

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

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

PRE-HEARING DISPOSITIONS

DAY: WEDNESDAY

DATE: AUGUST 28, 2019

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. [17-13112](#)-A-11 **IN RE: PIONEER NURSERY, LLC**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
8-11-2017 [[1](#)]

PETER FEAR

No Ruling

2. [17-13112](#)-A-11 **IN RE: PIONEER NURSERY, LLC**
[FW-43](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF FEAR WADDELL,
P.C. FOR PETER L. FEAR, DEBTORS ATTORNEY(S)
8-7-2019 [[718](#)]

PETER FEAR
NON-OPPOSITION

Final Ruling

Application: Allowance of Fifth 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, Fear Waddell, P.C., 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 \$38,518.00 and reimbursement of expenses in the amount of \$825.19.

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.

Fear Waddell, P.C.'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 \$38,518.00 and reimbursement of expenses in the amount of \$825.19. 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.

3. [18-14414](#)-A-11 **IN RE: TITUS INDUSTRIAL, INC.**

CONTINUED STATUS CONFERENCE RE: CHAPTER 11 VOLUNTARY
PETITION
10-30-2018 [1](#)

LEONARD WELSH

No Ruling

4. [18-14414](#)-A-11 **IN RE: TITUS INDUSTRIAL, INC.**
[LKW-2](#)

CONTINUED MOTION TO USE CASH COLLATERAL AND/OR MOTION FOR
ADEQUATE PROTECTION
11-6-2018 [[19](#)]

TITUS INDUSTRIAL, INC./MV
LEONARD WELSH

No Ruling

5. [16-10015](#)-A-9 **IN RE: SOUTHERN INYO HEALTHCARE DISTRICT**
[WGG-2](#)

OBJECTION TO CLAIM OF TULARE LOCAL HEALTHCARE DISTRICT,
CLAIM NUMBER 48-1
7-8-2019 [[619](#)]

SOUTHERN INYO HEALTHCARE
DISTRICT/MV
MICHAEL DELANEY
STIPULATION TO CONTINUE

Final Ruling

This matter is continued to October 22, 2019, at 9:00 a.m. in
Sacramento.

6. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[JMB-1](#)

CONTINUED MOTION FOR RELIEF FROM AUTOMATIC STAY
5-1-2019 [[1985](#)]

RABOBANK, N.A./MV
MICHAEL COLLINS
JOSEPH VANLEUVEN/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

7. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-65](#)

MOTION TO EMPLOY BACHECKI CROM AND CO, LLP AS ACCOUNTANT(S)
8-5-2019 [[2411](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.
RESPONSIVE PLEADING

No Ruling

8. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-66](#)

MOTION FOR APPROVAL OF STIPULATION FOR ADEQUATE PROTECTION
PAYMENT, AND/OR MOTION TO COMPROMISE CONTROVERSY/APPROVE
SETTLEMENT AGREEMENT WITH RABO AGRIFINANCE, LLC
8-13-2019 [[2456](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.

No Ruling

9. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-67](#)

MOTION FOR APPROVAL OF STIPULATION FOR ADEQUATE PROTECTION
PAYMENT, AND/OR MOTION TO COMPROMISE CONTROVERSY/APPROVE
SETTLEMENT AGREEMENT WITH RABO AGRIFINANCE, LLC
8-13-2019 [[2460](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.

No Ruling

10. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[RAC-7](#)

MOTION FOR ADMINISTRATIVE EXPENSES
8-7-2019 [[2440](#)]

OFFICIAL COMMITTEE OF
UNSECURED CREDITORS/MV
MICHAEL COLLINS
JESSE MAXWELL/ATTY. FOR MV.

No Ruling

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

MOTION FOR COMPENSATION BY THE LAW OFFICE OF BLAKELEY LLP
FOR RONALD A. CLIFFORD, CREDITORS ATTORNEY(S)
8-7-2019 [[2435](#)]

MICHAEL COLLINS

No Ruling

12. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WJH-2](#)

MOTION TO SELL FREE AND CLEAR OF LIENS
7-30-2019 [[2374](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.

No Ruling