

**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: TUESDAY
DATE: SEPTEMBER 19, 2017
CALENDAR: 1:30 P.M. CHAPTER 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. If the parties stipulate to continue the hearing on the matter or agree to resolve the matter in a way inconsistent with the final ruling, then the court will consider vacating the final ruling only if the moving party notifies chambers before 4:00 pm at least one business day before the hearing date: Department A-Kathy Torres (559)499-5860; Department B-Jennifer Dauer (559)499-5870. If a party has grounds to contest a final ruling because of the court's error under FRCP 60 (a) (FRBP 9024) ["a clerical mistake (by the court) or a mistake arising from (the court's) oversight or omission"] the party shall notify chambers (contact information above) and any other party affected by the final ruling by 4:00 pm one business day before the hearing.

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. [17-11918](#)-A-11 GARZA CONTRACTING, INC. CONTINUED STATUS CONFERENCE RE:
CHAPTER 11 VOLUNTARY PETITION
5-16-17 [[1](#)]

T. BELDEN/Atty. for dbt.

No Ruling

2. [17-11918](#)-A-11 GARZA CONTRACTING, INC. MOTION TO CONVERT CASE FROM
BBR-5 CHAPTER 11 TO CHAPTER 7
8-29-17 [[78](#)]

T. BELDEN/Atty. for dbt.

No Ruling

3. [15-12827](#)-A-11 BLUEGREENPISTA OBJECTION TO CLAIM OF PACIFIC
TGM-21 ENTERPRISES, INC. GAS AND ELECTRIC COMPANY, CLAIM
RANDELL PARKER/MV NUMBER 7
7-13-17 [[634](#)]

TRUDI MANFREDO/Atty. for mv.

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

The chapter 11 trustee Randell Parker has objected to Claim No. 7 filed by Pacific Gas & Electric Company. Claim No. 7 was filed as a general unsecured claim in the amount of \$29,174.47. Parker contends that this claim has been paid in full. Parker Decl. ¶ 5. The court will sustain the objection to this claim and disallow the claim.

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.

The chapter 11 trustee's claim objection has been presented to the court. Having entered the default of respondent for failure to

IT IS ORDERED that the objection is sustained. Claim No. 7 filed by Pacific Gas & Electric Company filed is disallowed.

Final Ruling

Order: Civil minute order

The chapter 11 trustee Randell Parker has objected to the scheduled claim of Marend M. Garrett, Esq. This claim was scheduled by the debtor as a general unsecured claim in the amount of \$15,000. This obligation is owed by a third party, Randeep Dhillon, and not the debtor. The court will sustain the objection and disallow the claim.

IT IS ORDERED that the objection is sustained. The scheduled claim of Marend M. Garrett, Esq. in the amount of \$15,000 is disallowed.

5. [15-12827](#)-A-11 BLUEGREENPISTA
TGM-23 ENTERPRISES, INC.
RANDELL PARKER/MV
TRUDI MANFREDO/Atty. for mv.

OBJECTION TO CLAIM OF SAINAND
MEDICAL, INC.,
7-13-17 [[643](#)]

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

The chapter 11 trustee Randell Parker has objected to the scheduled claim of Sainand Medical, Inc. This claim was scheduled by the debtor as a general unsecured claim in the amount of \$45,938.26.

The claim is allegedly for provision of water pursuant to a contract to purchase water. At the time of the petition, water was not being purchased by the debtor. After request by the trustee for the water contract from the debtor and Randeep Dhillon, no contract was provided to the trustee. The trustee obtained an order rejecting this alleged contract, and the claimant never filed an opposition or response.

The court will sustain the objection and disallow the claim.

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.

The chapter 11 trustee's claim objection 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 objection,

IT IS ORDERED that the objection is sustained. The scheduled claim of Sainand Medical, Inc. in the amount of \$45,938.26 is disallowed.

6. [15-12827](#)-A-11 BLUEGREENPISTA
TGM-24 ENTERPRISES, INC.
RANDELL PARKER/MV
TRUDI MANFREDO/Atty. for mv.

