

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

Honorable Fredrick E. Clement  
Sacramento Federal Courthouse  
501 I Street, 7<sup>th</sup> Floor  
Courtroom 28, Department A  
Sacramento, California

**DAY: TUESDAY**  
**DATE: JUNE 2, 2020**  
**CALENDAR: 9:00 A.M. CHAPTERS 9 AND 11 CASES**

**RULINGS**

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling.

**"No Ruling"** means the likely disposition of the matter will not be disclosed in advance of the hearing. The matter will be called; parties wishing to be heard should rise and be heard.

**"Tentative Ruling"** means the likely disposition, and the reasons therefor, are set forth herein. The matter will be called. Aggrieved parties or parties for whom written opposition was not required should rise and be heard. Parties favored by the tentative ruling need not appear. Non-appearing parties are advised that the court may adopt a ruling other than that set forth herein without further hearing or notice.

**"Final Ruling"** means that the matter will be resolved in the manner, and for the reasons, indicated below. The matter will not be called; parties and/or counsel need not appear and will not be heard on the matter.

**CHANGES TO PREVIOUSLY PUBLISHED RULINGS**

On occasion, the court will change its intended ruling on some of the matters to be called and will republish its rulings. The parties and counsel are advised to recheck the posted rulings after 3:00 p.m. on the next business day prior to the hearing. Any such changed ruling will be preceded by the following bold face text: **"[Since posting its original rulings, the court has changed its intended ruling on this matter]"**.

**ERRORS IN RULINGS**

Clerical errors of an insignificant nature, e.g. nomenclature ("2017 Honda Accord," rather than "2016 Honda Accord"), amounts, ("\$880," not "\$808"), may be corrected in (1) tentative rulings by appearance at the hearing; or (2) final rulings by appropriate ex parte application. Fed. R. Civ. P. 60(a) *incorporated by* Fed. R. Bankr. P. 9024. All other errors, including those occasioned by mistake, inadvertence, surprise or excusable neglect, must be corrected by noticed motion. Fed. R. Bankr. P. 60(b), *incorporated by* Fed. R. Bankr. P. 9023.

1. [19-27800](#)-A-11     **IN RE: EDUARDO/FLORINDA SAN ANTONIO**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION  
12-18-2019    [[1](#)]

ARASTO FARSAD/ATTY. FOR DBT.

**No Ruling**

2. [19-27800](#)-A-11     **IN RE: EDUARDO/FLORINDA SAN ANTONIO**

APPROVAL OF DISCLOSURE STATEMENT FILED BY DEBTOR  
3-31-2020    [[40](#)]

ARASTO FARSAD/ATTY. FOR DBT.

**No Ruling**

3. [19-27800](#)-A-11     **IN RE: EDUARDO/FLORINDA SAN ANTONIO**  
[AF-3](#)

OBJECTION TO CLAIM OF HERCULES BY THE BAY HOMEOWNERS  
ASSOCIATION, CLAIM NUMBER 3  
3-31-2020    [[43](#)]

ARASTO FARSAD/ATTY. FOR DBT.

**No Ruling**

4. [20-22209](#)-A-11     **IN RE: BIMBO AND SONS CORPORATION**  
[NUU-1](#)

MOTION TO EMPLOY CHINONYE U. UGORJI AS ATTORNEY(S)  
5-4-2020    [[8](#)]

CHINONYE UGORJI/ATTY. FOR DBT.

**No Ruling**

5. [20-22211](#)-A-11     **IN RE: BSP TRUCKING INC.**  
[NUU-1](#)

MOTION TO EMPLOY CHINONYE UGORJI AS ATTORNEY(S)  
5-4-2020    [[8](#)]

CHINONYE UGORJI/ATTY. FOR DBT.

**No Ruling**

6. [16-10015](#)-A-9     **IN RE: SOUTHERN INYO HEALTHCARE DISTRICT**  
[WGG-5](#)

CONTINUED AMENDED MOTION TO ESTIMATE CONTINGENT OR  
UNLIQUIDATED CLAIMS  
10-22-2019    [[715](#)]

GARY MARSH/ATTY. FOR DBT.

**No Ruling**

7. [19-23553](#)-A-11     **IN RE: SHAWN/HEATHER WHITNEY**  
[JGD-9](#)

MOTION FOR COMPENSATION FOR JOHN GREGORY DOWNING, DEBTORS  
ATTORNEY(S)  
5-5-2020    [[235](#)]

JOHN DOWNING/ATTY. FOR DBT.

**Final Ruling**

**Application:** Allowance of Interim 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, John G. Downing, counsel for the debtor in possession, has applied for an allowance of interim compensation and

reimbursement of expenses. The application requests that the court allow compensation in the amount of \$15,000.00 and reimbursement of expenses in the amount of \$40.00.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by counsel for the debtor in possession 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 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.

#### **LOCAL RULE 9014-1(c)**

The docket control number given for this matter violates the court's Local Rules, LBR 9014-1(c), regarding proper use of docket control numbers. When using a docket control number, a party must use both letters (usually initials of the attorney for the movant) and a number. The numerical portion of the docket control number must be "the number that is one number higher than the number of motions previously filed by said attorney" in that particular case. LBR 9014-1(c)(3). Thus, a party may not use the same docket control number on separate matters filed in the same case.

Here, "JGD-9" was previously used for a motion to value, ECF No. 214. It was used again with the present motion. Future violations of this or other local rules may result in summary denial of the motion.

#### **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.

John G. Downing'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 \$15,000.00 and reimbursement of expenses in the amount of \$40.00. The applicant is authorized to draw on any retainer held.

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.

8. [19-25064](#)-A-11     **IN RE: SLIDEBELTS INC.**

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION  
8-12-2019    [[1](#)]

BRIAN ROTHSCHILD/ATTY. FOR DBT.

**No Ruling**

9. [19-25064](#)-A-11     **IN RE: SLIDEBELTS INC.**  
[BMR-23](#)

APPROVAL OF PROPOSED DISCLOSURE STATEMENT FILED BY DEBTOR  
AND/OR MOTION FOR AN ORDER ESTABLISHING SOLICITATION AND  
VOTING PROCEDURES, MOTION FOR AN ORDER SCHEDULING A  
CONFIRMATION HEARING, ETC.  
4-8-2020    [[239](#)]

BRIAN ROTHSCHILD/ATTY. FOR DBT.  
RESPONSIVE PLEADING

**No Ruling**