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INC., Debtor in Possession

9 UNITED STATES BANKRUPTCY COURT

10 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

11 In re

Case No. 25-25004-C

12 RIZO-LÓPEZ FOODS, INC.,

Chapter 11

13 Debtor in Possession.

DC Nos.: MB-01 (Omnibus Notice Appl.)  
MB-02 (Claim Agent Motion)  
MB-03 (Utilities Motion)  
MB-04 (Limit Notice Motion)  
MB-05 (Insurance Motion)  
MB-06 (Cash Collateral Motion)  
MB-07 (Financing Motion)

17 Date: September 19, 2025

18 Time: 9:00 a.m.

19 Place: Dept. C, Ct. Rm. 36, 6<sup>th</sup> Fl,  
United States Bankruptcy Court  
500 I Street  
Sacramento, CA 95814

21 Judge: Honorable Christopher M. Klein

22 **OMNIBUS NOTICE OF HEARING ON THE DEBTOR'S FIRST DAY MOTIONS**

23 **TO ALL INTERESTED PARTIES AND TO THEIR COUNSEL OF RECORD:**

24 PLEASE TAKEN NOTICE that Rizo-López Foods, Inc. (the "Debtor" or "RLF"), the  
25 debtor and debtor in possession in the above-captioned case, has filed seven motions (the "First Day  
26 Motions") seeking immediate relief relating to critical operational issues. A summary of each of the  
27 First Day Motions and the relief sought is set forth below.

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1       **NOTICE IS FURTHER GIVEN** that pursuant to the Court's order shortening time,  
2 hearings on the First Day Motions are scheduled for **September 19, 2025 at 9:00 a.m.** (the "First  
3 Day Hearings") before the Honorable Christopher M. Klein, at the United States Bankruptcy Court,  
4 Eastern District of California, Sacramento Division, Department C, Ctr. Rm. 36, 6<sup>th</sup> Floor, located  
5 at 501 I Street, Sacramento, California 95814. At the First Day Hearings, the Court will hear and  
6 consider approval of the interim relief requested in the First Day Motions. Additionally, the Debtor  
7 is requesting that the Court set final hearings of any interim relief granted at the First Day Hearings.  
8 You will be provided notice of the date of any further or final hearings on the First Day Motions at  
9 a later time.

10       **NOTICE IS FURTHER GIVEN** that no party in interest is required to file written  
11 opposition to any of the First Day Motions. Opposition, if any, to the granting of the interim relief  
12 requested in the First Day Motions may be presented at the First Day Hearings pursuant to Local  
13 Rule of Practice ("LBR") 9014-1(f)(2), (3), and (4). If opposition to any First Day Motion is  
14 presented at the First Day Hearings, or if there is other good cause, the Court may continue the First  
15 Day Hearings to permit the filing of evidence and briefs.

16       **NOTICE IS FURTHER GIVEN** that although written opposition to the First Day Motions  
17 is not required, if you wish to file a response to any of the First Day Motions to explain your position,  
18 you may do so at:

19       United States Bankruptcy Court, Eastern District of California  
20       501 I Street, Suite 3-200  
21       Sacramento, CA 95814

22       If you mail your response to the Court for filing, you must mail it early enough so the Court  
23 will receive it before the date of the hearing. You must also mail a copy to:

24       Rizo-López Foods, Inc.  
25       c/o McCormick Barstow LLP  
26       7647 N. Fresno Street  
27       Fresno, CA 93720

28       **NOTICE IS FURTHER GIVEN** that all matters will be conducted simultaneously: (1) In  
Person at Sacramento Department C, Courtroom 35, (2) via ZoomGov Video, (3) via ZoomGov  
Telephone, and (4) via CourtCall. You may choose any of these options. Parties who wish to appear

1 at the First Day Hearings remotely should sign up by 4:00 p.m. one business day prior to the hearing.  
2 Information regarding how to sign up is on the Court Appearances page of the Court's website at  
3 <https://www.caeb.uscourts.gov/Calendar/CourtAppearances>. Each party who has signed up will  
4 receive a Zoom link or phone number, meeting I.D., and password via email. If the deadline to sign  
5 up has passed, parties who wish to appear remotely must contact the Courtroom Deputy for the  
6 Department holding the hearing.

