

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE:

PICCADILLY RESTAURANTS, LLC, *et al.*,
DEBTORS

CASE NO. 12-51127

(JOINTLY ADMINISTERED)¹

CHAPTER 11

JUDGE ROBERT SUMMERHAYS

MOTION TO SCHEDULE HEARING

NOW INTO COURT, through undersigned counsel, comes the law firm of Gordon, Arata, McCollam, Duplantis & Eagan, LLC (“GAMDE”), who files this motion for the entry of an order scheduling a hearing on GAMDE’s Motion to Withdraw as Counsel of Record (the “Withdraw Motion”) filed on September 19, 2012 [Docket No. 91]. In support, GAMDE represents:

Jurisdiction and Venue

1. The Court has jurisdiction over this Motion to Schedule Hearing pursuant to 28 U.S.C. § 1334. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2). This matter is governed by 11 U.S.C. § 105(a), Part VII of the LBR W.D. La., Fed R. Bankr. P. 2013.

Background

2. On September 11, 2012, the Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code. The Debtors are operating their businesses and

¹ Jointly administered with *In re Piccadilly Investments, LLC*, 12-51129 (Bankr. W.D. La.), and *In re Piccadilly Food Service, LLC*, 12-51128 (Bankr. W.D. La.). Piccadilly Investments, LLC, Piccadilly Restaurants, LLC and Piccadilly Food Service, LLC are collectively referred to as the “Debtors”.

managing their properties pursuant to Bankruptcy Code §§ 1107 and 1108. No trustee or examiner has been appointed, and no official committee of creditors or equity interest holders has been established in these chapter 11 cases.

Relief Requested

3. The Debtors sent GAMDE two e-mails after 5:00 p.m. (central) on September 18, 2012 advising GAMDE of GAMDE's termination as the Debtors' bankruptcy counsel.

4. GAMDE filed its *Motion to Withdraw as Counsel of Record* (the "Withdraw Motion") on September 19, 2012 [Docket No. 91].

5. GAMDE was contacted on September 19, 2012, after GAMDE filed the Withdrawal Motion, by counsel claiming to be the Debtors' new bankruptcy counsel.

6. Since September 18, 2012, no attorney has filed an application seeking to be employed as the Debtors' bankruptcy counsel.

7. GAMDE believes that this Court will not enter an order allowing GAMDE to withdraw as the Debtors' bankruptcy counsel until such time as the Debtors' have secured new bankruptcy counsel who has been approved by this Court.

8. After the filing of the Debtors' bankruptcy cases, GAMDE has understandably receive numerous telephone calls and e-mails from creditors and other interested parties regarding various bankruptcy related matters.

9. Since GAMDE's termination as the Debtors' bankruptcy counsel, GAMDE has no authority to: (i) address the many telephone calls and e-mails GAMDE has received regarding the Debtors' bankruptcy cases, (ii) file other necessary pleadings in the Debtors' bankruptcy cases (some of which will limit the accrual of administrative expenses), (iii) prepare other necessary documents in connection with the Debtors' bankruptcy cases, or (iv) deal with critical

early-stage bankruptcy issues.

10. GAMDE is in a very difficult position and needs relief from this Court with respect to GAMDE's termination as the Debtors' bankruptcy counsel.

11. GAMDE also believes that the Debtors, their creditors, etc. are in a difficult position during this early and extremely important time in a bankruptcy case due to: (i) the Debtors lack of bankruptcy counsel; and (ii) the extended time that will be required for new bankruptcy counsel to "get up to speed" regarding the Debtors' business operations and bankruptcy related strategy.

12. GAMDE desires that this Court schedule a hearing on the Withdrawal Motion in hopes that at such hearing, the question of replacement counsel, GAMDE's withdrawal and any other consequence of the state of affairs can be addressed and determined.

13. A copy of the proposed order on this Motion is attached hereto as Exhibit A.

WHEREFORE, GAMDE respectfully requests that this Court schedule a hearing on the Withdrawal Motion at the Court's earliest convenience to allow GAMDE to demonstrate to this Court why an order should be entered allowing GAMDE to withdraw as the Debtors' bankruptcy counsel and if possible, to resolve the question of replacement bankruptcy counsel and for such further relief or determination as this Court deems be just and proper under the circumstances.

**GORDON, ARATA, MCCOLLAM,
DUPLANTIS & EAGAN, LLC**

By: /s/ Louis M. Phillips

Louis M. Phillips (La. Bar No. 10505)

Peter A. Kopfinger (La. Bar No. 20904)

Ryan J. Richmond (La. Bar No. 30688)

Elizabeth A. Spurgeon (La. Bar No. 33455)

One American Place

301 Main Street, Suite 1600
Baton Rouge, LA 70801-1916
Telephone: (225) 381-9643
Facsimile: (225) 336-9763
Email: lphillips@gordonarata.com
Email: pkopfinger@gordonarata.com
Email: rrichmond@gordonarata.com
Email: espurgeon@gordonarata.com

AND

Courtney S. Lauer (La. Bar No. 23029)
1980 Post Oak Blvd., Suite 1800
Houston, TX 77056
Telephone: (713) 333-5500
Facsimile: (713) 333-5501
Email: clauer@gordonarata.com

AND

Patrick "Rick" M. Shelby (La. Bar No. 31963)
201 St. Charles Avenue, 40th Floor
New Orleans, LA 70170-4000
Telephone: (504) 582-1111
Facsimile: (504) 582-1121
Email: pshelby@gordonarata.com

***Interim Attorneys for
Piccadilly Restaurants, LLC,
Piccadilly Investments, LLC and
Piccadilly Food Service, LLC***