



UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable Jennifer E. Niemann
Hearing Date: Wednesday, June 3, 2026
Department A – Courtroom #11
Fresno, California

Unless otherwise ordered, all matters before the Honorable Jennifer E. Niemann shall be simultaneously: (1) **In Person** at Courtroom #11, (2) via **ZoomGov Video**, (3) via **ZoomGov Telephone**, and (4) via **CourtCall**. You may choose any of these options unless otherwise ordered or stated below.

All parties who wish to appear at a hearing remotely must sign up by 4:00 p.m. **one business day** prior to the hearing. Information regarding how to sign up can be found on the **Remote Appearances** page of our website at <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will receive a Zoom link or phone number, meeting I.D., and password via e-mail.

If the deadline to sign up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the Department holding the hearing.

Please also note the following:

- Parties in interest may connect to the video or audio feed free of charge and should select which method they will use to appear when signing up.
- Members of the public and the press appearing by ZoomGov may only listen in to the hearing using the zoom telephone number. Video appearances are not permitted.
- Members of the public and the press may not listen in to trials or evidentiary hearings, though they may appear in person in most instances.

To appear remotely for law and motion or status conference proceedings, you must comply with the following guidelines and procedures:

1. Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
2. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

If you are appearing by ZoomGov phone or video, please join at least 10 minutes prior to the start of the calendar and wait with your microphone muted until the matter is called.

Unauthorized Recording is Prohibited: Any recording of a court proceeding held by video or teleconference, including “screen shots” or other audio or visual copying of a hearing is prohibited. Violation may result in sanctions, including removal of court-issued media credentials, denial of entry to future hearings, or any other sanctions deemed necessary by the court. For more information on photographing, recording, or broadcasting Judicial Proceedings, please refer to Local Rule 173(a) of the United States District Court for the Eastern District of California.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

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, and all parties will need to appear at the hearing unless otherwise ordered. 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.

THE COURT ENDEAVORS TO PUBLISH ITS RULINGS AS SOON AS POSSIBLE. HOWEVER, CALENDAR PREPARATION IS ONGOING AND THESE RULINGS MAY BE REVISED OR UPDATED AT ANY TIME PRIOR TO 4:00 P.M. THE DAY BEFORE THE SCHEDULED HEARINGS. PLEASE CHECK AT THAT TIME FOR POSSIBLE UPDATES.

1. [26-12426](#)-A-12 **IN RE: TRI-FANUCCHI FARMS, LLC**
[WJH-2](#)

MOTION TO USE CASH COLLATERAL
5-27-2026 [[10](#)]

TRI-FANUCCHI FARMS, LLC/MV
RILEY WALTER/ATTY. FOR DBT.
OST 5/27/26

NO RULING.

2. [26-12426](#)-A-12 **IN RE: TRI-FANUCCHI FARMS, LLC**
[WJH-3](#)

MOTION TO PAY
5-27-2026 [[16](#)]

TRI-FANUCCHI FARMS, LLC/MV
RILEY WALTER/ATTY. FOR DBT.
OST 5/27/26

NO RULING.

At the hearing, counsel for the debtor should be prepared to inform the court how many salaried and hourly employees the debtor employed as of the petition date as well as whether any of the employees to be paid pre-petition wages are insiders.

3. [26-12426](#)-A-12 **IN RE: TRI-FANUCCHI FARMS, LLC**
[WJH-4](#)

MOTION FOR ORDER PROHIBITING UTILITIES FROM ALTERING, REFUSING OR DISCONTINUING SERVICES, MOTION FOR ORDER ESTABLISHING PROCEDURES FOR DETERMINING ADEQUATE ASSURANCE OF PAYMENT FOR FUTURE UTILITY SERVICES
5-27-2026 [[21](#)]

TRI-FANUCCHI FARMS, LLC/MV
RILEY WALTER/ATTY. FOR DBT.
OST 5/27/26

TENTATIVE RULING: This matter will proceed as scheduled.

DISPOSITION: Granted on a preliminary basis.

ORDER: The minutes of the hearing will be the court's findings and conclusions. The Moving Party shall submit a proposed order after the hearing.

On May 27, 2026, the court granted the debtor's ex parte application for an order shortening time to hear the debtor's motion to prohibit the debtor's utility service providers from altering, refusing or discontinuing service and

confirming the debtor's proposed adequate assurance of future performance to PG&E. Doc. #9. This motion was set for hearing on June 3, 2026 at 1:30 p.m. pursuant to Local Rule of Practice ("LBR") 9014-1(f)(3). Unless opposition is presented at the hearing, the court intends to enter the respondents' defaults, grant the motion on a preliminary basis, and set a hearing to approve the relief on a final basis. If opposition is presented at the hearing, the court will consider the opposition and whether further hearing is proper pursuant to LBR 9014-1(f)(2). The court will issue an order if a further hearing is necessary.

By this motion, Tri-Fanucchi Farms, LLC ("DIP"), the chapter 12 debtor and debtor-in-possession, seeks an order prohibiting the following utility companies: (i) Pacific Gas & Electric; (ii) Arvin Edison Water District; (iii) AT&T Mobile; (iv) Mountainside Disposal, Inc.; (v) SoCal Gas; and (vi) Suburban Propane (each a "Utility Company", and collectively, the "Utilities") from altering, refusing, or discontinuing utility service to DIP without the need for security deposits with any of the Utilities. Doc. #21.

Bankruptcy Code section 366(c)(2) permits a utility company to alter, refuse, or discontinue service to a chapter 12 debtor unless, within 30 days after the filing of the petition, the utility receives adequate assurance of payment for post-petition utility service that is satisfactory to the utility. Here, the motion was filed within 30 days of the petition date.

DIP is a family farming operation that farms 1,243 acres of leased property. Decl. of Catherine Fanucchi, Doc. #6. DIP grows a variety of crops, including potatoes, carrots, tomatoes, onions, grapes, almonds and cover crops. Id. DIP asserts that Utilities have adequate assurance of future payment without the need for a security deposit based on DIP's pre-petition payment history with each Utility Company as well as the availability of cash collateral to pay post-petition charges of the Utilities. Decl. of Catherine Fanucchi, Doc. #23. As further assurance of future payment to the Utilities, DIP proposes that, if DIP defaults on an obligation to pay a Utility Company for post-petition services and such default is neither secured by an existing deposit nor cured within twenty (20) days of DIP's receipt of written notice of default, then the applicable Utility Company may file a motion on an expedited basis requesting that DIP furnish adequate assurance of payment. Id.

The court finds good cause exists under 11 U.S.C. § 366(c) to determine that the Utilities have been provided with adequate assurance of future performance through DIP's pre-petition payment history with each Utility Company, the availability of the use of cash collateral to pay post-petition charges of the Utilities, and the proposed procedure for filing a motion should DIP default on an obligation to pay a Utility Company for post-petition services, and DIP is not required to provide any of the Utilities with any security deposits.

Accordingly, pending opposition being raised at the hearing, the court will GRANT the motion on a preliminary basis. At the hearing, counsel for DIP should be prepared to set a hearing date for approval of the motion on a final basis.

4. [24-12873](#)-A-7 **IN RE: GRIFFIN RESOURCES, LLC**
[DMG-1](#)

CONTINUED MOTION TO DISMISS CASE
4-8-2026 [[482](#)]

JEFFREY VETTER/MV
RILEY WALTER/ATTY. FOR DBT.
D. GARDNER/ATTY. FOR MV.

NO RULING.