

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

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In the Matter of:

In Bankruptcy No.  
16-24179-BEH 11

**GREEN BOX NA GREEN BAY, LLC,**

Debtor.

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**WISCONSIN ECONOMIC DEVELOPMENT CORPORATION'S  
MOTION TO SHORTEN TIME FOR  
MOTION TO EXTEND TIME TO MAKE 1111(b) ELECTION**

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Wisconsin Economic Development Corporation (“WEDC”), a creditor and party-in-interest, pursuant to *inter alia* Federal Rules of Bankruptcy Procedure 9006(c)(1) and 9007 for: an order shortening the time to consider WEDC’s Motion to Extend Time to Make 1111(b) Election. Grounds for the Motion are:

**THE DEBTORS’ BANKRUPTCY FILING**

1. On April 27, 2016, the Debtor-in-Possession, Green Box NA Green Bay, LLC (“Debtor”) filed a voluntary petition under Chapter 11 of Title 11 of the United States Code (*see* Docket, 1).
2. No committee of unsecured creditors has been appointed in this case (*see generally* Docket).
3. No proof of claim deadline has been set (*see generally id.*).

**JURISDICTION AND VENUE**

4. The Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157 & 1334.

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5. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
6. This is a core proceeding under *inter alia* 28 U.S.C. § 157(b)(2).

### **LEGAL STANDARDS**

7. Section 102(1) of the Bankruptcy Code reads,

In this title—

(1) “after notice and a hearing”, or a similar phrase-

(A) means after such notice as is appropriate in the particular circumstances, and such opportunity for a hearing as is appropriate in the particular circumstances; but

(B) authorizes an act without an actual hearing if such notice is given properly and if-

(i) such a hearing is not requested timely by a party in interest; or

(ii) there is insufficient time for a hearing to be commenced before such act must be done, and the court authorizes such act

8. Federal Rule of Bankruptcy Procedure 9006(c) reads,

(c) REDUCTION.

(1) *In General.* Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

(2) *Reduction Not Permitted.* The court may not reduce the time for taking action under Rules 2002(a)(7), 2003(a), 3002(c), 3014, 3015, 4001(b)(2), (c)(2), 4003(a), 4004(a), 4007(c), 4008(a), 8002, and 9033(b). In addition, the court may not reduce the time under Rule 1007(c) to file the statement required by Rule 1007(b)(7).

9. Upon information and belief, the prohibition against reducing the time provided in Federal Rule of Bankruptcy Procedure 3014 applies to a Debtor or other party reducing the time for a creditor to make an 1111(b) election, not the time for which a creditor can move to extend the time to make an 1111(b) election.

10. Federal Rule of Bankruptcy Procedure 9007 reads,

When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given. When feasible, the court may order any notices under these rules to be combined.

**NECESSITY FOR SHORTENED TIME**

11. As outlined with WEDC's Motion to Extend Time to Make 1111(b) Election contemporaneously filed herewith:

- a. The time period for WEDC to make its 1111(b) election could be as early as tomorrow; however,
- b. WEDC believes in good faith that it has not received all information to which WEDC is permitted under the Bankruptcy Code and applicable law; and
- c. WEDC was unable to move for additional time sooner, as the Court's Decision and Order on the Motion to Convert, or in the Alternative, Dismiss, filed by the Office of the United States Trustee and joined by WEDC and others was not entered until three (3) days ago.

12. WEDC has requested additional time from Debtor's counsel to make WEDC's 1111(b) election, so therefore there is no surprise to the Debtor.

13. Upon information and belief, the Debtor has consented, or has no objection, to the extension of time requested by WEDC in its Motion to Extend Time to Make 1111(b) Election.

