

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

In the Matter of:

In Bankruptcy No.
16-24179-BEH 11

GREEN BOX NA GREEN BAY, LLC,

Debtor.

**WISCONSIN ECONOMIC DEVELOPMENT CORPORATION'S
OBJECTION TO LITTLE RAPIDS CORPORATION'S MOTION
TO QUASH OR, IN THE ALTERNATIVE, FOR PROTECTIVE ORDER**

Wisconsin Economic Development Corporation (“WEDC”), a secured creditor and party-in-interest, objects to the Motion to Quash or, in the Alternative, for Protective Order (“Motion”) filed by Little Rapids Corporation (“Little Rapids”). Grounds for this Objection are:

WEDC'S OBJECTION

1. Little Rapids’ Motion makes contains multiple errors, including:
 - a. The place designated for examination is in fact within one hundred (100) miles of Little Rapids’ location—96.5 miles to be exact (*compare* Docket 280 at 2 (compelling examination at Dodge County Justice Facility, Second Floor, Judicial Reception Area, 210 West Center Street, Juneau, Wisconsin 53039), *with* Docket 232 at 2 & Claim No. 9 at 3 (identifying Little Rapids’ physical address as 2273 Larsen Road, Green Bay, Wisconsin 54307-9031));

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b. As previously stated in WEDC's Amended Motion for a Rule 2004 Examination of Little Rapids, because this is a case under Chapter 11 of the Bankruptcy Code, *see* Fed. R. Bankr. 2004(b), the scope of a Rule 2004 examination is not confined merely to the matters quoted in Paragraph 16 of Little Rapids' Motion, but also include:

- i. Operation of any business and the desirability of its continuation,
- ii. Source of money or property acquired or to be acquired for plan consummation and the consideration given or offered therefor, and
- iii. Any other matter relevant to the case or to the formulation of the plan.

2. The Debtor claimed in its Motion to Modify the Revised Third Amended Plan that "A contract has been entered into for the reacquisition of *all* of the equipment" which had allegedly been previously been abandoned (Docket 255, ¶7) (emphasis added). Yet as of the time of the filing of this Objection, not all of the Debtor's property has been removed from Little Rapids' warehouse. Whether the Debtor actually possesses some form of title to the property it claims an interest in and which particular pieces of property that applies to are certainly relevant to:

- a. "the acts, conduct, or property" of the Debtor,
- b. "financial condition of the debtor,"
- c. "any matter which may affect the administration of the debtor's estate,"
- d. "operation" of the debtor and "desirability of its continuation,"

- e. “source of . . . property acquired or to be acquired for plan consummation,”
and
 - f. “any other matter relevant to the case or to the formulation of the plan.”
3. Timing-wise:
- a. WEDC has not received until recently (since WEDC filed its Objection to the Debtor’s Motion to Amend Third Revised Amended Chapter 11 Plan) additional information which gives rise to the need to examine Little Rapids; and
 - b. On July 17, 2017, WEDC was effectively left with no choice regarding the scheduling of the July 24, 2017 hearing to a date and time even sooner than it had already been scheduled (*see* Docket 268).
4. Equitably:
- a. Having heard nothing since the entry of Little Rapids’ Rule 2004 Examination Order, it was WEDC’s counsel that voluntarily and first reached out to Little Rapids’ counsel this afternoon, not vice versa;
 - b. Little Rapids has been actively engaged in this case and represented by counsel for over a year;
 - c. Little Rapids’ Motion makes a vague reference to potentially “privileged or other protected matters” which “may” require disclosure, but fails to state what those possibly could be, particularly if they merely involve a third-party salvage dealer; and
 - d. The only compliance required in Little Rapids’ 2004 examination Order is:

- i. An appearance, not the assembly of documentation; and
- ii. Testimony regarding the property currently or previously contained in its building and transactions to which it was a party

(Docket 280 at 2). These are not undue burdens. Regardless, WEDC had also offered alternative documentary compliance prior to the filing of Little Rapids' Motion, but that offer was refused by Little Rapids.

RELIEF REQUESTED

5. WEDC respectfully requests that its Objection to Little Rapids' Motion be sustained and Little Rapids' Motion be denied.

RESERVATION OF RIGHTS

6. Although it does not intend or believe it is necessary to do so, WEDC reserves the right to supplement this Objection in both fact and law.

CONCLUSION

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

Dated this 20th day of July, 2017.

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

By: /s/ Brian P. Thill
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