7 **NOTICE IS FURTHER GIVEN** that to appear at the hearing by telephone via CourtCall,  
8 contact CourtCall Conference Service at 1-866-582-6878. *See also*, <https://www.courtcall.com>. The  
9 telephone appearance must be arranged 24 hours in advance of the hearing. A CourtCall fee applies.  
10 Individuals using CourtCall are cautioned they do so at their own risk. The hearing will not be  
11 rescheduled due to a missed connection.

12 **NOTICE IS FURTHER GIVEN** that respondents can determine whether the matter has  
13 been resolved without oral argument and whether the court has issued a tentative ruling, and can  
14 view pre-hearing dispositions by checking the Court's website at <https://www.caeb.uscourts.gov>  
15 after 4:00 p.m. the day before the hearing. Parties appearing telephonically are required to review  
16 the pre-hearing dispositions prior to the hearing.

17 **NOTICE IS FURTHER GIVEN** that the First Day Motions are supported by the  
18 declarations and exhibits in support of each First Day Motion. This notice does not contain all of  
19 the particulars of the First Day Motions or supporting documents for the First Day Motions, nor  
20 does it summarize all of the evidence submitted in support of the First Day Motions. The First Day  
21 Motions and the supporting evidence and Declarations may be obtained free of charge from the  
22 website maintained by Donlin Recano, the Debtor's proposed Claims and Noticing  
23 [www.bankruptcy.angeiongroup.com/rlf](http://www.bankruptcy.angeiongroup.com/rlf)

24 The titles of each of the First Day Motions and a short summary description of the relief  
25 requested in each First Day Motion are as follows:

26 1. MB-01: Ex-Parte Application for Order: (1) Modifying LBR 9014-1(d) to Allow  
27 Filing and Service of an Omnibus Notice for First Day Motions; (2) Shortening the Time for Notice  
28 and Hearing on First Day Motions; and (3) Modifying LBR 9014-1(d)(5) to Allow Joining of

1 Multiple Requests for Relief in Certain Motions [MB-01] (the “Omnibus Notice Application”);

2 2. MB-02: Application for Order (1) Appointing Donlin, Recano & Company, LLC as  
3 Claims and Noticing Agent [MB-02] (the “Claims and Noticing Agent Motion”);

4 3. MB-03: Motion for Interim and Final Orders (1) Prohibiting Utility Companies from  
5 Altering, Refusing, or Discontinuing Service; (2) Determining Adequate Assurance of Payment for  
6 Post-Petition Utility Services; (3) Establishing Procedures for Determining Adequate Assurance of  
7 Payment; and (4) Scheduling a Final Hearing [MB-03] (the “Utilities Motion”);

8 4. MB-04: Motion for Interim and Final Orders to Establish Notice Procedures [MB-  
9 04] (the “Limit Notice Motion”);

10 5. MB-05: Motion for Interim and Final Orders Authorizing the Debtor to Continuing  
11 Administering and Funding Insurance Programs [MB-05] (the “Insurance Programs Motion”);

12 6. MB-06: Motion for Interim and Final Orders Authorizing the Debtor to Use Cash  
13 Collateral and Granting Adequate Protection [MB-06] (the “Cash Collateral Motion”); and

14 7. MB-07: Motion for Interim and Final Orders (1) Authorizing Secured Postpetition  
15 Financing; (2) Granting Post-Petition Liens and Super Priority Claims; (3) Granting Relief From  
16 Stay, and; (4) Limiting Prepetition Liens Pursuant to Bankruptcy Code Section 552(b) [MB-07] (the  
17 “Postpetition Financing Motion”).

18 These critical First Day Motions seek entry of orders granting the relief described below,  
19 and such other relief as is just and proper under the circumstances.

