

**United States Bankruptcy Court
Central District of California
Los Angeles
Neil Bason, Presiding
Courtroom 1545 Calendar**

Friday, May 22, 2026

Hearing Room 1545

8:00 AM
2:00-000000

Chapter

- #0.00** Hearings in Judge Bason's courtroom (1545) are simultaneously:
- (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices),
 - (2) via ZoomGov video, and
 - (3) via ZoomGov telephone.
- You are free to choose any of these options, except that evidentiary hearings/trials must be in person in the courtroom (unless otherwise ordered). You do not need to call Chambers for advance approval or notice. ZoomGov appearances are free.

ZoomGov Instructions for all matters on today's calendar:

Meeting ID: 165 390 3476

Password: 218885

Meeting URL: <https://cacb.zoomgov.com/j/1653903476>

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Please connect at least 5 minutes before the start of your hearing, and wait with your microphone muted until your matter is called.

Chapter 13: Persons needing to contact the Chapter 13 Trustee's attorney, either prior to the hearing or during a recess, can call Kaleen Murphy, Esq. at (213) 996-4433.

Members of the public, including the press, are always welcome in person (except in rare instances when the courtroom is sealed) and they may also listen via telephone to non-evidentiary hearings, but must not view any hearings via video (per mandate of the AO).

Any audio or video recording is strictly prohibited. Official recordings are available for a small fee through the Clerk's Office.

Zoomgov hearing etiquette: (a) wait until the judge calls on you, so everyone is not talking at once; (b) when you first speak, state your name and, if you are an attorney, whom you represent (do not make your argument until asked to do so); (c) when you make your argument, please pause from time to time so that, for

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example, the judge can ask a question or anyone else can make an objection;
(d) if the judge does not see that you want to speak, or forgets to call on you,
please say so when other parties have finished speaking (do not send a "chat"
message, which the judge might not see); and (e) please let the judge know if he
mispronounces your name, uses the wrong pronoun, etc.

Docket 0

Tentative Ruling:

- NONE LISTED -

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2:26-14978 Rolling Greens Nursery, Inc.

Chapter 11

#1.00 Hrg re: Emergency Motion For Order Limiting Notice And Related Relief

Docket 4

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 5/22/26 at 9:00 a.m.).

Party Information

Debtor(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin

Movant(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin
David B Zolkin
David B Zolkin

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#2.00 Hrg re: Emergency Motion For Entry Of Interim And Final Orders
(1) Approving The Debtors Proposed Adequate Assurance Of
Payment For Future Utility Services, (2) Prohibiting Utility
Companies From Altering, Refusing, Or Discontinuing Services,
(3) Approving Proposed Procedures For Resolving Adequate
Assurance Requests; And (4) Granting Related Relief

Docket 5

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
5/22/26 at 9:00 a.m.).

Party Information

Debtor(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin

Movant(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin
David B Zolkin
David B Zolkin

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#3.00 Hrg re: Emergency Motion For Order Authorizing Debtor To (1) Pay Prepetition Priority Wages, Commissions, And Bonuses; And (2) Honor Accrued Vacation And Leave Benefits In The Ordinary Course Of Business

Docket 6

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 5/22/26 at 9:00 a.m.).

Party Information

Debtor(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin

Movant(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin
David B Zolkin
David B Zolkin

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2:26-14978 Rolling Greens Nursery, Inc.

Chapter 11

#4.00 Hrg re: Emergency Motion For Order Authorizing (1) Continued Use Of Debtors Credit Card Processing Systems And (2) Use Of Prepetition Bank Accounts For 30 Days

Docket 7

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7, 5/22/26 at 9:00 a.m.).

Party Information

Debtor(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin

Movant(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin
David B Zolkin
David B Zolkin

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2:26-14978 Rolling Greens Nursery, Inc.

Chapter 11

#5.00 Hrg re: Emergency Motion For Order Authorizing Debtor
To Honor Prepetition Gift Cards And Store Credits In
The Ordinary Course Of Its Business

Docket 8

Tentative Ruling:

Please see the tentative ruling for the status conference (Calendar No. 7,
5/22/26 at 9:00 a.m.).

