



**UNITED STATES BANKRUPTCY COURT
Eastern District of California**

Chief Judge Fredrick E. Clement
Sacramento Federal Courthouse
501 I Street, 7th Floor
Courtroom 28, Department A
Sacramento, California

DAY: MONDAY
DATE: JUNE 17, 2024
CALENDAR: 9:00 A.M. CHAPTER 9 AND 11 CASES

Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be simultaneously: (1) **IN PERSON** at Sacramento Courtroom No. 28, (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/RemoteAppearances>.

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 the 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:

- Review the [Pre-Hearing Dispositions](#) prior to appearing at the hearing.
- Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
- 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.

PRE-HEARING DISPOSITION INSTRUCTIONS

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. However, 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. [14-25820](#)-A-11 **IN RE: INTERNATIONAL MANUFACTURING GROUP, INC.**
[FWP-87](#)

AMENDED MOTION TO PAY
5-17-2024 [\[1628\]](#)

MARC CARASKA/ATTY. FOR DBT.
THOMAS WILLOUGHBY/ATTY. FOR MV.

Final Ruling

Motion: Approve Payment of Liquidation Expenses

Notice: LBR 9014-1(f)(1) / LBR 3007-1(b)(1); written opposition required

Disposition: Granted

Order: Prepared by objecting party

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

Notice is proper. Fed. R. Bankr. P. 2002(a)(2), (i).

No party in interest has filed opposition. The court agrees with the plan administrator's construction of the Inter-Estate Agreement and Addendum. Mot. for Payment 3:7-14, ECF No. 1628. The motion is granted, and the movant shall lodge an appropriate order.

2. [24-20882](#)-A-11 **IN RE: RJQ COMPANIES, INC.**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
3-5-2024 [\[1\]](#)

STEPHEN REYNOLDS/ATTY. FOR DBT.

Final Ruling

The status conference is continued to July 29, 2024, at 9:00 a.m. to coincide with the confirmation hearing. A civil minute order shall issue.

3. [24-20882](#)-A-11 **IN RE: RJQ COMPANIES, INC.**
[RLC-2](#)

CONTINUED MOTION TO USE CASH COLLATERAL AND/OR MOTION FOR
REPLACEMENT LIENS , MOTION TO APPROVE DIP BUDGET
4-12-2024 [\[29\]](#)

STEPHEN REYNOLDS/ATTY. FOR DBT.

Final Ruling

The continued motion is denied. This court ordered service of notice of the continuance to have been made not later than May 13, 2004. Civil Minutes, ECF No. 42. Service was not made until June 3, 2024. Certificate of Service p. 4, ECF No. 67. Not having complied with this court's order, the motion is denied.

4. [24-20882](#)-A-11 **IN RE: RJQ COMPANIES, INC.**
[RLC-2](#)

MOTION TO USE CASH COLLATERAL AND/OR MOTION FOR REPLACEMENT
LIENS , MOTION TO APPROVE DIP BUDGET
6-3-2024 [\[56\]](#)

STEPHEN REYNOLDS/ATTY. FOR DBT.

Final Ruling

The motion is denied. The court cannot ascertain whether this motion is: (1) a duplicate of the motion to use cash collateral, ECF No. ECF No. 29; or (2) a duplicate/new motion to use cash collateral. If it is the former, it is denied for the reasons set forth in the previous ruling; if it is the later, Rule 7004 is insufficient. The court believes the certificate pertains to the original motion to use cash collateral, Certificate of Service § 4, ECF No. 57 (Motion for Final Order Authorizing Use of Cash Collateral). But even if the court deems that certificate of service to apply to the Motion to Use Cash Collateral, ECF No. 56, Rule 7004 service is lacking. A motion to use cash collateral must be served, complaint with Rule 7004, on impacted creditors and the 20 largest creditors. Fed. R. Bankr. P. 4001(b). The Certificate of Service, ECF No. 67, the movant gave notice, and not Rule 7004 service, on effected creditors and the 20 largest creditors as required by Fed. R. Bank. P. 4001(B). Certificate of Service §§ 6A and 6B(1)-(2). A civil minute order shall issue.

5. [24-20882](#)-A-11 **IN RE: RJQ COMPANIES, INC.**
[RLC-6](#)

MOTION TO BORROW
6-3-2024 [[59](#)]

STEPHEN REYNOLDS/ATTY. FOR DBT.

Final Ruling

The motion is denied without prejudice. Service is insufficient. A motion to borrow requires Rule 7004 service on the 20 largest creditors. Fed. R. Bankr. P. 4001(c)(1)(A), (C). Here, no service was made under Rule 7004. Certificate of Service §§ 5, 6(A), ECF No. 68. Rule 5 was notice was given. *Id.* at § 6B(2). This is insufficient as to the 20 largest creditors.