OBJECTION TO CLAIM OF RAIN &
HAIL INSURANCE,
7-13-17 [[648](#)]

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

The chapter 11 trustee Randell Parker has objected to the scheduled claim of Rain & Hail Insurance. This claim was scheduled by the debtor as a general unsecured claim in the amount of \$58,757.00. The debtor does not owe the obligation represented by the claim.

The court will sustain the objection and disallow the claim.

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.

The chapter 11 trustee's claim objection 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 objection,

IT IS ORDERED that the objection is sustained. The scheduled claim of Rain & Hail Insurance in the amount of \$58,757.00 is disallowed.

7. [15-12827](#)-A-11 BLUEGREENPISTA
TGM-25 ENTERPRISES, INC.
RANDELL PARKER/MV
TRUDI MANFREDO/Atty. for mv.

OBJECTION TO CLAIM OF ELADIO
MONTELONGO,
7-13-17 [[652](#)]

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

The chapter 11 trustee Randell Parker has objected to the scheduled claim of Eladio Montelongo. The debtor scheduled this claim as a general unsecured claim in the amount of \$3,500.

Montelongo was a farm laborer on the pistachio farm owned by the debtor. Both pre-petition and post-petition, Dhillon (or his entities) received transfers from the debtor or debtor-in-possession that were significant in size. Dhillon stated he used such funds to pay the farming obligations and expenses of the debtor. Dhillon provided checks showing payments to the claimant, Montelongo. Checks totaling about \$6,795.00 were paid to Montelongo by Randeep Dhillon in the months prior to and following the petition. Montelongo was therefore paid routinely. For the reasons set forth in the declaration of the trustee, the court finds that this debt has already been paid, and the claim is no longer valid.

The court will sustain the objection and disallow the claim.

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.

The chapter 11 trustee's claim objection 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 objection,

IT IS ORDERED that the objection is sustained. The scheduled claim of Eladio Montelongo in the amount of \$3,500 is disallowed.

8. [15-12827](#)-A-11 BLUEGREENPISTA
TGM-26 ENTERPRISES, INC.
RANDELL PARKER/MV
TRUDI MANFREDO/Atty. for mv.

OBJECTION TO CLAIM OF GDR CO.,
7-13-17 [[658](#)]

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

The chapter 11 trustee Randell Parker has objected to the scheduled claim of GDR Co. The debtor scheduled this claim as a general unsecured claim in the amount of \$56,180.00. Both pre-petition and post-petition, Dhillon (or his entities) received transfers from the debtor or debtor-in-possession that were significant in size. Dhillon stated he used such funds to pay the farming obligations and expenses of the debtor. Dhillon provided a check showing payment to GDR Co. / Gurpreet Singh in the amount of \$5000. The trustee has affirmed that GDR Co. and Gurpreet Singh are one and the same. The memorandum on the check stated "remaining balance."

This debt has been paid in full or it is owed by a third party, Randeep Dhillon and/or his entities, not the debtor. The court will sustain the objection and disallow the claim.

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.

The chapter 11 trustee's claim objection 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 objection,

IT IS ORDERED that the objection is sustained. The scheduled claim of GDR Co. in the amount of \$56,180.00 is disallowed.

9. [15-12827](#)-A-11 BLUEGREENPISTA
TGM-27 ENTERPRISES, INC.
RANDELL PARKER/MV
TRUDI MANFREDO/Atty. for mv.

OBJECTION TO CLAIM OF GURPREET
SINGH,
7-13-17 [[664](#)]

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

The chapter 11 trustee Randell Parker has objected to the scheduled claim of Gurpreet Singh. The debtor scheduled this claim as a general unsecured claim in the amount of \$15,000.00. Both pre-petition and post-petition, Dhillon (or his entities) received transfers from the debtor or debtor-in-possession that were significant in size. Dhillon stated he used such funds to pay the farming obligations and expenses of the debtor. Dhillon provided a check showing payment to GDR Co. / Gurpreet Singh in the amount of \$5000. The trustee has affirmed that GDR Co. and Gurpreet Singh are one and the same. The memorandum on the check stated "remaining balance."