Party Information

Debtor(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin

Movant(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin
David B Zolkin
David B Zolkin

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#6.00 Hrg re: Emergency Motion For Order (1) Authorizing Debtor To Obtain Post-Petition Financing Pursuant To 11 U.S.C. 364; (2) Authorizing Debtors Use Of Cash Collateral Pursuant To 11 U.S.C. 363; (3) Authorizing Adequate Protection And (4) Setting A Final Hearing

Docket 9

Tentative Ruling:

Subject to any opposition at or before the hearing, grant the DIP Financing and Cash Collateral Motion on an interim basis, subject to the conditions set forth below, with a final hearing and associated deadlines as set forth in the tentative ruling for the status conference (Calendar No. 7, 5/22/26 at 9:00 a.m.).

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted tentative rulings.

Key documents reviewed: DIP Financing and Cash Collateral Motion (dkt. 9), Linscott Declaration (dkt. 9 at pdf pp. 34-38), Salmeri Declaration (dkt. 10), Resnick Declaration (dkt. 11) (no opposition on file as of the preparation of this tentative ruling)

Budget

Debtor is directed to address at the hearing the following issues regarding the proposed Budget (Ex. 1 to the Motion, dkt. 9 at Bates pp. 35-37). First, the proposed Budget includes a line item for "Payroll." Debtor is directed to confirm at the hearing that the "Payroll" item includes Debtor's portion of all payroll taxes.

Second, the proposed Budget includes and a line item for "Sales Tax,"

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but there is no line item for income taxes or other taxes or license fees. Debtor is directed to address why not.

Third, Debtor's line item for "Rent" does not appear to show any decrease in the dollar amount of rent payments over time, but Debtor's papers imply that Debtor will be rejecting leases for unprofitable locations. Debtor is directed to address that issue at the hearing.

In addition to addressing these issues at the hearing, the tentative ruling is to set a **deadline of 5/27/26** for Debtor to file and serve on the Limit Notice Parties an appropriate declaration addressing these issues, with a revised Budget if appropriate. Debtor is directed to include within those things any other issues on which clarification is sought by any party in interest at the hearing.

Judge Bason's standard conditions [slightly modified in part "(1)(a)" and with the addition of part "(1)(c)"] for use of cash collateral and/or postpetition financing (by creditors holding prepetition claims)

(1) Written order

(a) Form. Debtor is authorized either (x) to use local form F2081-2.1.ORDER.CASH.COLLATERAL or (y) to use the form of order attached to the motion papers, provided that the following additions and modifications are reflected in the proposed order, which should attach a copy of this tentative ruling as an exhibit, thereby adopting it as the written ruling of this Court, subject to any changes ordered at the hearing.

(b) Timing. Lodge the proposed order within 7 days after the hearing. See LBR 9021-1(b)(1)(B).

(c) Additions/modifications. If Debtor elects to use the form of interim order attached to the motion papers, the tentative ruling is to require the following additions/modifications (at Bates pages 42 and 45-46):

(i) in ordering paragraph 3.h., not only should the DIP Lender's lien be inapplicable to "causes of action under Chapter 7 of the Bankruptcy Code" (Bates p. 42:10-11) but in addition the other limitations in part "(3)(a)" of this Tentative Ruling must apply;

(ii) ordering paragraph 7 must be stricken: it is permissible to make it an Event of Default for Debtor to seek other DIP financing etc., but it is not permissible to bar Debtor or any trustee who might in future be in control of the

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- estate from seeking such relief (provided, of course, that the DIP Lender retains all rights to oppose any such relief and to demand adequate protection);
- (iii) regarding ordering paragraph 9, nothing in that paragraph should be interpreted to limit the authority of this Court to authorize the non-consensual use of cash collateral in future; and
- (iv) in ordering paragraph 12, replacement liens for other persons who hold prepetition liens against property of the bankruptcy estate should not be limited to only those persons who hold liens against Cash Collateral - the replacement liens should apply to all prepetition liens, to the extent of protecting against any postpetition diminution in value of the lien (and subject to the limitations set forth below and in the Motion papers regarding validity, priority, non-avoidability, etc.).

