

**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: OCTOBER 16, 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**
[KDG-9](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF KLEIN,
DENATALE, GOLDNER, COOPER, ROSENLIB & KIMBALL, LLP FOR
HAGOP T. BEDOYAN, CREDITOR COMM. ATY(S)
9-11-2019 [\[747\]](#)

PETER FEAR

Final Ruling

Application: Allowance of Sixth 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, Klein Denatale Goldner, committee counsel, has applied for an allowance of interim compensation and reimbursement of expenses. The application requests that the court allow compensation in the amount of \$28,784.00 and reimbursement of expenses in the amount of \$249.51.

Section 330(a) of the Bankruptcy Code authorizes "reasonable compensation for actual, necessary services" rendered by an employed professional 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.

Klein Denatale Goldner's application for allowance of sixth 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 \$28,784.00 and reimbursement of expenses in the amount of \$249.51. 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.

2. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-68](#)

RESCHEDULED MOTION TO COMPROMISE CONTROVERSY/APPROVE
SETTLEMENT AGREEMENT WITH SOLESECO, LLC, LINEONE POTATO
SOLUTIONS AND WYATT ENTERPRISES
9-10-2019 [[2715](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.
RESCHEDULED TO DEPARTMENT B 10/17/19 PER ECF ORDER #2777

Final Ruling

This case has been transferred to Judge Lastreto, to be heard on October 17, 2019 at 9:30 a.m. in Fresno, Courtroom 13, Department B.

3. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-69](#)

MOTION FOR ORDER ESTABLISHING PROCEDURES FOR CONFIRMATION OF
MODIFICATION TO PLAN REORGANIZATION
9-17-2019 [[2732](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.
RESCHEDULED TO DEPARTMENT B 10/17/19 PER ECF ORDER #2776

Final Ruling

This case has been transferred to Judge Lastreto, to be heard on
October 17, 2019 at 9:30 a.m. in Fresno, Courtroom 13, Department B.

4. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-70](#)

MOTION TO EMPLOY A&A LIVESTOCK AUCTION, INC. AS AUCTIONEER,
AUTHORIZING SALE OF PROPERTY AT PUBLIC AUCTION AND
AUTHORIZING PAYMENT OF AUCTIONEER FEES AND EXPENSES AND/OR
MOTION TO SELL FREE AND CLEAR OF LIENS
9-17-2019 [[2737](#)]

RANDY SUGARMAN/MV
MICHAEL COLLINS
JOHN MACCONAGHY/ATTY. FOR MV.
RESCHEDULED TO DEPARTMENT B 10/17/19 PER ECF ORDER #2775

Final Ruling

This case has been transferred to Judge Lastreto, to be heard on
October 17, 2019 at 9:30 a.m. in Fresno, Courtroom 13, Department B.

5. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[19-1091](#) [MCG-1](#)

MOTION TO DISMISS ADVERSARY PROCEEDING/NOTICE OF REMOVAL
9-4-2019 [[13](#)]

SUGARMAN V. MARTIN LEASING
RESOURCE, LLC ET AL
JEFFREY FLASHMAN/ATTY. FOR MV.
RESCHEDULED TO DEPARTMENT B 10/16/19 PER ECF ORDER #28

Final Ruling

This case has been transferred to Judge Lastreto, to be heard on
October 17, 2019 at 1:30 p.m. in Fresno, Courtroom 13, Department B.