

**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, TO ADJOURN TO NOVEMBER 5, 2012: (1) FINAL HEARING
ON MOTION TO OBTAIN POST PETITION FINANCING FROM 6801 WEST 107TH
LLC; (2) MOTION TO ABANDON K-7 PROPERTY IN FAVOR OF FIRST
COMMUNITY BANK; AND (3) MOTION FOR ORDER APPROVING THE FORM
AND NOTICE OF DISCLOSURE STATEMENT
(DOCKET NOS. 13, 26 AND 30)**

Dickinson Theatres, Inc., debtor and debtor-in-possession in the above-captioned proceeding (the "Debtor"), through its undersigned counsel, hereby files this motion (the "Motion"), pursuant to Section 105(a) of the Bankruptcy Code, requesting that this Court adjourn to November 5, 2012 the following: (1) Final Hearing On Motion To Obtain Post-Petition Financing From 6801 West 107th LLC (*Docket No. 13*); (2) Motion To Abandon K-7 Property In Favor Of First Community Bank (*Docket No. 30*) ; and (3) Motion For Order Approving The Form And Notice Of Disclosure Statement (*Docket No. 26*). In support of the Motion, the Debtor states as follows:

BACKGROUND

1. 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.*)

2. 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.

3. Additionally, on the Petition Date, the Debtor filed the following motions:

- Motion of Debtor For Entry of Interim and Final Orders: (A) Authorizing Debtor To Obtain Post-Petition Financing From 6801 West 107th, LLC; (B) Granting Liens and Superpriority Claims in Favor of 6801 West 107th, LLC; and (C) Scheduling A Final Hearing (the "6801 West Financing Motion") (*Docket No. 13*)

(the 6801 West Financing Motion is referred to herein as the "6801 Financing Motion")

The 6801 Financing Motion was noticed by the Court for a final hearing, for the entry of a final order, to be heard on October 25, 2012, at 1:30 p.m. Central Standard Time. (See *Docket No. 64.*)

4. On September 22, 2012, the Debtor filed the following motions:

- Motion For Order Approving (I) the Form and Manner of Notice of the Disclosure Statement Hearing, (II) the Disclosure Statement, (III) Cure Procedures For Executory Contracts or Unexpired Leases to be Assumed Pursuant to the Plan, (IV) the Record Date, Voting Deadline and Certain Other Procedures, (V) the Form and Manner of Notice of the Confirmation Hearing and Procedures for Filing Objections to the Plan, and (VI) Solicitation Procedures for Confirmation (the "Disclosure Statement Motion") (*Docket No. 26*)

The Disclosure Statement Motion was originally noticed by the Debtor for a hearing on October 25, 2012, at 1:30 p.m. Central Standard Time. (See Docket No. 42.)

5. On September 24, 2012, the Debtor filed its:

- Motion for the Entry of an Order, Pursuant to Sections 105(a) and 554 of the Bankruptcy Code, Authorizing the Debtor to Abandon its Right, Title, and Interest in, and to, Certain Real Property and All Improvements Located Thereon in Favor of First Community Bank (the "Abandonment Motion") (Docket No. 30)

(the Financing Motion, Disclosure Statement Motion and Abandonment Motion are, collectively, the "Adjourned Motions")

The Abandonment Motion was originally noticed by the Debtor for a hearing on October 25, 2012, at 1:30 p.m. Central Standard Time. (See Docket No. 42.)

RELIEF REQUESTED

6. By this Motion, the Debtor asks that the Court continue any hearing to be had on the Adjourned Motions from October 25, 2012, to November 5, 2012 at 10:00 a.m. Central Standard Time with an objection due on or before October 31, 2012.

7. Debtor further asks the Court order that the Interim Order Authorizing Debtor to Obtain Post-Petition Financing from 6801 West 107th LLC remain in full force and effect until such time as the Final Hearing On Motion To Obtain Post Petition Financing From 6801 West 107th LLC comes on for hearing.

BASIS FOR RELIEF

8. The Debtor has been in frequent negotiation and communication with counsel for each of the parties affected by the Adjourned Motions, including, but not limited to, the Official Unsecured Creditors Committee, Peoples Bank, Hawthorn Bank, First Community Bank, 6801 West 107th LLC, the United States Trustee, and various critical vendors identified from the outset of this Chapter 11 Case.

9. Having communicated directly with counsel for each of the above-mentioned parties, the Debtor believes that it is in the best interests of its Chapter 11 Case, estate, creditors, and all parties-in-interest that each of the Adjourned Motions be continued to November 5, 2012.

10. This Motion is not being brought as a result of any undue delay caused by the Debtor or its undersigned counsel and is a reasonable request upon the Court.

NOTICE

11. Notice of this Motion has been provided to the Official Service List pursuant to that Order entered by this Court on October 2, 2011. (*Docket No. 85.*) Because of the nature of the relief requested, the Debtor respectfully submits that no further notice of this Motion is necessary or required under the circumstances.

WHEREFORE, Debtor respectfully requests this Court enter an order substantially in the form as attached hereto as Exhibit A, and continue hearings on each of the Adjourned Motions to November 5, 2012, at 10:00 a.m. Central Standard Time with any objections due on or before October 31, 2012; to order that Interim Order Authorizing Debtor to Obtain Post-Petition Financing from 6801 West 107th LLC remain in full force and effect until such time as the Final Hearing On Motion To Obtain Post Petition Financing From 6801 West 107th LLC comes on for hearing; and for such other and further relief as this Court deems just and equitable. ..

Dated: October 18, 2012

STINSON MORRISON HECKER LLP

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- and -

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CERTIFICATE OF SERVICE

This is to confirm that a copy of the foregoing Motion was electronically filed on October 18, 2012, and a copy placed in the United States mail, regular mail, postage prepaid, per the attached Official Service List. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system, and the filing may be accessed through that system.

s/ Sharon L. Stolte

Sharon L. Stolte