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9 *Michael Cohen*

10 **UNITED STATES BANKRUPTCY COURT**
11 **Central District of California**
12 **Los Angeles Division**

13 In re:
14 COLOREP, INC.
15 A California corporation, et al.,

16 Debtors,

17 Tax I.D. Nos. 94-3055026 (Colorep, Inc.) and
18 54-1200496 (Transprint USA, Inc.)

Case No. 2:13-bk-27689-JWB

Chapter 11

(Jointly Administered)

**EX PARTE APPLICATION FOR ORDER
SHORTENING TIME FOR HEARING ON
SYNERGY PARTNERS USA, LLC'S AND
MICHAEL COHEN'S MOTION FOR AN
ORDER: (1) ALLOWING ADMINISTRATIVE
EXPENSE CLAIMS; AND (2) COMPELLING
PURCHASERS TO PAY ADMINISTRATIVE
CLAIMS, OR, IN THE ALTERNATIVE,
REQUIRING ESBA TO DISGORGE
PROFESSIONAL FEES FOR PAYMENT OF
ADMINISTRATIVE EXPENSE CLAIMS**

[No Hearing Required]

1 **TO THE HONORABLE JULIA W. BRAND, UNITED STATES BANKRUPTCY JUDGE:**

2 SYNERGY PARTNERS USA, LLC and MICHAEL COHEN (collectively “Moving
3 Parties”) hereby file this ex parte application to the Court (the “Application”) for an order shortening
4 time (LBR 9075-1) so that a hearing may be held on the following motion:

5 a. *Motion for an Order: (1) Allowing Administrative Expense Claims; and (2)*
6 *Compelling Purchasers to Pay Administrative Claims, or, In the Alternative, Requiring ESBA To*
7 *Disgorge Professional Fees for Payment of Administrative Expense Claims* (hereinafter the “Motion
8 to Pay Claims”). [Docket No. 324]

9
10 The essential facts supporting this Application are contained in the Declaration of David H.
11 Oken filed concurrently herewith. In further support of this Application, the Debtor respectfully
12 represents as follows:

13
14 **I. THE NEED FOR AN EXPEDITED HEARING**

15 By its Motion to Pay Claims, Moving Parties seek an order to obtain payment for their post-
16 petition administrative claims. Moving Parties have made informal attempts to obtain payment for
17 their post-petition administrative ordinary course claims but to no avail. (Declaration of David Oken
18 ¶¶4, 5) In addition, Moving Parties initially filed a Motion for Contempt which was subsequently
19 withdrawn by Moving Parties. [Docket Nos. 300, 322]

20
21 On April 22, 2014, Debtors filed a Motion for Order Dismissing the Debtors’ Chapter 11
22 Cases (“Motion to Dismiss”) (Declaration of David Oken ¶6). The hearing for the Motion to
23 Dismiss is currently set for May 29, 2014. (Declaration of David Oken ¶6) The Debtors’
24 professionals, including the Debtors’ bankruptcy counsel, the Debtors’ special counsel and
25 Executive Sounding Board Associates, LLC (“ESBA”), the Debtors’ chief restructuring officer have
26 all filed final fee applications (collectively, the “Fee Applications”), which are also scheduled to be
27 heard on May 20, 2014. (Declaration of David Oken ¶6)

1 Moving Parties are concurrently filing Oppositions to the Motion to Dismiss (as well as to
2 ESBA's final fee application) in order to permit Moving Parties to continue the pursuit of payment
3 for their administrative ordinary course claims. (Declaration of David Oken ¶7) If the Bankruptcy
4 Case is dismissed, Moving Parties will be severely prejudiced in its ability to obtain payment of
5 amounts rightfully owed to each of them. (Declaration of David Oken ¶7) Thus, it is imperative that
6 the Motion to Pay Claims be heard on shortened notice.
7

8 **II. PROPOSED HEARING SCHEDULE**

9 Moving Parties seek shortened notice for their Motion to Pay Claims so that, at a minimum,
10 the hearing coincides with the hearing date of May 29, 2014 currently set for the Motion to Dismiss
11 and Fee Applications. The Moving Parties further propose that objections, if any, to the Motion to
12 Pay Claims be filed and served no later than May 22, 2014, with any reply by the Moving Parties to
13 be filed and served not later than May 27, 2014. If the Court is not inclined to shorten the time for
14 the hearing, Moving Parties respectfully requests that the Court continue the hearings on the Motion
15 to Dismiss and Fee Applications in order for Moving Parties to have sufficient time to serve their
16 Motion to Pay Claims on regular notice.
17

18 **III. NOTICE**

19 Moving Parties have served a copy of the Motion to Pay Claims on the required parties
20 including the United States Trustee in accordance with Federal Rules of Bankruptcy Procedure
21 9014(b), Local Bankruptcy Rule 9075-1 and Local Bankruptcy Rule 9013-1 by U.S. Mail or
22 electronically pursuant to the Clerk's Notice of Electronic Filing System ("NEF"). Immediately
23 upon approval of this Application, the Debtor will serve notice of the sale and the date time and
24 place of the hearing on the foregoing parties by U.S. Mail or NEF.
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1 WHEREFORE, the Moving Parties respectfully request that:

2 1. The Court enter an order shortening time so that a hearing on Moving Parties'
3 Motion to Pay Claims can be held on May 29, 2014 at 10:00 a.m., or as soon thereafter as the
4 Court's calendar permits;

5 2. The Court authorize that any objections to the relief requested in the Motion to Pay
6 Claims must be filed and served no later than May 22, 2014 with any response by the Moving
7 Parties to be filed and served not later than May 27, 2014; and

8 3. The Court grant the Synergy and Cohen such other and further relief as may be just
9 and proper
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11
12 Dated: May 15, 2014

BRINKMAN PORTILLO RONK, APC

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15 By: /s/ David H. Oken
16 Daren R. Brinkman
17 David H. Oken
18 Counsel for *Synergy Partners USA, LLC*
19 and *Michael Cohen*
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

4333 Park Terrace Drive, Suite 205, Westlake Village, CA 91361

A true and correct copy of the foregoing document entitled (*specify*): **EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON SYNERGY PARTNERS USA, LLC'S AND MICHAEL COHEN'S MOTION FOR AN ORDER: (1) ALLOWING ADMINISTRATIVE EXPENSE CLAIMS; AND (2) COMPELLING PURCHASERS TO PAY ADMINISTRATIVE CLAIMS, OR, IN THE ALTERNATIVE, REQUIRING ESBA TO DISGORGE PROFESSIONAL FEES FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIMS** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **May 15, 2014**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **May 15, 2014**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

(*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 15, 2014
Date

Haley Pinkston
Printed Name

/s/ Haley Pinkston
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

SERVICE LIST

Served by Overnight Delivery:

Hon. Julia W. Brand
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1382 / Courtroom 1375
Los Angeles, CA 90012

Served by US Mail:

Mesorole, LLC
Ari Hurt
152 West 57th Street, 54th Floor
New York, New York 10019

Fuller Smith Capital Management, LLC.
Attn: Daniel J. Fuller
23 Jefferson Road
Princeton, New Jersey 08540

Served Electronically by Court's Notice of Electronic Filing ("NEF") System:

- **Martin J Brill** mjb@lnbrb.com
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