

**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: MAY 30, 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**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
8-11-2017 [[1](#)]

PETER FEAR

No Ruling

2. [17-13112](#)-A-11 **IN RE: PIONEER NURSERY, LLC**
[KDG-3](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF KLEIN,
DENATALE, GOLDNER, COOPER, ROSENLIB & KIMBALL, LLP FOR
HAGOP T. BEDOYAN, CREDITOR COMM. ATY(S)
5-4-2018 [[489](#)]

Tentative Ruling

Application: Allowance of Interim Compensation and Expense
Reimbursement

Notice: LBR 9014-1(f)(2); no 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). 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, Klein, DeNatale, Goldner, Cooper, Rosenlieb, & Kimball, LLP, counsel for the Official Committee of Unsecured Creditors, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$17,820.00 and reimbursement of expenses in the amount of \$184.83.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by a professional employed by an unsecured creditors' committee 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 an interim basis. Such amounts shall be perfected, and may be adjusted, by a

final application for compensation and expenses, which shall be filed prior to case closure.

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.

Klein, DeNatale, Goldner, Cooper, Rosenlieb, & Kimball, LLP's application for allowance of interim 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 an interim basis. The court allows interim compensation in the amount of \$17,820.00 and reimbursement of expenses in the amount of \$184.83.

IT IS FURTHER ORDERED that the fees and costs are allowed pursuant to 11 U.S.C. § 331 as interim fees and costs, subject to final review and allowance pursuant to 11 U.S.C. § 330. Such allowed amounts shall be perfected, and may be adjusted, by a final application for allowance of compensation and reimbursement of expenses, which shall be filed prior to case closure.

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.

3. [16-10015](#)-A-9 **IN RE: SOUTHERN INYO HEALTHCARE DISTRICT**

CONTINUED STATUS CONFERENCE RE: CHAPTER 9 VOLUNTARY PETITION
1-4-2016 [[1](#)]

ASHLEY MCDOW

Final Ruling

The status conference is continued to August 29, 2018, at 1:30 p.m. Not later than 14 days prior to the continued status conference the debtor will file a status report.

4. [18-11017](#)-A-11 **IN RE: VICTORY OUTREACH INC. VISALIA**
[MRT-1](#)

MOTION TO EMPLOY MICHAEL R. TOTARO AS ATTORNEY(S)
4-22-2018 [\[16\]](#)

VICTORY OUTREACH INC.
VISALIA/MV
MICHAEL TOTARO

Final Ruling

Application: Employment of Counsel for Debtor in Possession

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

Disposition: Approved

Order: Prepared by applicant pursuant to 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). Written opposition to this application 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).

Chapter 11 debtors in possession may employ counsel to advise and assist them in the discharge of their statutory duties. See 11 U.S.C. § 327(a). Employment may be authorized if the applicant neither holds nor represents an interest adverse to the estate and is disinterested. *Id.* §§ 101(14), 327(a). The applicant satisfies the requirements of § 327(a), and the court will approve the application.

The order shall contain the following provision: "Nothing contained herein shall be construed to approve any provision of any agreement between [counsel's name] and the debtor in possession for indemnification, arbitration, choice of venue, jurisdiction, jury waiver, limitation of damages, or similar provision." The order shall also state its effective date in a manner consistent with LBR 2014-1(b)(1).

5. [15-12827](#)-A-11 **IN RE: BLUEGREENPISTA ENTERPRISES, INC.**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
7-18-2015 [\[1\]](#)

No Ruling

6. [15-12827](#)-A-11 **IN RE: BLUEGREENPISTA ENTERPRISES, INC.**
[TGM-33](#)

CONFIRMATION HEARING RE: CHAPTER 11 PLAN
1-25-2018 [[777](#)]

No Ruling

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

MOTION FOR ADMINISTRATIVE EXPENSES
5-16-2018 [[171](#)]

PENNY NEWMAN GRAIN CO./MV
RILEY WALTER
BRADLEY SILVA/ATTY. FOR MV.

No Ruling

8. [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.
RESPONSIVE PLEADING

No Ruling

9. [11-17165](#)-A-11 **IN RE: OAKHURST LODGE, INC., A CALIFORNIA**
CORPORATION

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
6-22-2011 [[1](#)]

DONNA STANDARD

No Ruling

10. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[JFS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
5-21-2018 [[201](#)]

FRINGS RANCH, LP/MV
RILEY WALTER
JOSEPH SOARES/ATTY. FOR MV.
OST 5/21/18

No Ruling

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

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

GREGORY TE VELDE/MV
RILEY WALTER
EDC ORDER NO. 230 ADVANCING FROM 6/13

No Ruling