

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

In re:)	
)	
ATLANTIC FABRICATION & DESIGN)	Case No. 17-14891-JDL
LLC,)	Chapter 11
)	
Debtor.)	
<hr/>		

**OUT OF TIME MOTION TO EXTEND TIME
TO FILE APPLICATIONS TO EMPLOY PROFESSIONALS
WITH COMBINED BRIEF AND NOTICE AND OPPURTUNITY FOR HEARING**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Ave., Oklahoma City, OK 73102 no later than fourteen (14) days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant’s attorney and all others required to be served and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 14-day period for response includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

Atlantic Fabrication & Design LLC, debtor in the above-captioned case (“Debtor”), hereby respectfully Motions this Court that the last date for filing Applications to Employ Professionals be extended up to and including March 1st, 2018, and in support states as follows:

1. Prior to the Petition Date, Polston Tax Resolution & Accounting (“Polston”) was Debtor’s accountant, as the term is defined in § 101(1) (“Accountant”). Debtor and Debtor’s undersigned Counsel intended for Polston to be Debtor’s Accountant in the bankruptcy.

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. Polston was promptly informed of Debtor’s bankruptcy.

4. The Debtor continues to operate the business as debtor-in-possession (“DIP”) 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.

5. On January 2nd, 2018, this Court entered a Stipulation and Consent Scheduling Order, Doc. No. 44, wherein paragraph 1 affixes the deadline to file Applications to Employ Professionals no later than January 31st, 2018 (the “Deadline”).

6. Polston was repeatedly made aware of the Deadline. Although Polston represented prior knowledge and experience with DIP accounting and the Bankruptcy Code, they failed to timely file an Application to Employ Professionals or to provide Debtor’s Counsel with the information to do so on their behalf before the Deadline.

7. Upon further inquiry, no individual Polston employee working on Debtor’s accounting is a Certified Public Account (“CPA”). During a telephonic conversation on or about January 7th, 2018, Polston employees represented that no CPA would be providing Debtor services in the future.

8. Further, although Polston represented prior experience with Chapter 11 DIP’s, they could not provide a single case number or Debtor name for reference during the aforementioned telephonic conversation. Debtor’s research, although not exhaustive but

contrary to Polston's representations, has revealed no prior cases before this Court wherein Polston has been employed as an Accountant for a DIP.

9. For the forgoing reasons, Debtor has elected to seek employment of an alternative Accountant and terminate all relationship with Polston.

10. Pursuant to § 327(a) and FRBP 2014, Debtor cannot employ an Accountant without Order of this Court. However, the Deadline to file an Application to Employ Professionals has passed. Therefore, without Order of this Court to extend the Deadline, Debtor will not be permitted to employ an Accountant.

11. Debtor's ability to employ an Accountant is integral to their successful reorganization. Without proper Accountant services, Debtor will not be able to meet its obligations to provide accurate and timely Monthly Operating Reports or to timely file its proposed disclosure statement and plan of reorganization.

12. Debtor has a list of Accountant's with prior DIP experience in this Court and is working diligently to select a professional from amongst them. Debtor has every intention of selecting and filing the Application to Employ Professionals for the Accountant as soon as is practicable.

13. Therefore, Debtor respectfully requests that this Court order that the last date for filing Applications to Employ Professionals be extended up to and including March 1st, 2018.

14. The United States Trustee has no objection to this Motion.

Wherefore, premises considered, Debtor respectfully requests that this Court order that the last date for filing Applications to Employ Professionals be extended up to and including March 1st, 2018.

Respectfully Submitted,
SANSONE HOWELL PLLC

/s/ Jason A. Sansone

Jason A. Sansone, OBA No. 30913

Sansone Howell PLLC

4600 SE 29th St., Suite 500

Del City, Oklahoma 73115

Telephone: (405) 455-1032

Facsimile: (866) 679-1329

Email: JSansone@SansoneHowell.com

COUNSEL FOR DEBTOR

Dated: February 9th, 2018

CERTIFICATE OF MAILING/ELECTRONIC TRANSMISSION

I, Jason A. Sansone, hereby certify that on February 9th, 2018, a true and correct copy of the above Motion was electronically served using the CM/ECF system to all registrants and served by U.S. Mail, first class, postage prepaid on the attached mailing matrix.

