

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

In re:	)	
	)	
	)	Case No. 12-22602
DICKINSON THEATRES, INC.,	)	
a Kansas corporation,	)	Chapter 11
	)	
Debtor.	)	

**DEBTOR'S MOTION, PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND FED. R. BANKR. P. 9006, FOR ENTRY OF AN ORDER SHORTENING THE TIME FOR NOTICE OF THE DEADLINE TO OBJECT TO: (1) THE DEBTOR'S DISCLOSURE STATEMENT (*DOCKET NO. 25*); (2) THE DEBTOR'S MOTION FOR ENTRY OF A FINAL ORDER, (A) AUTHORIZING DEBTOR TO OBTAIN POST-PETITION FINANCING FROM PEOPLES BANK, (B) GRANTING LIENS AND SUPERPRIORITY CLAIMS IN FAVOR OF PEOPLES BANK, (C) AUTHORIZING USE OF PEOPLES BANK'S CASH COLLATERAL, AND (D) GRANTING ADEQUATE PROTECTION TO PEOPLES BANK (*DOCKET NO. 12*); (3) THE DEBTOR'S MOTION FOR ENTRY OF A FINAL ORDER, (A) AUTHORIZING DEBTOR TO OBTAIN POST-PETITION FINANCING FROM 6801 WEST 107TH, LLC, AND (B) GRANTING LIENS AND SUPERPRIORITY CLAIMS IN FAVOR OF 6801 WEST 107TH, LLC (*DOCKET NO. 13*)**

Dickinson Theatres, Inc., the debtor and debtor-in-possession in the above captioned case (the "Debtor"), by and through its undersigned counsel, files this motion (the "Motion"), pursuant to Section 105(a) of Title 11 of the United States Code (11 U.S.C. §§ 101 *et seq.*, as amended, the "Bankruptcy Code") and Rule 9006 of the Federal Rules of Procedure (the "Bankruptcy Rules"), for the entry of an order shortening the time for notice of the deadline to object to: (1) the Debtor's Disclosure Statement (the "Disclosure Statement") (Docket No. 25); (2) the Debtor's Motion for Entry of a Final Order, (A) Authorizing Debtor to Obtain Post-Petition Financing From Peoples Bank, (B) Granting Liens and Superpriority Claims in Favor of Peoples Bank, (C) Authorizing Use of Peoples Bank's Cash Collateral, and (D) Granting Adequate Protection to Peoples Bank (the "Peoples Post-Petition Financing Motion") (Docket No. 12); (3) the Debtor's Motion For Entry of a Final Order, (A) Authorizing Debtor to Obtain

Post-Petition Financing From 6801 West 107th, LLC, and (B) Granting Liens and Superpriority Claims in Favor of 6801 West 107th, LLC (the "6801 West Post-Petition Financing Motion," together with the Peoples Post-Petition Financing Motion, the "Financing Motions") (Docket No. 13), so that a hearing may be had on the adequacy of the Disclosure Statement and a final hearing may be had on the Financing Motions at the omnibus hearing schedule for October 25, 2012, at 1:30 p.m. Central Standard Time, and requiring that objections to the adequacy of information contained in the Disclosure Statement, or to the Financing Motions, be filed and received by counsel for the Debtor no later than 12:00 noon Central Standard Time on October 22, 2012. In support of the Motion, the Debtor states as follows:

### **JURISDICTION**

1. The Court has jurisdiction over the Motion under 28 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of this Chapter 11 case in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory and rule based predicates for the relief requested herein are Section 105(a) of the Bankruptcy Code and Rule 9006 of the Bankruptcy Rules.

### **BACKGROUND**

3. On September 21, 2012 (the "Petition Date"), the Debtor filed its voluntary petition in this Court for reorganization relief under Chapter 11 of the Bankruptcy Code, commencing the Debtor's Chapter 11 Case (the "Chapter 11 Case"). (*See* Docket No. 1.) The Debtor continues to operate its business and manage its properties as debtor-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in this Chapter 11 Case. On October 2, 2012, the Office

of the United States Trustee appointed a creditor's committee (the "Committee"). (*See* Docket No 79.)

4. The Debtor operates 18 movie theatres with 210 screens in seven states (the "Business"). All theatres are operated from leased facilities with the Debtor not operating any theatres from owned locations. The Business employs approximately 36 full-time employees, and approximately 650 part-time employees (collectively, the "Employees"), at the various theatres.

5. Contemporaneously with the filing of its Chapter 11 petition, the Debtor filed a plan of reorganization (the "Plan") and the Disclosure Statement and requested the Court to schedule hearings on the adequacy of the Disclosure Statement and confirmation of the Plan. (*See* Docket Nos. 25, 26 and 29.) The proposed Plan provides for payment of all allowed claims in full with interest over five years.

6. Additionally, on the Petition Date, the Debtor filed the Financing Motions. (*See* Docket Nos. 12 and 13.)

7. On October 4, 2012, at the Debtor's request, the Court set a hearing on the adequacy of the Debtor's Disclosure Statement for October 25, 2012, at the omnibus hearing. Additionally, the Court set a final hearing on the Financing Motions for October 25, 2012, at the omnibus hearing. Finally, the Court set November 21, 2012, for confirmation of the Debtor's proposed Plan.

8. On October 5, 2012, the Court entered its interim orders granting the Financing Motions. (*See* Docket Nos. 99 and 100.)

9. Upon emergence and consummation of the Plan, Debtor will be significantly stronger and better able to compete and thrive in the highly competitive theatre/entertainment market.

