

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

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

DAY: TUESDAY
DATE: JUNE 21, 2022
CALENDAR: 1:30 P.M. CHAPTERS 9, 11 AND 12 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. [21-22404](#)-A-11 **IN RE: PAR 5 PROPERTY INVESTMENTS, LLC**
[CAE-1](#)

STATUS CONFERENCE RE: VOLUNTARY PETITION
6-29-2021 [[1](#)]

IAIN MACDONALD/ATTY. FOR DBT.

No Ruling

2. [22-20925](#)-A-12 **IN RE: JERRY WATKINS**
[CAE-1](#)

CONTINUED STATUS CONFERENCE RE: VOLUNTARY PETITION
4-13-2022 [[1](#)]

MARK WOLFF/ATTY. FOR DBT.

No Ruling

3. [22-20925](#)-A-12 **IN RE: JERRY WATKINS**
[FEC-1](#)

AMENDED ORDER TO SHOW CAUSE
6-1-2022 [[29](#)]

MARK WOLFF/ATTY. FOR DBT.

No Ruling

4. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[GEL-8](#)

CONTINUED MOTION FOR COMPENSATION FOR GABRIEL E. LIBERMAN,
DEBTOR'S ATTORNEY
4-25-2022 [\[519\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

Tentative Ruling

Application: Allowance of First and Final Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Prior Fee Applications: None

Fees Requested: \$49,360.50

Costs Requested: \$810.60

Aggregate fees and costs: \$50,171.11 (requested and approved)

Paid immediately and held back: \$44,471.93/\$5,699.17

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, Gabriel Liberman, counsel for the debtor out of possession, has applied for an allowance of first and final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$49,360.50 and reimbursement of expenses in the amount of \$810.60.

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 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.

Gabriel Liberman'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 \$49,360.50 and reimbursement of expenses in the amount of \$810.60. The applicant is authorized to draw on any retainer held.

IT IS FURTHER ORDERED that the debtor in possession is authorized to pay the fees allowed by this order up to \$44,471.93 from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code. The remainder of the funds due the applicant shall be held back and paid after further approval is obtained from this court.

5. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT
[WGG-25](#)**

MOTION FOR COMPENSATION BY THE LAW OFFICE OF WEILAND GOLDEN
GOODRICH LLP FOR DAVID M. GOODRICH, TRUSTEE'S ATTORNEY(S)
5-24-2022 [\[530\]](#)

GABRIEL LIBERMAN/ATTY. FOR DBT.

Tentative Ruling

Application: Allowance of First Interim Compensation and Expense Reimbursement

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

Disposition: Approved

Order: Civil minute order

Prior Fee Applications: None

Fees Requested: \$549,494.00

Costs Requested: \$13,949.18

Aggregate fees and costs: \$563,443.18

Paid immediately and held back: \$500,000/\$63,443.18

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, Weiland Golden Goodrich LLP has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$549,494.00 and reimbursement of expenses in the amount of \$13,949.18. Suppl. Goodrich decl. ¶ 5, ECF No. 567.

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 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.

The Supplemental Declaration of David Goodrich indicates that \$500,000 of the allow amount will be paid upon approval of the fee application and the remainder to be paid "at a later point, but only upon authorization from the court for such payment." Suppl. Goodrich decl. ¶ 6, ECF No. 567.

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.

Weiland Golden Goodrich 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 \$549,494.00 and reimbursement of expenses in the amount of \$13,949.18. 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 up to \$500,000.00 from available funds only if the estate is administratively solvent and such

payment will be consistent with the priorities of the Bankruptcy Code. The remainder of the funds due the applicant shall be held back and paid after further approval is obtained from this court.

6. [20-23726](#)-A-11 **IN RE: AME ZION WESTERN EPISCOPAL DISTRICT**
[WGG-26](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION TO APPROVE OVERBID PROCEDURES, MOTION TO APPROVE BUYER, SUCCESSFUL BIDDER, AND BACK-UP BIDDER AS GOOD-FAITH PURCHASER, ETC.

5-24-2022 [[537](#)]

GABRIEL LIBERMAN/ATTY. FOR DBT.
DAVID GOODRICH/ATTY. FOR MV.

No Ruling