/s/ Jason A. Sansone

Jason A. Sansone, OBA 30913

Label Matrix for local noticing
1087-5
Case 17-14891
Western District of Oklahoma
Oklahoma City
Fri Feb 9 13:32:43 CST 2018
IRS
U.S. Attorney's Office
210 Park, Suite 400
Oklahoma City, OK 73102-5628

Atlantic Fabrication & Design LLC
PO Box 94036
Oklahoma City, OK 73143-4036

Bank of Kremlin
c/o J. David Ezzell
1010 W. Maple
P.O. Box 5189
Enid, OK 73702-5189

USBC Western District of Oklahoma
215 Dean A. McGee
Oklahoma City, OK 73102-3426

APEX Remington
4608 S Garnett Road, Suite 600
Tulsa OK 74146-5226

Allied Services
710 West Broadway
Ardmore OK 73401-4525

Ally Financial
Po Box 380901
Bloomington MN 55438-0901

Aubrey Law Firm, PC
c/o Anitra Walker
12 Powder Springs St., Suite 240
Marietta GA 30064-7205

Baker Tankhead
PO Box 77021
Fort Worth TX 76177-0021

Bank of Kremlin
PO Box 197
Kremlin OK 73753-0197

Boone & Boone
3907 N Stiles
Oklahoma City OK 73105-3762

Chris Harper Inc
2300 W Danforth Rd # 120
Edmond OK 73012-4341

Crowe & Dunlevy
324 N Robinson Ave #100
Oklahoma City OK 73102-6417

Dnow L.P.
7402 N Eldridge Pkwy
Houston TX 77041-1902

EULER HERMES N.A. as Agent for Peoplesource,
800 Red Brook Blvd, #400C
Owings Mills, MD 21117-5173

Earthsmart Controls
5305 N Santa Fe Ave
Oklahoma City OK 73118-7513

Engineered Equipment Inc
PO Box 108819
Oklahoma City OK 73101-8819

Ferguson Enterprises
PO Box 847411
Dallas TX 75284-7411

Ferguson Enterprises Inc
3901 W Reno Ave
Oklahoma City OK 73107-6600

Fora Financial
519 8th Avenue, 11th Floor
New York NY 10018-4581

Freedom Scaffold
6336 E Tecumseh
Tulsa OK 74115-4336

Heartland Hotel Corp
4403 First Ave. SE, Suite 114
Cedar Rapids IA 52402-3255

Hirecall
PO Box 720614
Norman OK 73070-4462

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

IWTS
5413 W Reno
Oklahoma City OK 73127-6333

Jennings Cook & Teague PC
204 N Robinson Ave # 1000
Oklahoma City OK 73102-6816

Jonathan Neil & Associates
18321 Ventura Boulevard, Suite 1000
Tarzana CA 91356-4255

Jonathan Neil & Associates Inc
PO Box 7000
Tarzana CA 91357-7000

Keyes Construction & Excavation, Inc.
2104 Pole Rd
Moore OK 73160-4241

M&M Insulation
1625 S Missouri Ave
Oklahoma City OK 73129-7455

MetalsUSA Plates and Shapes SouthCentral
3101 Charles Page Blvd.
Tulsa, OK 74127-8308

Michael Johnson
1212 Dodd Dr.
Midwest City OK 73130-6047

N C Corff Partnership LTD
PO Box 30485
Edmond OK 73003-0009

Northwest Crane
1125 40th Street Suite B
Woodward OK 73801-1700

Oklahoma Employment Security Commission
2401 N Lincoln Blvd
Oklahoma City OK 73105-4402

Oklahoma Roofing & Sheet Metal
PO Box 96528
Oklahoma City OK 73143-6528

Oklahoma Sandblasting
1240 Exchange Ave
Oklahoma City OK 73108-1428

(p)OKLAHOMA TAX COMMISSION
GENERAL COUNSEL S OFFICE
100 N BROADWAY AVE SUITE 1500
OKLAHOMA CITY OK 73102-8601

Ontrack Staffing
PO Box 823424
Philadelphia PA 19182-3424

Paul D Stitt
10020 Thompson Ave.
Yukon OK 73099-7927

People Source Staffing Professionals LLC
2925 United Founders Blvd
Oklahoma City, OK 73112-4248

People Source Staffing Professionals LLC
Anthony J Hendricks
324 N Robinson Ave Suite 100
Oklahoma City OK 73102-6417

People Source Staffing Professionals LLP
5350 S Western Ave.
Oklahoma City OK 73109-4520

Port City Metal
3101 Charles Page Blvd., Suite 102
Tulsa OK 74127-8327

ResourceMFG
7249 S Western Ave #203
Oklahoma City OK 73139-2011

Reynolds, Ridings, Vogt & McCart, PLLC
101 Park Ave #1010
Oklahoma City OK 73102-7251

Security Bankcard
PO Box 6139
Norman OK 73070-6139

United States Trustee
United States Trustee
215 Dean A. McGee Ave., 4th Floor
Oklahoma City, OK 73102-3479

Jason A Sansone
Sansone Howell PLLC
Arvest Bank Tower, Suite 500
4600 SE 29th St.
Del City, OK 73115-3406

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

IRS
Centralized Insolvency Operation
Post Office Box 21126
Philadelphia PA 19114-0326

Oklahoma Tax Commission
Office of General Counsel
Bankruptcy Section
120 N Robinson, Suite 2000W
Oklahoma City OK 73102

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Apex Remington, Inc
4608 S Garnett Rd
Suite 600
Tulsa, OK 74146-5226

(d)Oklahoma Roofing & Sheet Metal LLC
P. O. Box 96528
Oklahoma City, OK 73143-6528

End of Label Matrix	
Mailable recipients	49
Bypassed recipients	2
Total	51