### **RELIEF REQUESTED**

10. By this Motion, the Debtor seeks the entry of an order which shortens the time in which interested parties have to file objections to the adequacy of the Disclosure Statement and objections to the entry of final orders to the Financing Motions so that any such objection be filed and received by counsel for the Debtor no later than 12:00 noon Central Standard Time on October 22, 2012.

### **BASIS FOR RELIEF REQUESTED**

11. Rule 2002(b) of the Bankruptcy Rules provides, in relevant part, that a debtor shall give "all creditors...not less than 28 days notice by mail of...the time fixed for filing objections and hearing to consider approval of a disclosure statement...and...the time fixed for filing objections and hearing to consider confirmation of a...chapter 11...plan." Fed. R. Bankr. P. 2002(b). Rule 9006(c), however, further provides that when an act is required to be done within a specified time by the Bankruptcy Rules, "...the court for cause shown may in its discretion with or without motion or notice order the period reduced." *See In re Holland*, 85 B.R. 735 (Bankr. W.D. Tex. 1988) (discussing interplay of Bankruptcy Rules 2002(b) and 9006 and shortening notice period for hearing on adequacy of debtor's disclosure statement to 15 days); *see also In re Landmark Park Plaza Ltd. P'ship*, 167 B.R. 752 (Bankr. D. Conn. 1994) (approving shortened notice periods for hearing on adequacy of creditor's disclosure statement and rival plan to 24 days from the date of the motion requesting same was filed).

12. The Debtor submits that there is sufficient cause, under Rule 9006 of the Bankruptcy Rules, to shorten the time for filing objections to both the Disclosure Statement and the Financing Motions. The Disclosure Statement and Financing Motions have been on file since the Petition Date. The Disclosure Statement has not been altered or amended since its filing. Moreover, the Financing Motions were granted on an agreed interim basis with both post-petition lenders.

13. Additionally, Counsel for the Committee has communicated with Counsel for the Debtor and has suggested that October 22, 2012, would be sufficient time for it to review, on behalf of all unsecured creditors, the adequacy of the Disclosure Statement. Finally, all significant parties, that are crucial to the Debtor's reorganization in this Chapter 11 Case, have been active in this case, including, both post-petition lenders, Spirit Master Funding, multiple film distributors who are critical vendors, and other of the Debtor's landlords.

14. Perhaps most critical to granting the relief requested in this Motion is that if the Court were to deny the Motion, the Debtor would have to further delay its ability to reorganize. Any further delay would materially prejudice the Debtor's reorganization as the holiday season is traditionally, following the summer season, the Debtor's busiest time of its cyclical business wherein it generates substantial revenues. Accordingly, denying the relief requested in the Motion would force the Debtor to attempt to reorganize during one its busiest and most profitable periods of the year.

15. In order to mitigate any prejudice that may result from shortening the notice periods requested herein, the Debtor will serve the notice of the hearing to consider the adequacy of the Disclosure Statement and for a final hearing on the Financing Motions (the

"Special Notice") on all parties on the mailing matrix. A copy of the Special Notice is attached to the Motion as Exhibit A.

16. Accordingly, based on the foregoing, the Debtor requests that the Court shorten the deadline to object to the adequacy of the Disclosure Statement and objections to the entry of final orders to the Financing Motions so that any such objection be filed and received by counsel for the Debtor no later than 12:00 noon Central Standard Time on October 22, 2012.

WHEREFORE, the Debtor respectfully requests that the Court enter an order substantially in the form attached hereto as Exhibit B approving this Motion and requiring that any responses or objections to the Disclosure Statement and/or Financing Motions be filed and received by counsel for the Debtor no later than 12:00 noon Central Standard Time on October 22, 2012.

Dated: October 8, 2012.

STINSON MORRISON HECKER LLP

By: s/ Sharon L. Stolte

Sharon L. Stolte, KS #14302  
Paul M. Hoffmann, KS Fed. Bar No. 70170  
Timothy M. Swanson, KS #24516  
1201 Walnut, Ste. 2900  
Kansas City, MO 64106  
Tel: (816) 691-2456  
Fax: (816) 412-9325  
sstolte@stinson.com  
phoffmann@stinson.com  
tswanson@stinson.com

*Proposed Reorganization Counsel for  
the Debtor and Debtor-in-Possession*

- and -

ROBERT J. RAYBURN, III,  
ATTORNEY AT LAW

Robert J. Rayburn, III, KS #17102  
7400 W. 110th Street, Ste. 600  
Overland Park, KS 66210  
Tel: (816) 215-5567  
Fax: (888) 685-2224  
robert@rayburngrp.com

*Proposed General Corporate and  
Conflicts Counsel for the Debtor and  
Debtor-in-Possession*

## CERTIFICATE OF SERVICE

This Notice of Objection Deadline as to: (1) the Debtor's Disclosure Statement (Docket No. 25); (2) the Debtor's Motion for Entry of a Final Order, (A) Authorizing Debtor to Obtain Post-Petition Financing From Peoples Bank, (B) Granting Liens and Superpriority Claims in Favor of Peoples Bank, (C) Authorizing Use of Peoples Bank's Cash Collateral, and (D) Granting Adequate Protection to Peoples Bank (Docket No. 12); (3) the Debtor's Motion for Entry of a Final Order: (A) Authorizing Debtor to Obtain Post-Petition Financing From 6801 West 107th, LLC, and (B) Granting Liens And Superpriority Claims in Favor of 6801 West 107th, LLC (Docket No. 13) was electronically filed on October 8, 2012, and served on all interested parties requesting electronic notification the Court's electronic case filing system and a copy was deposited in the regular United States mail on October 8, 2012, to the parties on the attached **Mailing Matrix**.

s/ Sharon L. Stolte \_\_\_\_\_