20 **A. Application for Order Modifying LBR 9014-1(d) (MB-01)**

21 The Debtor applies for an Order: (1) modifying Local Bankruptcy Rule (LBR) 9014-1(d) to  
22 allow the filing and service of an omnibus notice for the First Day Motions to be filed by the Debtor;  
23 (2) shortening the time period for notice and setting the First Day Hearings during the week of  
24 September 15, 2025, preferably September 19, 2025 at 9:00 a.m., such that service of all documents  
25 for the First Day Motions on the 20 Largest unsecured creditors, the secured creditors if any, the  
26 Office of the United States Trustee, the Internal Revenue Service, corresponding state agencies, as  
27 well as other governmental agencies, to the extent required by the Bankruptcy Rules and the Local  
28 Rules of the United States Bankruptcy Court for the Eastern District of California, and those persons

1 who have formally appeared and requested service in this case pursuant to Bankruptcy Rule 2002,  
2 by email, facsimile, mail or overnight delivery, by September 16, 2025 shall be deemed sufficient  
3 to have the matter heard at the First Day Hearings; and modifying LBR 9014(d)(5) to allow requests  
4 for relief to be joined in certain motions.

5 **C. Claims and Noticing Agent Motion (MB-02)**

6 Pursuant to 28 U.S.C. § 156(c), 11 U.S.C. § 105(a), and LBR 1001-1(f), the Debtor requests  
7 entry of an order (a) appointing Donlin, Recano & Company, LLC. ("DRC") as the claims and  
8 noticing agent for the Debtor in this bankruptcy case effective as of the Petition Date, including  
9 assuming full responsibility for the distribution of notices and the maintenance, processing, and  
10 docketing of proofs of claim filed in this bankruptcy case, and (b) granting related relief. In  
11 furtherance of the Claims and Noticing Agent Motion, the Debtor filed the supporting declaration  
12 of Lisa Terry, DRC's Senior Legal Director.

13 By appointing DRC as the Claims and Noticing Agent in this case, the distribution of notices  
14 and the processing of confidential claims will be expedited, and the Office of the Clerk of the  
15 Bankruptcy Court will be relieved of the administrative burden of administering and processing  
16 claims. The Debtor will seek authorization to retain and employ DRC as administrative advisor in  
17 the Bankruptcy Case for the performance of duties outside the scope of 28 U.S.C. § 156(c) by  
18 separate application under 11 U.S.C. § 327(a).

19 **D. The Utilities Motion (MB-03)**

20 The Debtor seeks entry of interim and final orders (a) prohibiting Utility Companies (as  
21 defined in the Utilities Motion) from altering, refusing, or discontinuing service, (b) determining  
22 that the Debtor's furnishing of deposits to Utility Companies in an amount that represents fifty  
23 percent of the Debtor's estimated average monthly usage over the past twelve months of such utility,  
24 respectively, constitutes adequate assurance of payment, (c) establishing procedures for assurance  
25 requests by the affected utilities and for determining adequate assurance of payment, and (d)  
26 scheduling a final hearing. In furtherance of the Utilities Motion, the Debtor has filed the supporting  
27 declaration of Edwin Rizo.

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1 The Debtor's ongoing operations require it to maintain uninterrupted utility services,  
2 including electricity, natural gas, telephone, water, waste removal, internet, and other services.  
3 Termination of a utility service would cause immediate and irreparable harm to the Debtor's  
4 operations and critical reorganization efforts. The Debtor has multiple facilities and receives utility  
5 services from numerous utility companies, as described in the Utilities Motion, and listed on Exhibit  
6 B to the Utilities Motion.

7 **E. Limit Notice Motion (MB-04)**

8 The Debtor seeks entry of interim and final orders establishing notice procedures. In  
9 furtherance of the Limit Notice Motion, the Debtor has filed the supporting declaration of Edwin  
10 Rizo.

11 Given the estimated 4,861 parties in interest, most of which consist of individuals who claim  
12 to have been injured by listeria which allegedly contaminated the Debtor's products, the Debtor  
13 seeks permission to limit notice.

