

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

Honorable Fredrick E. Clement  
Fresno Federal Courthouse  
2500 Tulare Street, 5<sup>th</sup> Floor  
Courtroom 11, Department A  
Fresno, California

**PRE-HEARING DISPOSITIONS**

**DAY: THURSDAY**  
**DATE: JUNE 29, 2017**  
**CALENDAR: 1:30 P.M. CHAPTER 11 AND 9 CASES**

**GENERAL DESIGNATIONS**

Each pre-hearing disposition is prefaced by the words "Final Ruling," "Tentative Ruling" or "No Tentative Ruling." Except as indicated below, matters designated "Final Ruling" will not be called and counsel need not appear at the hearing on such matters. Matters designated "Tentative Ruling" or "No Tentative Ruling" will be called.

**ORAL ARGUMENT**

For matters that are called, the court may determine in its discretion whether the resolution of such matter requires oral argument. See *Morrow v. Topping*, 437 F.2d 1155, 1156-57 (9th Cir. 1971); accord LBR 9014-1(h). When the court has published a tentative ruling for a matter that is called, the court shall not accept oral argument from any attorney appearing on such matter who is unfamiliar with such tentative ruling or its grounds.

**COURT'S ERRORS IN FINAL RULINGS**

If a party believes that a final ruling contains an error that would, if reflected in the order or judgment, warrant a motion under Federal Rule of Civil Procedure 60(a), as incorporated by Federal Rules of Bankruptcy Procedure 9024, then the party affected by such error shall, not later than 4:00 p.m. (PST) on the day before the hearing, inform the following persons by telephone that they wish the matter either to be called or dropped from calendar, as appropriate, notwithstanding the court's ruling: (1) all other parties directly affected by the motion; and (2) Kathy Torres, Judicial Assistant to the Honorable Fredrick E. Clement, at (559) 499-5860. Absent such a timely request, a matter designated "Final Ruling" will not be called.

1. [10-12709](#)-A-11 ENNIS COMMERCIAL MOTION FOR AN ORDER TO APPROVE  
FRC-7 PROPERTIES, LLC SECOND INTERIM DISTRIBUTION  
DAVID STAPLETON/MV 5-30-17 [[1788](#)]  
PETER FEAR/Atty. for dbt.  
MICHAEL GOMEZ/Atty. for mv.  
NON-OPPOSITION

**Final Ruling**

**Motion:** For an Order to Approve Second Interim Distribution

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

**Disposition:** Granted

**Order:** Prepared by the movant

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 motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). Ben Ennis has filed a non-opposition to the motion. No opposition 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).

The plan administrator requests that the court approve a second interim distribution in accordance with the table provided in the motion. The total distribution equals \$1,000,000.00. At Section V(N) of the confirmed plan, the plan administrator may seek court orders and instructions as the plan administrator deems necessary to carry out and further the purposes of the provisions of the plan. Section VI(F) of the plan requires approval from the court before issuing a distribution to creditors. For the reasons stated in the motion, the court will approve the distribution.

2. [17-10014](#)-A-11 BAKERSFIELD TEMPLE OF CONTINUED STATUS CONFERENCE RE:  
THE CHURCH OF GOD IN CHAPTER 11 VOLUNTARY PETITION  
HAGOP BEDOYAN/Atty. for dbt. 1-3-17 [[1](#)]

**Final Ruling**

The status conference is continued to July 12, 2017, at 11:00 a.m.

3. [10-62315](#)-A-11 BEN ENNIS MOTION FOR AN ORDER APPROVING  
FRC-7 FIFTH INTERIM DISTRIBUTION  
DAVID STAPLETON/MV 5-30-17 [[2207](#)]  
RILEY WALTER/Atty. for dbt.  
WILLIAM FREEMAN/Atty. for mv.  
RESPONSIVE PLEADING

**Final Ruling**

**Motion:** For an Order to Approve Fifth Interim Distribution

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

**Disposition:** Granted

**Order:** Prepared by the movant

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 motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). Ben Ennis has filed a non-opposition to the motion. No opposition 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).

The plan administrator requests that the court approve a fifth interim distribution in accordance with the table provided in the motion. The total distribution equals \$2,000,000.00. At Section V(R) of the confirmed plan, the plan administrator may seek court orders and instructions as the plan administrator deems necessary to carry out and further the purposes of the provisions of the plan. Other plan provisions cited in the motion and memorandum provide support for the court's approval of interim distributions and reservations of funds as to unresolved claims. For the reasons stated in the motion, the court will approve the distribution.

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| 4. | <a href="#">17-11918</a> -A-11 GARZA CONTRACTING, INC.<br>BBR-3<br>GARZA CONTRACTING, INC./MV<br>T. BELDEN/Atty. for dbt. | MOTION TO EMPLOY T. SCOTT<br>BELDEN AS ATTORNEY(S)<br>6-8-17 [ <a href="#">41</a> ] |
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**No tentative ruling**

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| 5. | <a href="#">17-11824</a> -A-11 HORISONS UNLIMITED<br><br>CECILY DUMAS/Atty. for dbt. | STATUS CONFERENCE RE: CHAPTER<br>11 VOLUNTARY PETITION<br>5-10-17 [ <a href="#">1</a> ] |
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*[This status conference will be called immediately following the 2:00 p.m. adversary proceedings calendar for Chapter 11 cases.]*

**No tentative ruling**

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| 6. | <a href="#">17-11824</a> -A-11 HORISONS UNLIMITED<br>CD-5<br>HORISONS UNLIMITED/MV<br>CECILY DUMAS/Atty. for dbt. | MOTION TO EMPLOY CECILY A.<br>DUMAS AS ATTORNEY(S)<br>5-25-17 [ <a href="#">46</a> ] |
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**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

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 motion 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.

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| 7. | <a href="#">17-11824</a> -A-11    HORISONS UNLIMITED<br>CD-5<br>HORISONS UNLIMITED/MV<br>CECILY DUMAS/Atty. for dbt. | MOTION FOR APPROVAL OF<br>STIPULATION<br>6-13-17 [ <a href="#">56</a> ] |
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**Final Ruling**

The court having denied the motion by order, June 19, 2017, ECF # 65, the matter will not be called.

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| 8. | <a href="#">15-12827</a> -A-11    BLUEGREENPISTA<br>TTF-5                ENTERPRISES, INC.<br><br>TODD TUROCI/Atty. for dbt. | CONTINUED MOTION BY TODD L.<br>TUROCI TO WITHDRAW AS ATTORNEY<br>5-3-17 [ <a href="#">583</a> ] |
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**Final Ruling**

The motion is continued to July 6, 2017, at 1:30 p.m.