



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

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

**DAY: MONDAY**  
**DATE: AUGUST 7, 2023**  
**CALENDAR: 1:00 P.M. DISGORGEMENT CALENDAR**

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Unless otherwise ordered, all matters before Chief Judge Fredrick E. Clement shall be heard simultaneously: (1) **IN PERSON** in Courtroom 28, (2) via **ZOOMGOV VIDEO**, (3) via **ZOOMGOV TELEPHONE**, and (4) via **COURTCALL**.

You may choose any of these options unless otherwise ordered.

Parties in interest and members of the public may connect to the ZoomGov video and audio feeds, free of charge, using the connection information provided:

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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. Review the court's [Zoom Procedures and Guidelines](#) for these, and additional instructions.
3. Parties appearing via CourtCall are encouraged to review the [CourtCall Appearance Information](#).

Please join at least 10 minutes prior to the start of the calendar. You are required to give the court 24 hours advance notice on the [Court Calendar](#).

**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.

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## PRE-HEARING DISPOSITION INSTRUCTIONS

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### 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.

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1. [23-21708](#)-A-13     **IN RE: JORGE TORRES**  
[FEC-1](#)

ORDER TO SHOW CAUSE  
6-14-2023    [\[12\]](#)

MATTHEW GRECH/ATTY. FOR DBT.  
DEBTOR DISMISSED: 6/13/23

#### **Final Ruling**

Respondent counsel has now filed the disclosure of compensation. Disclosure of Compensation, ECF No. 15. By so doing, counsel has fulfilled the requirements of Fed. R. Bankr. P. 2016(b). That disclosure shows that respondent counsel received no retainer. *Id.* As a result, no disgorgement is appropriate. The order to show cause is dropped from calendar and no appearance is necessary. A civil minute order shall issue.

2. [23-90237](#)-A-7     **IN RE: PATRICIA STEPHENS**  
[FEC-1](#)

ORDER TO SHOW CAUSE  
6-14-2023    [\[14\]](#)

MARY ANDERSON/ATTY. FOR DBT.  
DEBTOR DISMISSED: 6/13/23

#### **Final Ruling**

Respondent counsel has now filed the disclosure of compensation. Disclosure of Compensation, ECF No. 17. By so doing, counsel has fulfilled the requirements of Fed. R. Bankr. P. 2016(b). That disclosure shows that respondent counsel received a \$1,200 retainer. *Id.*

By declaration, counsel has shown that she expended not less than 3.25 hours and her paralegal not less than .75 hours. Resp., ECF No. 19. The filing fee, \$338, was paid; it is unclear whether the respondent counsel paid it or whether it was paid directly by the debtor. Compare, Response ¶ 2 ("I filed" the case), ECF No. 19, with Exhibits, ECF No. 20 (no costs incurred). Either way, given the hours expended by the respondent and staff, no disgorgement is appropriate. The order to show cause is dropped from calendar and no appearance is necessary. A civil minute order shall issue.

3. [23-21861](#)-A-13     **IN RE: DAVID GRAY**  
[FEC-1](#)

ORDER TO SHOW CAUSE  
6-27-2023    [\[11\]](#)

STEPHAN BROWN/ATTY. FOR DBT.  
DEBTOR DISMISSED: 6/26/23

### **Final Ruling**

This matter is continued to August 28, 2023, at 1:00 p.m. Respondent counsel has now filed the disclosure of compensation. Disclosure of Compensation, ECF No. 15. By so doing, counsel has fulfilled the requirements of Fed. R. Bankr. P. 2016(b). That disclosure shows that respondent counsel received a \$5,000 retainer. It also states, "Prior to the filing of this statement I have received \$960.00." *Id.* It also states, "In addition, the firm was provided a \$5,000 retainer from which the earned fees and costs were deducted, leaving a balance of \$4,040 in the trust account." *Id.*

But the court still lacks sufficient information to make a principled ruling on the 11 U.S.C. § 329(b) issues. No declaration of other evidence has been submitted to justify counsel's fees. Not later than August 14, 2023, respondent shall file a detailed written opposition in the form of admissible evidence addressing the following points: (1) the date the retainer was paid to counsel's firm and the date fees were deducted (including an authenticated copy of the trust ledger applicable to this client and matter); (2) evidence, either in the form of contemporaneous time records or a detailed description by task of the work undertaken on behalf of the client; and (3) an authenticated itemized statement of costs incurred and/or paid. The record shows that counsel received \$5,000, but that counsel only filed a petition (including credit counseling statement), statement of Social Security Number, and a verified creditors matrix. Without more, it appears that the fee received is disproportionately low in comparison to the services provided. Respondent counsel is urged to submit admissible evidence as to the reasonable fees earned and costs incurred. A civil minute order shall issue.

4. [23-21077](#)-A-7     **IN RE: ELIZABETH/GARY PONCIANO**  
[FEC-1](#)

CONTINUED ORDER TO SHOW CAUSE  
5-12-2023    [\[45\]](#)

MICHAEL HAYS/ATTY. FOR DBT.  
DEBTORS DISMISSED: 5/2/23  
RESPONSIVE PLEADING

#### **Final Ruling**

The order to show cause is discharged without the disgorgement of fees. Counsel received \$2,000 from the client. Disclosure of Compensation, ECF No. 17. After the case was dismissed, counsel filed a new case, no. 23-22394, without charging an additional fee. The court is satisfied that respondent counsel has earned the fee charged. A civil minute order shall issue.

5. [23-11182](#)-A-7     **IN RE: MARIA FONSECA**  
[FEC-1](#)

ORDER TO SHOW CAUSE  
6-23-2023    [\[18\]](#)

PHILLIP GILLET/ATTY. FOR DBT.  
DEBTOR DISMISSED: 6/20/23

#### **No Ruling**

6. [23-10584](#)-A-13     **IN RE: JASWINDER SINGH**  
[FEC-1](#)

ORDER REQUIRING DISGORGEMENT OF FEES  
6-26-2023    [\[47\]](#)

KHUSHWANT SINGH/ATTY. FOR DBT.  
DEBTOR DISMISSED: 5/2/23  
RESPONSIVE PLEADING

#### **Final Ruling**

Respondent counsel has complied with this court's order of disgorgement. Order, ECF No. 47; Proof of Disgorgement, ECF No. 52. The matter is dropped from calendar and no appearance is required. A civil minute order shall issue.