

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

Court Minutes

CHAPTER: 11
DATE: September 30, 2016
JUDGE: Beth E. Hanan
CASE NO.: 16-24179
DEBTOR: Green Box NA Green Bay, LLC
NATURE OF HEARING: (1) United States Trustee's motion to dismiss, joined by Ability Insurance Company, Clifton Equities, and Wisconsin Economic Development Corporation; (2) Ability Insurance Company's renewed motion for relief from automatic stay
APPEARANCES: Paul Swanson, appearing for the debtor-in-possession
Stephen Smith, manager of the debtor
Ed Kolasinski, COO of the debtor
Amy Ginsberg, staff attorney for the United States Trustee
Mary Kay McSherry, auditor for the office of the United States Trustee
Michelle McKinnon, appearing for Ability Insurance Company
Brittany Ogden, appearing for Clifton Equities
Brian Thill, appearing for Wisconsin Economic Development Corporation
COURTROOM DEPUTY: Betsy Skibicki
LAW CLERK: Nicholas G. Chmurski

The court held an evidentiary hearing on the motions of the United States Trustee and Ability Insurance Company.

Ms. Ginsberg called Mr. Smith, Mr. Kolasinski, and Ms. McSherry to testify in the United States Trustee's case-in-chief. Ms. Ogden, Ms. McKinnon, and Mr. Thill also examined Mr. Smith. Mr. Thill also examined Mr. Kolasinski. The court admitted Exhibits 1, 1B, 1C, 2, 3, 5, 6, 7, and 8 of the United States trustee. The court denied admission of a December 31, 2013 balance sheet from Exhibit 11 due to a lack of foundation. The court also admitted Exhibits 9 and 12 of Clifton Equities, Exhibits 13 and 14 of Ability Insurance Company, and Exhibits 15 and 16 of Wisconsin Economic Development Corporation.

Mr. Swanson solicited testimony on direct examination from Mr. Kolasinski in the debtor's case-in-chief. Ms. Ginsberg cross-examined Mr. Kolasinski.

The court heard argument from Ms. Ginsberg, Ms. Ogden, Ms. McKinnon, Mr. Thill, and Mr. Swanson on the United States' Trustee's motion to dismiss.

The court also heard argument from Ms. McKinnon and Mr. Swanson on Ability's renewed motion for relief from stay.

The court took the United States Trustee's motion to dismiss under advisement.

The court denied Ability's renewed motion for relief from stay contingent upon a six-month doomsday on timely adequate protection payments by the debtor. The court declined to order the debtor to directly pay the taxing authority the adequate protection payments, but stated that it would consider ordering the debtor to turn over the adequate protection payments in the event that it dismisses the case. Ms. McKinnon should submit a proposed order after allowing Mr. Swanson to review it.

Mr. Swanson stated that the debtor had no objection to the pending motion for relief from stay filed by Jario Huilar. The court stated that it would grant Mr. Huilar's motion when an affidavit of no objection and proposed order are submitted.

An electronic recording of the hearing can be found on the docket.