

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

In re:)	
)	
ATLANTIC FABRICATION & DESIGN)	Case No. 17-_____
LLC,)	Chapter 11
)	
Debtor.)	
_____)	

DEBTOR’S APPLICATION FOR ENTRY OF AN ORDER (I) SHORTENING TIME FOR OBJECTION DEADLINE, (II) APPROVING ABBREVIATED NOTICE PROCEDURES, AND (III) FOR EXPEDITED HEARING OF FIRST DAY MOTIONS

Atlantic Fabrication & Design LLC, debtor in the above-captioned case (“Debtor”), files this Application For Entry of an Order (I) Shortening Time for Objection Deadline, (II) Approving Abbreviated Notice Procedures and (III) for Expedited Hearing of First Day Motions (the “Application”). Pursuant to Fed. R. Bankr. P. 9006 and Local Rule 9006-1, Debtor requests that the Court shorten time, approve the alteration of the normal notice requirements, and request an expedited hearing on the following motions, which Debtor anticipates filing on the Petition Date (the “First Day Motions”):

- a. Debtor’s Expedited Motion for Authority to Use Cash Collateral and Related Operating Procedures, and Brief in Support and Notice and Opportunity for Hearing (the “*Cash Collateral Motion*”);
- b. Debtors’ Expedited Motion for Order Pursuant to 11 U.S.C. § 105 Authorizing Payment of Pre-Petition Claims of Critical Trade Creditors, Brief in Support, Notice of Opportunity for Hearing (“*Critical Vendor Motion*”).

In support, the Debtor provides the following:

JURISDICTION, VENUE, AND BACKGROUND

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

2. On December 4th, 2017 (the “Petition Date”), the Debtor filed a voluntary petition for relief pursuant to chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Western District of Oklahoma (the “Bankruptcy Court”).

3. The Debtor continues to operate the business as debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code. The United States Trustee has not yet appointed any official committees in this case, and no request has been made for the appointment of a trustee or examiner.

4. Debtor provides mechanical and welding fabrication services with an emphasis on the repair and manufacture of pressure vessels, boilers, and steam piping systems. Debtor has identified over \$1,500,000.00 in personal property, \$250,000.00 in real estate, and over \$200,000.00 in Accounts Receivables. However, Debtor has two secured creditors with claims exceeding \$1,000,000.00 and three major unsecured creditors with claims greater than \$700,000.00.

5. Bank of Kremlin has a first priority, all business asset security interest of \$887,735.68. The Internal Revenue Service has a second priority, all business asset statutory lien of \$138,758.62. Debtor has no other known secured creditors with perfected liens.

6. Debtor only has three employees, the two principals and an office manager. All other labor is provided to Debtor by various professional staffing companies. In addition, Debtor

has certain raw material and consumable supply needs in order to manufacturer their finished goods. Without the ability to continue receiving labor from their professional staffing vendors and necessary raw materials the Debtor will not be able to operate.

7. Further, Debtor must have adequate cash to fund their staffing and labor requirements. The average time from when Debtor receives an order or contract until the finished product is shipped is one month. During that month time Debtor will have already needed to purchase materials and pay for labor. Unfortunately, it is industry custom for a customer to not pay until 30 to 45 days after receipt of the finished goods. Thus, Debtor may experience up to a 60 day gap between paying for costs of goods sold and receipt of revenue.

8. Debtor now seeks the relief contained herein in order to facilitate these operational requirements in bankruptcy.

RELIEF REQUESTED

9. Debtor anticipates filing the First Day Motions on the Petition Date, seeking relief that is essential to (i) the continued operation of Debtors' businesses; (ii) the preservation of the bankruptcy estate; and (iii) the effective and efficient administration of the bankruptcy case.

10. Debtor proposes to alter the normal notice rights and procedures by establishing the alternative notice procedures set forth below.

11. Notice of this case and all First Day Motions identified herein which seek expedited relief will be faxed, emailed, or delivered by overnight FedEx within one business day of the entry of the Order granting this Motion to the following parties (collectively "First Day Notice Parties"):

- a. All parties contained on Debtor's Schedules D, G, and H.
- b. ResourceMFG, People Source Staffing Professionals, APEX Remington, Fora

Financial, and Heartland Hotel Corp.

c. The Office of the United States Trustee.

12. Notice of this case and all First Day Motions identified herein which seek expedited relief will be faxed, emailed, or delivered by U.S. Mail, first class, postage prepaid to all parties contained on Debtor's matrix not otherwise noticed with the First Day Notice Parties within one business day of the entry of the Order granting this Motion.

13. Each of the First Day Motions identified herein requests relief essential to the continued operation and success of the Debtor, and therefore the First Day Motions should be heard and considered on an expedited basis. The First Day Motions seek relief typical of a bankruptcy case of similar size and complexity.

14. In light of the necessity for immediate hearing, Debtor requests that pursuant to Fed. R. Bankr. P. 9006(c), the time for response to the First Day Motions be shortened to Tuesday, December 5th, 2017 at 2:00PM, and that the First Day Motions be set for hearing on Wednesday, December 6th, 2017 at 9:00AM before The Honorable Chief Judge Janice Loyd, 215 Dean A. McGee Ave, 2nd Floor Courtroom, Oklahoma City, OK 73102 (the "First Day Hearing").

15. Orders granting some of the First Day Motions will require entry of orders only on an interim basis subject to further notice and a final hearing. Debtor requests such final hearing be heard on Wednesday, January 3rd, 2018, at 9:00AM before The Honorable Chief Judge Janice Loyd, 215 Dean A. McGee Ave, 2nd Floor Courtroom, Oklahoma City, OK 73102 (the "Final Hearing"). The time between Petition Date and the Final Hearing is in excess of 21 days.

Wherefore, for the reasons set forth above, Debtor requests that the Court set the First

Day Motions for hearing on Wednesday, December 6th, 2017 at 9:00AM before The Honorable Chief Judge Janice Loyd, 215 Dean A. McGee Ave, 2nd Floor Courtroom, Oklahoma City, OK 73102, set the time for response to such First Day Motions for no later than Tuesday, December 5th, 2017 at 2:00PM, set the Final Hearing on any interim orders entered regarding the First Day Motions for Wednesday, January 3rd, 2018, at 9:00AM before The Honorable Chief Judge Janice Loyd, 215 Dean A. McGee Ave, 2nd Floor Courtroom, Oklahoma City, OK 73102, and approve Debtor's proposed notice procedures as described herein, and order all other relief this Court deems equitable.

Respectfully Submitted,
SANSONE HOWELL PLLC

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PROPOSED COUNSEL FOR DEBTOR

Dated: December 4th, 2017