

**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:** SEPTEMBER 27, 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. [10-12709](#)-A-11 ENNIS COMMERCIAL  
FRC-9 PROPERTIES, LLC  
DAVID STAPLETON/MV  
PETER FEAR/Atty. for dbt.  
MICHAEL GOMEZ/Atty. for mv.

MOTION FOR AN ORDER TO APPROVE  
THIRD INTERIM DISTRIBUTION  
8-24-17 [[1826](#)]

**Final Ruling**

**Motion:** For an Order to Approve Third Interim Distribution

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the movant

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 motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). Ben Ennis has filed a non-opposition to the motion. No opposition 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 plan administrator requests that the court approve a third interim distribution in accordance with the table provided in the motion. The total distribution equals \$2 million.

At Section V(N) of the confirmed plan, the plan administrator may seek court orders and instructions as the plan administrator deems necessary to carry out and further the purposes of the provisions of the plan. Section VI(F) of the plan requires approval from the court before issuing a distribution to creditors. For the reasons stated in the motion, the court will approve the distribution in accordance with the amounts stated in the motion.

2. [10-62315](#)-A-11 BEN ENNIS  
FRC-8  
DAVID STAPLETON/MV  
RILEY WALTER/Atty. for dbt.  
MICHAEL GOMEZ/Atty. for mv.

MOTION FOR AN ORDER APPROVING  
SIXTH INTERIM DISTRIBUTION  
8-24-17 [[2222](#)]

**Final Ruling**

**Motion:** For an Order to Approve Sixth Interim Distribution

**Notice:** LBR 9014-1(f)(1); written opposition required

**Disposition:** Granted

**Order:** Prepared by the movant

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 motion was required not less than 14 days before the hearing on this motion. LBR 9014-1(f)(1)(B). Ben Ennis has filed a non-opposition to the motion. No opposition 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 plan administrator requests that the court approve a sixth interim distribution in accordance with the table provided in the motion. The total distribution equals \$1 million.

At Section V(R) of the confirmed plan, the plan administrator may seek court orders and instructions as the plan administrator deems necessary to carry out and further the purposes of the provisions of the plan. Other plan provisions provide support for the court's approval of interim distributions and reservations of funds as to unresolved claims. For the reasons stated in the motion, the court will approve the distribution in accordance with the amounts stated in the motion.

3. [17-12389](#)-A-11 DON ROSE OIL CO., INC.

CONTINUED STATUS CONFERENCE RE:  
CHAPTER 11 VOLUNTARY PETITION  
6-22-17 [[1](#)]

RILEY WALTER/Atty. for dbt.

**No Ruling**