

**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 FOR ORDER COMPELLING EXAMINATION  
OF THE DEBTOR UNDER RULE 2004**

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Wisconsin Economic Development Corporation (“WEDC”), a secured creditor and party-in-interest, pursuant to Federal Rule of Bankruptcy Procedure 2004, respectfully requests an Order from the Court compelling the Debtor, Green Box NA Green Bay, LLC (“Debtor”), to appear in accordance with the proposed Order attached hereto. Grounds for this Motion are:

**WEDC’S INTERESTS**

1. As evidenced by its Proof of Claim No. 14 filed herein, WEDC holds a properly-perfected general business security interest on all of the Debtor’s personal property of the Debtor.

**CASE SUMMARY**

2. The Debtor’s Revised Third Amended Chapter 11 Plan (“Plan”) was confirmed by this Court on about February 17, 2017.

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3. The Plan was confirmed following numerous objections, amendments, and hearings held, hearings which WEDC frequently attended, both in-person and via telephone.

4. Pursuant to Article VIII of the Plan, the Debtor was to “close” and pay substantially all of its obligations on or before March 31, 2017.

**POST-PLAN CONFIRMATION EVENTS**

5. Since the Plan was confirmed, the Debtor has failed to:

- a. Fund or “close” as required by the Plan; and
- b. Pay its Parkview landlord, causing the landlord to commence removal of the Debtor’s personal property located therein.

6. Additionally, despite numerous oral and written requests from the undersigned to Debtor’s counsel over a period of multiple weeks, WEDC has been unable to receive basic information regarding, among other things, the location of WEDC’s collateral.

**NECESSITY AND URGENCY OF WEDC’S REQUEST**

7. The undersigned has been informed by counsel for the Parkview property landlord that:

- a. All of the Debtor’s personal property located therein is currently in the process of being removed; and
- b. The location or even existence of certain specific personal property in which WEDC believes it holds a first position security interest cannot be confirmed.

8. WEDC will be unnecessarily and perhaps irreparably (because the Debtor apparently has no ability to pay) harmed if WEDC's collateral is disposed of without its consent.

**FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

9. Federal Rule of Bankruptcy Procedure 2004 provides that a debtor may be compelled to appear and give testimony regarding any and all of the following:

- Acts, conduct, property, liabilities, or financial condition of the debtor,
- Any matter affecting administration of the debtor's estate,
- Operation of any business and the desirability of its continuation,
- Source of money or property acquired or to be acquired for plan consummation.

10. The examination may take place within or without the district in which this case is pending. Fed. R. Bankr. P. 2004(d).

11. WEDC will tender to Debtor \$31.03 on the day of any examination, as required by Fed. R. Bankr. P. 2004(e).

**RELIEF REQUESTED**

12. WEDC respectfully requests that the attached Order be immediately entered.

**RESERVATION OF RIGHTS**

13. Although it does not intend or believe it is necessary 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.

Dated this 27th day of April, 2017.

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

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

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**EXHIBIT 1 – PROPOSED ORDER**

**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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**ORDER GRANTING WISCONSIN ECONOMIC DEVELOPMENT  
CORPORATION’S MOTION FOR RULE 2004 EXAMINATION OF THE DEBTOR**

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Based upon the files and proceedings herein had, including but not limited to the Motion filed by Wisconsin Economic Development Corporation (“WEDC”) for Order Compelling Examination of the Debtor, Green Box NA Green Bay, LLC (“Debtor”), under Rule 2004, and it appearing good cause so exists,

**IT IS ORDERED:**

Debtor shall appear on appear on May 1, 2017 at 1:00 p.m. Central, or such other date as may be mutually agreed to between counsel for WEDC and Debtor, at the offices of Murphy Desmond S.C., 33 East Main Street, Suite 500, Madison, Wisconsin, and submit to an examination under oath pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure as to all of the following:

- All personal property of the Debtor, including but not limited to all personal property currently or formerly located or 821 or 927 Parkview Road, De Pere, Wisconsin, as well as the following:

Mayfran Conveyor 9853016, Action Tapor Slot 1576, Eriez Suspended Magnet 57551, Eriez Eddie Current 57552, Air Classifier 00487-62, Trash Exit Conveyor 4732-00, 60" Glass Sort Conveyor N/A, Lights Sort Belt S-36 4200, 19" Fines Belt N/A, 24" Trough Belt N/A, 36" Trough Belt N/A, 24" Trough Belt N/A, 5 Bunker Door Winches Dalton, Bunker walls, Bins, perforated screen, (3) w/stand, Aluminum Can Blower 4532-99, Ferrous Exit Conveyor T-24 4200, REM Fiber Infeed L-60 4200, REM Transition Belt 1-36 4200, Control panel, Electric, Misc: Supports, structure, doors, catwalks, handrails, chutes, floor plates, ladders, and guards that are part of the commingled system.

- The current status of any lease or other arrangement with Little Rapids Corporation or any landlord or owner of any property where the Debtor's personal property may be located;
- The current liabilities, financial condition, and business operations of the Debtor;
- The current status and sources of the funding or proposed funding for the Debtor's Revised Third Amended Chapter 11 Plan confirmed February 17, 2017; and
- The desirability of continuing the Debtor's business operations.

WEDC shall tender to Debtor \$31.03 on the day of any examination, as required by Fed. R. Bankr. P. 2004(e).

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EASTERN DISTRICT OF WISCONSIN**

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Debtor.

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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 (“WEDC”), being first duly sworn under oath, states as follows: On April 27, 2017 a copy of WEDC’s Motion for Order Compelling Examination of the Debtor under Rule 2004, including any exhibit, and this Affidavit of Service were caused to be electronically served on counsel for the Debtor and Office of the United States Trustee, as well all other parties appearing herein.

Subscribed and sworn to before me this  
27th day of April, 2017.

/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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