

**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: TUESDAY

DATE: MAY 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. [17-13112](#)-A-11 **IN RE: PIONEER NURSERY, LLC**
[FW-31](#)

MOTION FOR COMPENSATION FOR GOULD AUCTION & APPRAISAL
COMPANY, AUCTIONEER(S)
4-9-2018 [[483](#)]

GOULD AUCTION & APPRAISAL
COMPANY/MV
PETER FEAR

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, Gould Auction & Appraisal Company has applied for an allowance of final compensation and reimbursement of expenses for Gould. The applicant requests that the court allow compensation in the amount of \$2,739.23 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 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.

Gould Auction & Appraisal Company'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 \$2,739.23 and reimbursement of expenses in the amount of \$0.00.

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.

2. [18-11017](#)-A-11 **IN RE: VICTORY OUTREACH INC. VISALIA**

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
3-23-2018 [[1](#)]

MICHAEL TOTARO

No Ruling

3. [18-11051](#)-A-11 **IN RE: RDX TRANSPORT, INC.**

STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY PETITION
3-23-2018 [[1](#)]

JUSTIN HARRIS

No Ruling

4. [18-11051](#)-A-11 **IN RE: RDX TRANSPORT, INC.**
[UST-1](#)

MOTION TO DISMISS CASE AND/OR MOTION TO CONVERT CASE FROM
CHAPTER 11 TO CHAPTER 7
4-20-2018 [[32](#)]

TRACY DAVIS/MV
JUSTIN HARRIS
ROBIN TUBESING/ATTY. FOR MV.
OST 4/20/18

No Ruling

5. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-1](#)

CONTINUED MOTION TO USE CASH COLLATERAL AND/OR MOTION TO
BORROW
4-27-2018 [[17](#)]

GREGORY TE VELDE/MV
RILEY WALTER
RESPONSIVE PLEADING

No Ruling

6. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[RAR-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
4-30-2018 [[35](#)]

RABOBANK, N.A./MV
RILEY WALTER
BENNETT YOUNG/ATTY. FOR MV.

No Ruling

7. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-1](#)

MOTION TO USE CASH COLLATERAL AND/OR MOTION TO BORROW
5-2-2018 [[64](#)]

GREGORY TE VELDE/MV
RILEY WALTER

No Ruling