

**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:** WEDNESDAY  
**DATE:** AUGUST 22, 2018  
**CALENDAR:** 1:30 P.M. CHAPTERS 11 AND 9 CASES

Each matter on this calendar will have one of three possible designations: No Ruling, Tentative Ruling, or Final Ruling. These instructions apply to those designations.

**No Ruling:** All parties will need to appear at the hearing unless otherwise ordered.

**Tentative Ruling:** If a matter has been designated as a tentative ruling it will be called. The court may continue the hearing on the matter, set a briefing schedule or enter other orders appropriate for efficient and proper resolution of the matter. The original moving or objecting party shall give notice of the continued hearing date and the deadlines. The minutes of the hearing will be the court's findings and conclusions.

**Final Ruling:** Unless otherwise ordered, there will be no hearing on these matters. The final disposition of the matter is set forth in the ruling and it will appear in the minutes. The final ruling may or may not finally adjudicate the matter. If it is finally adjudicated, the minutes constitute the court's findings and conclusions.

**Orders:** Unless the court specifies in the tentative or final ruling that it will issue an order, the prevailing party shall lodge an order within 14 days of the final hearing on the matter.

1. [10-12709](#)-A-11     **IN RE: ENNIS COMMERCIAL PROPERTIES, LLC**  
[FRC-12](#)

MOTION FOR AN ORDER EXTENDING THE PLAN TERM  
7-17-2018    [[1857](#)]

DAVID STAPLETON/MV  
PETER FEAR  
JENNIFER BROOKS/ATTY. FOR MV.

**No Ruling**

2. [10-62315](#)-A-11     **IN RE: BEN ENNIS**  
[FRC-13](#)

MOTION TO EXTEND TIME FOR AN ORDER EXTENDING PLAN TERM  
7-17-2018    [[2277](#)]

DAVID STAPLETON/MV  
RILEY WALTER  
WILLIAM FREEMAN/ATTY. FOR MV.

**No Ruling**

3. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[18-1049](#)     [FRB-1](#)

CONTINUED MOTION TO DEPOSIT FUNDS INTO COURT REGISTRY  
7-26-2018    [[7](#)]

COLUMBIA RIVER PROCESSING,  
INC. V. TE VELDE ET AL  
MICHAEL GOMEZ/ATTY. FOR MV.  
RESPONSIVE PLEADING

**No Ruling**

4. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY  
PETITION  
4-26-2018    [[1](#)]

RILEY WALTER

**No Ruling**

5. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[UST-2](#)

MOTION TO APPOINT TRUSTEE AND/OR MOTION TO DISMISS CASE  
7-13-2018    [[524](#)]

TRACY DAVIS/MV  
RILEY WALTER  
ROBIN TUBESING/ATTY. FOR MV.

The court issues no ruling on the merits of the United States Trustee's motion to appoint a trustee.

The court suggests, but does not order, that parties wishing to be heard with respect to this motion appear personally, rather than by telephone.

6. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[WW-17](#)

MOTION FOR ADMINISTRATIVE EXPENSES  
7-25-2018    [[588](#)]

GREGORY TE VELDE/MV  
RILEY WALTER  
RESPONSIVE PLEADING

#### **Final Ruling**

The motion is continued to September 18, 2018, at 1:30 p.m.    The record is closed.    A civil minute order will issue.

7. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[WW-18](#)

MOTION FOR ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM  
THE AUTOMATIC STAY  
7-25-2018    [[578](#)]

GREGORY TE VELDE/MV  
RILEY WALTER

#### **No Ruling**

8. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[WW-19](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF COLLINS AND  
COLLINS, LP FOR MICHAEL B. COLLINS, SPECIAL COUNSEL(S)  
7-25-2018    [[615](#)]

RILEY WALTER

### **Final 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

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, Collins & Collins, LP, special counsel for the debtor in possession, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$26,616.00 and reimbursement of expenses in the amount of \$240.00.

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 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.

### **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.

Collins & Collins, LP'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 \$26,616.00 and reimbursement of expenses in the amount of \$240.00. 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 from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

9. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[WW-21](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF SCHWABE  
WILLIAMSON AND WYATT FOR ELIZABETH E. HOWARD, SPECIAL  
COUNSEL(S)  
7-25-2018    [[598](#)]

RILEY WALTER

**No Ruling**

10. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[WW-22](#)

MOTION TO EXTEND TIME  
7-25-2018    [[610](#)]

GREGORY TE VELDE/MV  
RILEY WALTER

**Final Ruling**

The motion is unsupported by a Certificate of Service and is denied.  
LBR 9014-1(e)(2).

11. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[WW-24](#)

MOTION FOR COMPENSATION FOR GENSKE, MULDER AND COMPANY, LLP,  
ACCOUNTANT(S)  
7-25-2018    [[594](#)]

GENSKE, MULDER AND COMPANY,  
LLP/MV  
RILEY WALTER

**No Ruling**

12. [18-11651](#)-A-11     **IN RE: GREGORY TE VELDE**  
[WW-25](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF WALTER WILHELM  
LAW GROUP FOR RILEY C. WALTER, DEBTORS ATTORNEY(S)  
7-25-2018    [[619](#)]

RILEY WALTER

**Final Ruling**

**Application:** Allowance of Interim Compensation and Expense  
Reimbursement

**Notice:** LBR 9014-1(f)(1); 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). 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, Walter Wilhelm, counsel for the debtor in possession, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$99,242.00 and reimbursement of expenses in the amount of \$10,391.86.

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 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.

#### **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.

Walter Wilhelm'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 \$99,242.00 and reimbursement of expenses in the amount of \$10,391.86. 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 from available funds only if the estate is administratively solvent and such payment will be consistent with the priorities of the Bankruptcy Code.

13. [18-11651](#)-A-11      **IN RE: GREGORY TE VELDE**  
[WW-26](#)

MOTION FOR AN ORDER EXPANDING THE SCOPE OF THE RETENTION AND  
EMPLOYMENT OF GENSKE, MULDER AND COMPANY, LLP TO INCLUDE  
CERTAIN SERVICES AS FINANCIAL ADVISORS RETROACTIVE TO JULY  
13, 2018  
7-25-2018    [[606](#)]

GREGORY TE VELDE/MV  
RILEY WALTER

#### **Final Ruling**

The motion is continued to September 18, 2018, at 1:30 p.m. The record is closed. A civil minute order will issue.

14. [12-12998](#)-A-11     **IN RE: FARSHAD TAFTI**  
[DOT-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY  
7-19-2018    [[354](#)]

THE PEOPLE OF THE STATE OF  
CALIFORNIA, DEPARTMENT OF  
PETER FEAR  
JOANN GEORGALLIS/ATTY. FOR MV.  
RESPONSIVE PLEADING

**No Ruling**