

**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: DECEMBER 12, 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. [18-14414](#)-A-11 **IN RE: TITUS INDUSTRIAL, INC.**

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

LEONARD WELSH

No Ruling

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

CONTINUED STATUS CONFERENCE RE: CHAPTER 9 VOLUNTARY PETITION
1-4-2016 [[1](#)]

ASHLEY MCDOW

Final Ruling

Pursuant to Order, ECF #524, the status conference is continued to December 19, 2018, at 1:30 p.m.

3. [18-14340](#)-A-11 **IN RE: 1 RED INVESTMENT, INC.**
[JKB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-13-2018 [[25](#)]

ALBERT ENDER/MV
JULIAN BACH/ATTY. FOR MV.

Final Ruling

The case dismissed and the motion withdrawn, the matter is dropped as moot.

4. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-12](#)

CONTINUED MOTION TO REJECT LEASE OR EXECUTORY CONTRACT
11-11-2018 [[1103](#)]

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

Final Ruling

At the suggestion of the parties, this matter is continued to January 3, 2019, at 1:30 p.m. Not later than December 27, 2018, the parties will file a joint status report.

5. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-14](#)

MOTION FOR APPROVAL OF STIPULATION FOR ADEQUATE PROTECTION
11-16-2018 [[1120](#)]

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

No Ruling

6. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[MB-16](#)

MOTION TO SELL FREE AND CLEAR OF LIENS AND/OR MOTION TO
EMPLOY A&M LIVESTOCK AUCTION, INC. AS AUCTIONEER(S) , MOTION
FOR COMPENSATION FOR A&M LIVESTOCK AUCTION, INC. ,
AUCTIONEER(S)
11-27-2018 [[1145](#)]

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

No Ruling

7. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[RAC- 3](#)

MOTION FOR COMPENSATION BY THE LAW OFFICE OF BLAKELEY LLP
FOR RONALD A. CLIFFORD, CREDITOR COMM. ATY(S)
11-7-2018 [[1093](#)]

MICHAEL COLLINS
RESPONSIVE PLEADING

No Ruling

8. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-17](#)

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

GREGORY TE VELDE/MV
MICHAEL COLLINS

No Ruling

9. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-30](#)

CONTINUED MOTION FOR COMPENSATION BY THE LAW OFFICE OF
SCHWABE WILLIAMSON AND WYATT, SPECIAL
COUNSEL(S)
9-13-2018 [[805](#)]

MICHAEL COLLINS

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

Schwabe Williamson and Wyatt, special counsel for the debtor moves for compensation. The trustee originally raised concerns with respect to this application but has since changed his position and now supports the application. The U.S. Trustee has raised issues but does not object to approval of fees and costs approved on an interim basis.

COMPENSATION AND EXPENSES

In this Chapter 11 case, Schwabe Williamson and Wyatt, special counsel for the debtor, has applied for an allowance of interim compensation and reimbursement of expenses. The application

requests that the court allow compensation in the amount of \$54,939.50 and reimbursement of expenses in the amount of \$1,154.23.

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.

Schwabe Williamson and Wyatt'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 \$54,939.50 and reimbursement of expenses in the amount of \$1,154.23. 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.

10. [18-11651](#)-A-11 **IN RE: GREGORY TE VELDE**
[WW-31](#)

CONTINUED MOTION FOR COMPENSATION FOR GENSKE, MULDER AND
COMPANY, LLP, ACCOUNTANT(S)
9-13-2018 [[818](#)]

GENSKE, MULDER AND COMPANY,
LLP/MV
MICHAEL COLLINS
RESPONSIVE PLEADING

No Ruling

11. [18-14387](#)-A-11 **IN RE: CHAPOS TACOS DE TIJUANA, LLC**
[JKB-1](#)

MOTION FOR RELIEF FROM AUTOMATIC STAY
11-14-2018 [[26](#)]

VANGUARD HEALTHSCIENCES, INC.
DEFINED BENEFITS PENSION
JULIAN BACH/ATTY. FOR MV.

Final Ruling

The case dismissed and the motion withdrawn, the matter is dropped
as moot.