

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: MONDAY
DATE: AUGUST 3, 2020
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. [20-22209](#)-A-11 **IN RE: BIMBO AND SONS CORPORATION**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
7-7-2020 [[49](#)]

CHINONYE UGORJI/ATTY. FOR DBT.
AMENDMENT FEE PAID 7/8/20

Final Ruling

The fee having been paid in full, the order to show cause is discharged. The case will remain pending.

2. [20-22211](#)-A-11 **IN RE: BSP TRUCKING INC.**

ORDER TO SHOW CAUSE - FAILURE TO PAY FEES
7-7-2020 [[61](#)]

CHINONYE UGORJI/ATTY. FOR DBT.
AMENDMENT FEE PAID 7/8/20

Final Ruling

The fee having been paid in full, the order to show cause is discharged. The case will remain pending.

3. [20-22211](#)-A-11 **IN RE: BSP TRUCKING INC.**
[MAS-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-7-2020 [[62](#)]

CHINONYE UGORJI/ATTY. FOR DBT.
MARK SERLIN/ATTY. FOR MV.
DE LAGE LANDEN FINANCIAL SERVICES VS.; STIPULATION FILED 7/20/20,
ECF 72

No Ruling

4. [20-22211](#)-A-11 **IN RE: BSP TRUCKING INC.**
[RPM-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
7-2-2020 [[41](#)]

CHINONYE UGORJI/ATTY. FOR DBT.
RANDALL MROCZYNSKI/ATTY. FOR MV.
MERCEDES-BENZ FINANCIAL SERVICES USA LLC VS.

Tentative Ruling

Motion: Relief from Stay

Disposition: Denied without prejudice unless movant waives on the record the time limits described in § 362(e)(1) and (2), in which case the court will continue the hearing to August 17, 2020, at 9:00 a.m., and require that any supplemental proof of service be filed no later than 14 days in advance of the continued hearing

Order: Civil minute order

As a contested matter, the motion for relief from stay is governed by Federal Rule of Bankruptcy Procedure 9014. Fed. R. Bankr. P. 4001(a)(1), 9014(a). A motion initiating a contested matter must be served pursuant to Rule 7004 on the parties against whom relief is sought. Fed. R. Bankr. P. 9014(b).

If the case is a chapter 11 reorganization case and a committee of unsecured creditors has not been appointed, then a motion for relief from stay must also be served on the creditors included on the list of the 20-largest creditors filed under Rule 1007(d). See Fed. R. Bankr. P. 4001(a)(1). Service must be made on each of these creditors according to Rule 7004. See *In re LSSR, LLC*, No. CC-12-1636-DKiTa, 2013 WL 2350853, *4 (B.A.P. 9th Cir. May 29, 2013) (unpublished decision).

All creditors on the list of the 20-largest creditors have not been served pursuant to Rule 7004.

5. [19-25064](#)-A-11 **IN RE: SLIDEBELTS INC.**
[BMR-32](#)

MOTION FOR COMPENSATION FOR EISNERAMPER LLP, ACCOUNTANT(S)
7-12-2020 [[432](#)]

BRIAN ROTHSCILD/ATTY. FOR DBT.
DEBTOR DISMISSED: 06/30/2020

Tentative Ruling

Application: Allowance of Final Compensation and Expense
Reimbursement

Notice: LBR 9014-1(f)(2); no 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). 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, Eisneramper LLP has applied for an allowance of final compensation and reimbursement of expenses. The applicant requests that the court allow compensation in the amount of \$21,797.50 and reimbursement of expenses in the amount of \$23.40. The applicant also asks that the court allow on a final basis all prior applications for fees and costs that the court has previously allowed on an interim basis.

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 a final basis. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim 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.

Eisneramper LLP'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 \$21,797.50 and reimbursement of expenses in the amount of \$23.40. The applicant is authorized to draw on any retainer held. The court also approves on a final basis all prior applications for interim fees and costs that the court has allowed under § 331 on an interim basis.

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.

6. [19-25064](#)-A-11 **IN RE: SLIDEBELTS INC.**
[DRB-3](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF BRINKMAN
PORTILLO RONK, APC FOR DAREN R. BRINKMAN, CREDITOR COMM.
ATTY(S)
7-6-2020 [[409](#)]

BRIAN ROTHSCHILD/ATTY. FOR DBT.
DEBTOR DISMISSED: 06/30/2020; RESPONSIVE PLEADING

Final Ruling:

This matter is continued to August 17, 2020 at 1:30 p.m.

7. [19-25064](#)-A-11 **IN RE: SLIDEBELTS INC.**
[DRB-4](#)

MOTION FOR COMPENSATION FOR DUNDON ADVISERS LLC, FINANCIAL
ADVISOR(S)
7-8-2020 [[421](#)]

BRIAN ROTHSCHILD/ATTY. FOR DBT.
DEBTOR DISMISSED: 06/30/2020

Final Ruling:

This matter is continued to August 17, 2020 at 1:30 p.m.