14. There is good cause for this Motion.

15. The additional time requested by WEDC is not lengthy or unreasonable.

16. It would be inequitable to require WEDC to make an 1111(b) election tomorrow.

17. The interests of justice require the granting of this Motion.

**RELIEF REQUESTED**

18. WEDC respectfully requests an Order Shortening Time for WEDC's Motion to Extend Time to Make 1111(b) Election.

**RESERVATION OF RIGHTS**

19. Although it does not intend to do so, WEDC reserves the right to supplement this Motion in both fact and law.

**CONCLUSION**

**WHEREFORE**, WEDC, for the reasons stated herein and on or to be on the record in this case, respectfully requests the Court grant WEDC the relief requested in this Motion and any other relief in this matter deemed fair and/or equitable, including but not limited to its attorneys' fees and costs associated therewith.

Dated this 18th day of October, 2016.

**MURPHY DESMOND S.C.**  
Attorneys for Wisconsin Economic  
Development Corporation

By: /s/ Brian P. Thill  
Brian P. Thill,  
Wisconsin State Bar No. 1039088

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

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In the Matter of:

In Bankruptcy No.  
16-24179-BEH 11

**GREEN BOX NA GREEN BAY, LLC,**

Debtor.

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**WISCONSIN ECONOMIC DEVELOPMENT CORPORATION'S  
NOTICE OF MOTION TO SHORTEN TIME FOR  
MOTION TO EXTEND TIME TO MAKE 1111(b) ELECTION**

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Wisconsin Economic Development Corporation ("WEDC") has filed with this Court its Motion to Shorten Time for Motion to Extend Time for WEDC to make 1111(b) Election. A copy of the Motion was either previously filed with the Court or included herewith.

**YOUR RIGHTS MAY BE AFFECTED.** YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the Motion, then you or your attorney must attend the hearing scheduled for Wednesday, October 19, 2016, at 10:00 a.m., The Honorable Beth E. Hanan presiding, 517 East Wisconsin Avenue, Room 149, Milwaukee, Wisconsin, and/or comply with any other Orders of the Court.

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Murphy Desmond S.C.  
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E-mail: bthill@murphydesmond.com

If you file an objection to the Motion, you or your attorney state the reasons for your objection to the Motion, explaining your position, at:

Clerk, United States Bankruptcy Court  
Eastern District of Wisconsin  
517 East Wisconsin Avenue, Room 126  
Milwaukee, WI 5302

If you send your request to the Court for filing, you must send it early enough so the Court will receive it on or before the date stated above.

You must also send a copy to:

Murphy Desmond S.C.  
Attn: Brian P. Thill  
P.O. Box 2038  
Madison, WI 53701-2038  
bthill@murphydesmond.com

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Motion, and may enter an Order granting the Motion.

Dated this 18th day of October, 2016.

**MURPHY DESMOND S.C.**  
Attorneys for Wisconsin Economic  
Development Corporation

By: /s/ Brian P. Thill  
Brian P. Thill,  
Wisconsin State Bar No. 1039088

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

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**AFFIDAVIT OF SERVICE**

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STATE OF WISCONSIN    )  
  ) ss  
COUNTY OF DANE        )

Rachel Campbell, a legal assistant in the office of Murphy Desmond S.C., attorneys for Wisconsin Economic Development Corporation, being first duly sworn under oath, states as follows: On October 18, 2016 a copy of Notice of Motion and Motion to Shorten Time for Motion to Extend Time to Make 1111(b) Election were caused to be electronically served on the Office of the United States Trustee and counsel for Creditor Little Rapids Corporation, Paper Holdco, LLC, United States Securities & Exchange Commission, United States Trustee's Office, Quotient Partners, LLC, Ability Insurance Company, Jario Huilar, Clifton Equities, Inc., Receiver Michael S. Polsky, Advanced Resource Materials, LLC, Green Box NA Green Bay, LLC.

Subscribed and sworn to before me this  
18th day of October, 2016.

/s/ Rachel Campbell  
Rachel Campbell

/s/ Brian P. Thill [notary seal]  
Brian P. Thill  
Notary Public, State of Wisconsin  
My Commission is Permanent

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