This debt has been paid in full or it is owed by a third party, Randeep Dhillon and/or his entities, not the debtor. The court will sustain the objection and disallow the claim.

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.

The chapter 11 trustee's claim objection 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 objection,

IT IS ORDERED that the objection is sustained. The scheduled claim of Gurpreet Singh in the amount of \$15,000.00 is disallowed.

10. [15-12827](#)-A-11 BLUEGREENPISTA
TGM-28 ENTERPRISES, INC.
RANDELL PARKER/MV
TRUDI MANFREDO/Atty. for mv.

OBJECTION TO CLAIM OF JAGDEEP
DHALIWAL,
7-13-17 [[670](#)]

Final Ruling

Objection: Objection to Claim

Notice: LBR 3007-1(b)(1); written opposition required

Disposition: Sustained

Order: Civil minute order

Unopposed objections are subject to the rules of default. Fed. R. Civ. P. 55, *incorporated by* Fed. R. Bankr. P. 7055, 9014(c); LBR 9001-1(d), (n) (contested matters include objections). Written opposition to the sustaining of this objection was required not less than 14 days before the hearing on this objection. 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).

The chapter 11 trustee Randell Parker has objected to the scheduled claim of Jagdeep Dhaliwal. This claim was scheduled as a secured claim in the amount of \$2,100,000.00. The trustee's investigation revealed that the claimant has no lien on real or personal property of the estate. Parker Decl. ¶ 6-7. This claim is not secured by any property of the estate.

Further, any debt is owed by third party Randeep Dhillon, not the debtor. Dhillon and his spouse controlled the information and flow of documents in this case before the appointment of a trustee. The trustee has found the schedules to be inaccurate and unreliable as a result. Thus, the listing of a creditor in the schedules is not evidence that the debt is valid. Moreover, the address for the claimant is 540, Golden Springs Drive, Diamond Bar, CA. After investigation, the trustee discovered that this address is associated with Water Lands BTI, LLC, a Randeep Dhillon-owned entity. No person with the claimant's name was found associated with this address.

Consequently, the court will sustain the objection and disallow the claim in its entirety.

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.

The chapter 11 trustee's claim objection 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 objection,

IT IS ORDERED that the objection is sustained. The scheduled secured claim of Jagdeep Dhaliwal in the amount of \$2.1 million is disallowed in its entirety.

11. [17-12389](#)-A-11 DON ROSE OIL CO., INC.
BRA-1
TARGA LIQUIDS MARKETING AND
TRADE, LLC/MV
RILEY WALTER/Atty. for dbt.
DAVID RILEY/Atty. for mv.
RESPONSIVE PLEADING
- CONTINUED MOTION FOR
ADMINISTRATIVE EXPENSES
8-2-17 [[167](#)]

No Ruling

12. [17-12389](#)-A-11 DON ROSE OIL CO., INC.
CLF-2
DONALD ROSE/MV
RILEY WALTER/Atty. for dbt.
VONN CHRISTENSON/Atty. for mv.
- MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-9-17 [[189](#)]

Final Ruling

This motion is continued to October 18, 2017, at 1:30 p.m.

13. [17-12389](#)-A-11 DON ROSE OIL CO., INC.
JHK-1
MERCEDES-BENZ FINANCIAL
SERVICES USA, LLC/MV
RILEY WALTER/Atty. for dbt.
JOHN KIM/Atty. for mv.
- MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-22-17 [[286](#)]

No Ruling

14. [17-12389](#)-A-11 DON ROSE OIL CO., INC.
JHK-2
MERCEDES-BENZ FINANCIAL
SERVICES USA, LLC/MV
RILEY WALTER/Atty. for dbt.
JOHN KIM/Atty. for mv.
- MOTION FOR RELIEF FROM
AUTOMATIC STAY
8-22-17 [[293](#)]

No Ruling

15. [17-12389](#)-A-11 DON ROSE OIL CO., INC.
JWC-1
BMO HARRIS BANK N.A./MV
RILEY WALTER/Atty. for dbt.
JENNIFER CRASTZ/Atty. for mv.
- CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
8-9-17 [[207](#)]

No Ruling