14 **F. Insurance Programs Motion (MB-05)**

15 Under 11 U.S.C. §§ 105, 363, and 1112(b), the Debtor requests entry of interim and final  
16 orders authorizing the Debtor to (a) continue administering the Insurance Programs for the Debtor  
17 in the ordinary course of business and consistent with past practices, (b) continue funding all  
18 premiums, contributions, deductibles, reserves, and service fees related to Insurance Coverage (as  
19 defined in the Insurance Programs Motion), (c) renew, amend, supplement, extend, purchase, or  
20 terminate Insurance Coverage in the ordinary course of business, and (d) pay any and all amounts  
21 related to the Insurance Programs that remained unpaid on the Petition Date. The Debtor filed the  
22 supporting declaration of Edwin Rizo concurrently with the Insurance Programs Motion.

23 As described in the Insurance Programs Motion, the Insurance Programs provide an  
24 efficient, cost-effective way to procure necessary insurance for the Debtor. Satisfying possible  
25 outstanding or future obligations related to the Insurance Programs is warranted under 11 U.S.C.  
26 § 363(b) and applicable standards as described in the Insurance Motion. The Debtor has routinely  
27 maintained Insurance Coverage and administered the Insurance Programs in the ordinary course of  
28 its operations and must continue to do so on a going forward basis to operate. In addition, the



1 Insurance Programs administered by the Debtor are typical for a business of its size and include  
2 standard coverages. Continuation of Insurance Coverage is essential to preserve uninterrupted  
3 operations and the value of the Debtor's estate and is in the best interests of the estate and its  
4 creditors. Failing to maintain Insurance Coverage through the Insurance Programs would impair  
5 the Debtor's ability to operate and may potentially violate the UST's Guidelines and other applicable  
6 regulations and requirements, resulting in a material adverse effect on the Debtor and the value of  
7 the estate.

8 **G. Cash Collateral Motion (MB-06)**

9 The Debtor seeks an order authorizing it to use Cash Collateral (as defined in the motion) of  
10 its secured creditor, Wells Fargo Bank, National Association and other secured creditors and to grant  
11 adequate protection to these secured creditors. In support of this Motion, Debtor has filed a  
12 declaration from Edwin Rizo and exhibits, including a 13-week budget.

13 Debtor recently restarted operations after a lengthy shutdown in order to address the listeria  
14 allegations. In order to ramp-up operations, the Debtor requires cash and capital. Debtor will be  
15 immediately and irreparably harmed without the use of Cash Collateral because (a) Debtor will be  
16 unable to honor its obligations to its employees and third party vendors, without which Debtor  
17 cannot operate, (b) Debtor will be unable to purchase raw materials to make its products, and (c)  
18 Debtor will be unable to pay its utility bills and insurance premiums, all of which would cause  
19 immediate crises to Debtor's ability to maintain operations, and force it to shut down. Each item on  
20 the Budget was considered and deemed by Debtor's principals to be necessary to Debtor's continued  
21 operation.

22 **H. Postpetition Financing Motion (MB-07)**

23 The Debtor seeks an order authorizing post-petition debtor-in-possession financing from  
24 insiders Ivan Rizo and Edwin Rizo ("Rizo Lenders") pursuant to 11 U.S.C. § 364(c) and the approval  
25 of postpetition liens on Debtor's assets, and superpriority claims under Section 507 of the  
26 Bankruptcy Code to the extent the postpetition liens are insufficient. To clarify the priority of the  
27 liens of the Rizo Lenders, the motion seeks an order, pursuant to 11 U.S.C. § 552, limiting the  
28 prepetition liens of Wells Fargo Bank and other secured creditors on postpetition assets of the Debtor

1 and the postpetition increase in value of proceeds and products of the collateral of Wells Fargo and  
2 other secured creditors.

3 **NOTICE IS FURTHER GIVEN** that your rights may be affected. You should read these  
4 papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you  
5 do not have an attorney, you may wish to consult one.

6 Dated: September 16, 2025

McCORMICK, BARSTOW, SHEPPARD,  
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By: 

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Garrett J. Wade

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