

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE:

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

CASE NO. 12-51127

(JOINT ADMINISTRATION REQUESTED)¹

CHAPTER 11

JUDGE ROBERT SUMMERHAYS

**MOTION FOR ENTRY OF AN ORDER GRANTING
EXTENSION OF TIME TO FILE SCHEDULES AND STATEMENTS**

NOW INTO COURT, through undersigned counsel, come the above-captioned debtors and debtors-in-possession (collectively, the "Debtors"),² who move for the entry of an order granting an extension of time to file schedules and statements of financial affairs. In support, the Debtors represents:

Jurisdiction and Venue

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a "core" proceeding pursuant to 28 U.S.C. § 157(b).

Background

2. On September 11, 2012 (the "Petition Date"), the Debtors commenced these cases (the "Cases") by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code. The Debtors are operating their businesses and managing their properties as debtors-in-

¹ Joint administration requested 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.).

² The debtors in these chapter 11 cases include Piccadilly Restaurants, LLC ("Piccadilly"), Piccadilly Investments, LLC ("Piccadilly Investments") and Piccadilly Food Service, LLC ("Piccadilly Food Service").

possession pursuant to Bankruptcy Code §§ 1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed, and no official committee of creditors has been established in these chapter 11 cases.

3. By separate motion (R. at 3), the Debtors have requested joint administration of these chapter 11 cases pursuant to Bankruptcy Rule 1015(b).

4. This Court is referred to the Declaration of Thomas J. Sandeman (the "Declaration") (R. at 3) for a detailed discussion of the factual background and circumstances surrounding the Debtors commencement of these chapter 11 cases.³

Relief Requested

5. Pursuant to Bankruptcy Rule 1007(b) and (c), a chapter 11 debtor must file with its voluntary petition, or within fourteen (14) days thereafter (if the petition is accompanied by a list of the debtor's creditors), schedules of assets and liabilities, a schedule of current income and expenditures, a schedule of executory contracts and unexpired leases and a statement of financial affairs (collectively, the "Schedules and Statements"). The Debtors filed petitions and provided creditor lists to the Court on the Petition Date. The Debtors have approximately hundreds creditors across eleven states. Under Bankruptcy Rule 1007(c), a bankruptcy court has the authority to grant a debtor an extension of time to file its schedules and statements "for cause shown."

6. The Debtors have thousands of creditors. Further, the conduct and operation of the Debtors' business operations in eleven (11) states requires the Debtors to maintain voluminous books and records and complex accounting systems. Given the size and complexity of their business operations, the number of creditors, the fact that certain pre-petition invoices

³ All capitalized term used herein, but not specifically defined, shall have the meaning ascribed to such terms in the Declaration.

have not yet been received, and the extensive efforts that the Debtors' management and other professionals devoted to negotiating with key creditors leading up to filing these chapter 11 cases, the Debtors were unable to compile all of the information required to complete the Schedules and Statements prior to the Petition Date.

7. Moreover, given the urgency with which the Debtors sought chapter 11 relief and the numerous critical operational matters that the Debtors' accounting staff must address in the early days of this case, the Debtors will not be in a position to complete the Schedules and Statements within the time specified in Bankruptcy Rule 1007(c). Completing the Debtors' Schedules and Statements will require the Debtors and their advisors to collect, review, and assemble copious amounts of information. Nevertheless, recognizing the importance of the Schedules and Statements in these chapter 11 cases, the Debtors intend to complete the Schedules and Statements as quickly as possible under the circumstances.

8. Accordingly, pursuant to Bankruptcy Rule 1007, the Debtors respectfully request that the Court extend the date by which the Schedules and Statements must be filed, for an additional thirty-five (35) days, for a total of forty-nine (49) days, until **TUESDAY, OCTOBER 30, 2012**. In view of the substantial size, scope, and complexity of these chapter 11 cases and the volume of material that must be compiled and reviewed by the Debtors' staff in order to complete the Schedules and Statements during the initial days of these chapter 11 cases, there is more than ample "cause" for granting the requested extension.

9. This Court and other bankruptcy courts have routinely granted the relief requested in this Motion. *See, e.g., In re FEC Lafayette, LLC*, 10-50287 (Bankr. W.D. La. Mar. 22, 2010). *See also, In re Spectrum Jungle Labs Corp.*, 09-50455 (Bankr. W.D. Tex. Feb. 6, 2009); *In re OneTravel Holdings, Inc.*, 06-70085 (Bankr. W.D. Tex. July 10, 2006); *In re Brook Mays Music*

Co., 06-32816 (Bankr. N.D. Tex. July 12, 2006); *In re Fort Worth Osteopathic Hosp., Inc.*, 05-41513 (Bankr. N.D. Tex. Mar. 1, 2005); *In re RTA, LLC*, 04-53391 (Bankr. W.D. Tex. June 24, 2004); *In re Avado Brands, Inc.*, 04-31555 (Bankr. N.D. Tex. Feb. 19, 2004); *In re Mirant Corp.*, 03-46590 (Bankr. N.D. Tex. July 16, 2003). Accordingly, the Debtors request for a 35-day extension of time to file the Schedules and Statements is appropriate and warranted under the circumstances.

WHEREFORE, the Debtors respectfully request entry of an order substantially in the form attached hereto as Exhibit A granting the relief requested herein, and granting such other and such further relief as the Court may deem just and appropriate.

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

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