020    [[146](#)]

BALDOMERO CISNEROS/MV  
LEONARD WELSH/ATTY. FOR DBT.

#### **No Ruling**

15. [19-15278](#)-A-11     **IN RE: THE MAGNOLIA GROUP, INC.**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY  
PETITION  
12-19-2019    [[1](#)]

JUSTIN HARRIS/ATTY. FOR DBT.

**No Ruling**

16. [19-15279](#)-A-11     **IN RE: MAGNOLIA PARK**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY  
PETITION  
12-19-2019    [[1](#)]

JUSTIN HARRIS/ATTY. FOR DBT.

**No Ruling**