(2) Minimum adequate protection

In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be approved, Debtor shall provide at least the following protection to any creditor with a security interest in the subject property (pursuant to 11 U.S.C. 361-364, as applicable):

(a) Insurance. For all collateral of a type that typically is insured (e.g., real property and improvements), Debtor is directed to maintain insurance in a dollar amount at least equal to Debtor's good faith estimate of the value of such creditor's interest in the collateral, and such insurance shall name such creditor as an additional insured. Debtor is directed to remain current on payments for such insurance.

(b) Taxes. Debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. Debtor is directed to provide, upon such creditor's reasonable request, periodic accountings of the foregoing insurance and tax obligations and payments, as well as postpetition proceeds, products, offspring, or profits from the collateral, including gross revenues and

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expenses and a calculation of net revenues. Debtor is directed to provide appropriate documentation of those accountings, and access for purposes of inspection or appraisal.

(3) Grant of, and limitation on, postpetition liens

The tentative ruling is to grant postpetition liens to any creditors holding secured claims by granting replacement liens, but such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or this Court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date. For example, if prepetition liens extended to inventory and accounts receivable but not equipment then postpetition liens are likewise limited (unless otherwise expressly provided by order of this Court). In addition, postpetition liens shall not extend to any avoidance actions or the proceeds thereof, any claim or recoveries under 11 U.S.C. 506(c), any "carveout" under 11 U.S.C. 552, or any claim or recoveries under 11 U.S.C. 724(a).

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any *automatic* perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(4) Automatic disapproval of insufficiently disclosed provisions

Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either: (a) such provision is specifically and prominently disclosed in the motion papers in a

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checklist (such as local form F4001-2), or alternatively (b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

(5) Disputes

In the event of any disputes regarding the rulings in this order, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact Judge Bason's chambers to arrange a mutually convenient time for either a telephonic or in-person hearing to address such disputes.

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the matters addressed here via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1)(B)) and attach a copy of this tentative ruling, thereby incorporating it as this Court's actual ruling.

Party Information

Debtor(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin

Movant(s):

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David B Zolkin
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#7.00 Status Conference re: Chapter 11 Case

Docket 0

Tentative Ruling:

Tentative Ruling for 5/22/26:

Appearances required.

If you are making an appearance, you may do so (1) in person in the courtroom, unless the Court has been closed (check the Court's website for public notices), (2) via ZoomGov video, or (3) via ZoomGov telephone. For ZoomGov instructions for all matters on calendar, please see page 1 of the posted Tentative Rulings.

(1) Current issues

(a) Notice, and necessity to provide limited relief "to avoid immediate and irreparable harm"

(i) The tentative ruling is that, although there was only very limited notice, that notice is sufficient under the circumstances

The following matters ("First Day Motions") are on for hearing today on an expedited basis, pursuant to General Order 23-02. This Court has reviewed the notice of hearings (dkt. 12).

As of the preparation of this tentative ruling there is no declaration of service of the First Day Motions and notice of this hearing. Debtor is directed to address at the hearing whether notice was sufficient.

If Debtor confirms that those papers were served on the Limit Notice Parties (as defined in Debtor's papers) in time to be received no later than close of business on 5/20/26 then the tentative ruling, subject to any opposition at the hearing, or any future request for reconsideration by any entity that alleges a lack of sufficient notice and opportunity to be heard, is that Debtor has served the persons who are required to be served and has provided sufficient notice under the circumstances. See Rule 4001(a)(2), (b)(2), (c)(2), *and* Rule 6003(a) (Fed. R. Bankr. P.). In addition, the tentative ruling is that Debtor has provided sufficient evidence that the requested relief, to the limited extent provided below, is needed "to avoid immediate and

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irreparable harm" within the meaning of those rules.

