

In re:)	
)	
ACR MANAGEMENT, L.L.C., <u>et al.</u> , ¹)	Case No. 04-27848-MBM
)	
)	Chapter 11
)	
Debtors.)	(Jointly Administered)
)	
ACR MANAGEMENT, L.L.C., <u>et al.</u> ,)	Document No.: _____
)	
)	Hearing Date and Time: _____
Movants,)	
)	Objection Deadline: _____
)	
v.)	
)	
NO RESPONDENT.)	
)	

The above-captioned Reorganized Debtors (collectively, the “Debtors” or the “Reorganized Debtors” or the “Movants”) hereby move (the “Motion”) this Court for the entry of an Order extending to August 16, 2005, the deadlines for filing objections to claims, commencing any adversary proceedings, and filing any contested matters, motions, and/or applications in the Debtors’ Chapter 11 Cases. In support of this Motion, the Reorganized Debtors respectfully state as follows:

{P0067925.1 }

Background

1. On June 14, 2004 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 (these “Chapter 11 Cases”) of Title 11 of the United States Code, 11 U. S. C. §§101, et seq. (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Western District of Pennsylvania (the “Court”).

2. On June 16, 2004, this Court entered an Order designating the Chapter 11 Cases as a complex case pursuant to Local Rule 1002-3.

3. On December 29, 2004, the Debtors filed their third amended plan of reorganization (CM/ECF #1079, the “Plan”). This Court, on December 30, 2004, entered an Order confirming the Plan (CM/ECF#1094). On January 28, 2005, the Plan became effective pursuant to its terms.

4. On January 4, 2005, this Court issued a post-confirmation Order, which was later revised (as revised, the “Post-Confirmation Order,” filed on 1/18/2005, CM/ECF#1160). A true and correct copy of the revised Post-Confirmation Order is attached hereto as Exhibit A.

5. In the Post-Confirmation Order, this Court established, subject to extension, (i) the deadline to file any claim objection (the “Claims Objection Deadline”), (ii) the deadline to file objections to claims listed or referred to in the Schedule F amendment (the “Schedule F Claims Objection Deadline”), and (iii) the deadline to filed any adversary proceeding, contested matter, motion or application (the “Contested Matters Deadline”). See Post-Confirmation Order, ¶¶ 1, 2, and 4, respectively).

6. Paragraph 8 of the Post-Confirmation Order further provided, in part, that any time period so established may be extended by the court for cause after notice and hearing, but only upon motion filed prior to the deadline established under the relevant paragraph of this order.

7. The Reorganized Debtors, filed a motion (CM/ECF#1660, filed on April 13, 2005) to extend the Claims Objection Deadline, the Schedule F Claims Objection Deadline, and the Contested Matters Deadline. This Court granted such motion and established June 17, 2005, as the new deadline (see Order, CM/ECF#1676, filed on April 14, 2005). A true and correct copy of the Order of Court extending these deadlines is attached hereto as Exhibit B.

Relief Requested

8. By this Motion, the Reorganized Debtors respectfully request that this Court, again extend the Claims Objection Deadline (to August 16, 2005), the Schedule F Claims Objection Deadline (to August 16, 2005), and the Contested Matters Deadline (to August 16, 2005).

Jurisdiction and Statutory Predicate

9. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A)(O). Venue of this proceeding and this Motion is properly in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

10. The statutory bases for the relief requested herein are sections 105(a) of the United States Bankruptcy Code.

Basis for Relief Requested

11. The Reorganized Debtors have now filed twelve (12) omnibus objections to claims and at least fourteen (14) specific objections to individual claims. There are currently eight (8) adversary matters pending, five (5) of which were removed to this Court pursuant to Bankruptcy Rule 9027.

12. Although the Debtors continue to prosecute diligently each of these pending adversary proceedings and the numerous omnibus, as well as specific, objections to proofs of claim, many of these matters remain open.

13. In some instances, the hearings are still pending and the Debtors continue to exchange information and discuss settlement with opposing parties.

14. Even at this later juncture, the Debtors believe that there likely exists additional outstanding and/or envisioned claims objections, adversary proceedings and other contested matters in these Chapter 11 Cases.

15. Furthermore, with respect to certain matters, the Debtors have continued to refrain from filing objections to claims or initiating contested matters in light of both parties' wishes to resolve such disputes informally.

16. The Debtors submit that granting the requested extension will foster judicial economy since the Debtors will then have more time to resolve many of these outstanding disputes informally, in lieu of adjudicating them through this Court.

17. This requested extension is in the best interests of the Debtors' estate and their creditors because proper attention to the issues underlying disputed claims ultimately will provide for a fairer, more accurate, pro-rata distribution to the entire creditor body.

18. Moreover, this request is reasonable given the relatively large size of the Debtors' Chapter 11 Cases and the magnitude of Debtors' claims register.

19. If granted this extension, the Debtors will continue to work diligently to complete the claims objection process so as to prevent any unreasonable delay in the distribution to creditors, as contemplated by the Plan.

WHEREFORE, based upon the foregoing, the Reorganized Debtors respectfully request that the Court enter the attached Order granting an extension of the Claims Objection Deadline, the Schedule F Claims Objection Deadline, and the Contested Matters Deadline, or granting such other and further relief as is appropriate.

Pittsburgh, Pennsylvania
Dated: June 1, 2005

/s/ Salene R. Mazur
David B. Salzman (PA I.D. No. 39360)
Salene R. Mazur (PA I.D. No. 86422)
Campbell & Levine, LLC
1700 Grant Building
Pittsburgh, PA 15219
Telephone: (412) 261-0310
Facsimile: (412) 261-5066

Counsel for the Reorganized Debtors