(ii) Alternatively, even if notice was inadequate, limited relief can be granted so as to provide adequate protection of interests in the bankruptcy estate

Even if one or more persons who were required to receive notice cannot appear at this hearing due to the lateness of notice, the tentative ruling is that sufficient notice has been provided for this Court to act, pursuant to 11 U.S.C. 102(1)(B)(ii). There is insufficient time before the acts authorized below must be taken. *Id.*

Alternatively, even if sufficient notice has not been provided, the tentative ruling is that this Court has, to a very limited extent, the ability to grant some relief so as to preserve Debtor's going concern value for the benefit of all parties in interest. The source of that very limited authority is as follows.

This Court is authorized and required, on request of (A) "an entity that has an interest" in property of the estate, "at any time" and "with or without a hearing," (B) to "prohibit or condition" the use of any property of the bankruptcy estate on whatever terms are necessary to provide "adequate protection" of any interest in such property. 11 U.S.C. 363(e) (emphasis added). The tentative ruling is that these provisions are applicable for two reasons.

First, the tentative ruling is that Debtor qualifies as an entity that has an interest in property of the estate. Debtor has an interest not only "wearing its hat" as a debtor but also, "wearing its hat" as a debtor in possession acting as a trustee for the benefit of all parties in interest, in the *res* that is the bankruptcy estate.

Second, the tentative ruling is that Debtor is requesting that this Court "prohibit or condition" the "use" of property of the estate so as to provide "adequate protection" because a "use" of cash includes not only the choice to pay an employee, for example (or pay other expenses of the "first day" motions), but also the choice not to pay that employee (or other first day motion expenses) and instead use that cash to earn interest in a bank account. Prohibiting the latter use, and imposing the condition that payments be made to preserve the status quo including preservation of Debtor's going concern value (e.g., by paying employees so that they do not quit), is a form of adequate protection of all creditors that is appropriate in the emergency

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circumstances presented (as are the other uses of property of the estate that are tentatively authorized below).

(iii) Most relief will be granted only on an interim basis, with supplemental papers required from Debtor and a further opportunity for any opposition and reply

The tentative rulings set forth below provide that certain of the motions will be granted only on an interim basis. For each such motion, the tentative ruling is to set final hearings on **6/9/26 at 1:00 p.m.**, with a **deadline of 5/22/26** for Debtor to file a proof of service of notice of those final hearings, a **deadline of 6/2/26** for any opposition papers, and a **deadline of 6/4/26** for Debtor's reply papers.

(b) Motion to Limit Notice (dkt. 4), Resnick Declaration (dkt. 11)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the relief requested in the Motion to Limit Notice (dkt. 4), on an interim basis, subject to the following limitations:

- (i) Unless and until an official committee of unsecured creditors is appointed (generally inapplicable, given that this is a Subchapter V case), the twenty largest general unsecured creditors (Rule 1007(d), Fed. R. Bankr. P.) must receive notice as required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rules.
- (ii) Notwithstanding any limitation of notice, Debtor is required to comply with Rules 2002(j) and 7004 (Fed. R. Bankr. P.) when those rules apply. For example, service upon the United States or its agency or officer of an agency must be accomplished by serving (i) the Attorney General in Washington, DC; (ii) the local United States Attorney's office; and (iii) the agency or officer at issue, as specified in Rules 5003(e) and 7004(b)(4) & (5) (Fed. R. Bankr. P.) and *The Central Guide*. (Of course, other rules continue to apply, such as the general rule that if a creditor files a proof of claim designating a mailing address then that address generally will apply under Rule 2002(g)(1)(A).)
- (iii) Debtor requests authority to serve the "Limit Notice Parties"

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by email if "Debtor has a good and reliable email address for the parties." (See Limit Notice Motion (dkt. 4) at p. 7:18-21). The tentative ruling is that any service by electronic means (facsimile or email) requires consent (pursuant to either, for initial papers, Rule 4(d), or, for later papers, Rule 5(b)(2)(E) (Fed. R. Civ. P.), incorporated by Rules 7004, 7005, and 9014(b), Fed. R. Bankr. P.). The only exception is for email service via this Court's own Notice of Electronic Filing ("NEF") system, to registered users. See Rule 9036(b)(1) & (c) (Fed. R. Bankr. P.).

(iv) Debtor requests approval of the following service procedure: "for each pleading filed in this Bankruptcy Case, service shall be completed by mailing (by first class mail or e-mail) a notice to all parties that are required to be served with such pleading that provides the following information: informs the parties of the title of the pleading that has been filed, the location, time, date and hearing to take place, if any, and that should any party reading the notice want a hard copy of the pleading, a hard copy will be furnished promptly upon request." Limit Notice Motion (dkt. 4) at p. 8:22-27 (emphasis added). The tentative ruling is that (x) any email service is only permissible upon consent; (y) any request for expedited relief may require expedited service (not service via U.S. mail) and/or an order shortening time (see LBR 9075-1); and (z) the form of notice of each pleading filed in this case must comply with the applicable Local Bankruptcy Rule(s). See, e.g. Rule 9013-1(c) (2) (Local Bankr. R.).

(v) Notwithstanding the foregoing, Debtor is cautioned that this Court might rule in connection with any motion or application that additional notice is required. For example, if Debtor hypothetically were to propose to sell substantially all of Debtor's assets or settle insider claims, but only gave notice to the Limit Notice Parties, this Court might well rule at the hearing that service was inadequate. Accordingly, Debtor is cautioned (x) to attempt to confirm at Status Conferences whether additional notice might be required for anticipated motions as to which there may be doubts about the scope of

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service, alternatively (y) to file a written application for a supplemental order limiting notice, or alternatively (z) to err on the side of serving the entire creditor matrix via U.S. mail for such motions.

(vi) Debtor's proposed form of notice must be modified so that it is consistent with the foregoing.

(c) Utilities Motion (dkt. 5), Resnick Declaration (dkt. 11)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Utilities Motion on an interim basis and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above.

(d) Prepetition Wage and Benefits Motion (dkt. 6), Resnick Declaration (dkt. 11)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Prepetition Wage and Benefits Motion on a final basis for the reasons stated in that motion and also based on 11 U.S.C. 507(a)(5).

(e) Cash Management Motion (dkt. 7), Resnick Declaration (dkt. 11)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Cash Management Motion on an interim basis, with the caveats stated below, and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above. The caveats are that Debtor is directed to address at the hearing what measures will be implemented to assure (x) no payment of prepetition claims (except as authorized by this Court), and (y) bookkeeping/accounting measures that will carefully segregate prepetition and postpetition matters.

The United States Trustee and other parties in interest are invited to address any other issues posed by the Cash Management Motion (dkt. 7).

(f) Customer Programs (dkt. 8), Resnick Declaration (dkt. 11)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the Customer Programs Motion on an interim basis and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above.

(g) DIP Financing and Cash Collateral Motion (dkt. 9), Salmeri

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Declaration (dkt. 10), Resnick Declaration (dkt. 11)

Subject to any opposition at or before the hearing, the tentative ruling is to grant the DIP Financing and Cash Collateral Motion on an interim basis as set forth in Calendar No. 6 (5/22/26 at 9:00 a.m.) and to set a final hearing at the date and time set forth in part "(1)(a)(iii)" of this tentative ruling, above.

Proposed order(s): Unless otherwise ordered, Debtor is directed to lodge proposed order(s) on the matter(s) addressed here via LOU within 7 days after the hearing date (per LBR 9021-1(b)(1) (B)), modified as necessary or appropriate to conform to the tentative rulings set forth above.

(2) Dates/procedures. This case was filed on 5/20/26.

- (a) Bar date: 6/17/26 per General Order 20-01 (70 days after the petition date in Subchapter V cases) (DO NOT SERVE any notice: one will be sent by the Clerk's Office).
- (b) Procedures Order: dkt. 2 (to be served in accordance with paragraph 1 therein).
- (c) Plan/Disclosure Statement: file by 90 days after the petition date (per 11 U.S.C. 1189(b)) (DO NOT SERVE - except on the U.S. Trustee). See Procedures Order.
- (d) Continued status conference: 6/9/26 at 1:00 p.m., concurrent with other matters. Case Status Report on Local Form F 2015-3.1.SUBV.STATUS.RPT due by 6/23/26.

Party Information

Debtor(s):

Rolling Greens Nursery, Inc.

Represented By
David B Zolkin