

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

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

**EMERGENCY MOTION FOR EXPEDITED HEARING ON THE DEBTOR'S MOTION:
(1) TO AMEND THE ORDER PURSUANT TO 11 U.S.C. §§ 105(A) AND 363(B)
AUTHORIZING DEBTOR TO PAY CLAIMS OF CRITICAL VENDORS (DOCKET
NO. 60) TO INCLUDE WARNER BROS. DISTRIBUTING, INC., AND NEW LINE
FILM PRODUCTIONS, AND (2) TO SHORTEN THE TIME PERIOD, UNDER
BANKRUPTCY RULE 9006, OF THE DEADLINE TO OBJECT**

Dickinson Theatres, Inc., debtor and debtor-in-possession in the above-captioned proceeding (the "Debtor"), through its undersigned counsel, hereby files this Motion requesting an expedited hearing on the Debtor's Motion (1) to Amend the Order Pursuant to 11 U.S.C. §§ 105(a) and 363(b) Authorizing Debtor to Pay Claims of Critical Vendors (Docket No. 60) to Include Warner Bros. Distributing, Inc., and New Line Cinema Film Productions, and (2) to Shorten the Time Period, Under Bankruptcy Rule 9006, of the Deadline to Object (the "Critical Motion"). In support of this Motion, the Debtor states as follows:

I. THE RELIEF SOUGHT IN THE CRITICAL MOTION MUST BE HEARD ON AN EXPEDITED BASIS OR THE DEBTOR'S REORGANIZATION MAY FACE IMMINENT HARM.

The Critical Motion requests relief that is critical to the continued and uninterrupted operations of the Debtor. The Debtor operates a chain of movie theaters with theatres in 7 states. The Debtor is presently in its second busiest business cycle of its year, *i.e.*, the holiday season, which in the movie industry is second to only the summer blockbuster months. Warner Bros. Distributing, Inc., and New Line Film Productions ("Warner") jointly produce and distribute

major motion pictures which appeal to a large part of the Debtor's customer base. Specifically, Warner currently produced and will soon distribute "The Hobbit: An Unexpected Journey" movie (the "Hobbit Movie") to the Debtor. It is anticipated that the Hobbit Movie will be extremely popular amongst the movie going public during the holiday season. Accordingly, the Debtor stands to generate substantial revenue by exhibiting the Hobbit Movie to its customers during the holiday season.

The Debtor has considered Warner to be a critical vendor to the operation of its business and, thus, listed Warner as a critical vendor in its Order that granted its Critical Vendor Motion with an estimated claim of \$0.00. (See Docket Nos. 9 and 60.) However, until recently, counsel for the Debtor has not communicated with counsel for Warner. After speaking with counsel for Warner, the Debtor owes approximately \$106,000 to Warner on a prepetition basis. Thus, in the Critical Motion, the Debtor is asking the Court to amend the Order granting its Critical Vendor Motion to increase the Warner prepetition claim from \$0.00 to \$160,000, notwithstanding that the Debtor already has authority to pay Warner's prepetition claim of \$0.00. If the Debtor is unable to pay Warner its prepetition claim in the amount of approximately \$106,000, the Debtor will not be able to exhibit the Hobbit Movie to its customers and, therefore, will certainly miss out on substantial revenue during the holiday season. The loss of such revenue will undoubtedly impede the Debtor's ability to reorganize during this Chapter 11 Case.

II. THE COURT HAS THE AUTHORITY UNDER BANKRUPTCY RULE 9006 TO SHORTEN THE TIME PERIOD IN WHICH INTERESTED PARTIES MAY OBJECT TO THE RELIEF SOUGHT IN THE CRITICAL MOTION.

Rule 2002(a) of the Bankruptcy Rules provides, in relevant part, that a debtor shall give "all creditors...at least 21 days notice by mail of...(2) a proposed use, sale, or lease of property of the estate other than in the ordinary course of business, unless the court for cause shown

shortens the time or directs another method of giving notice..." Fed. R. Bankr. P. 2002(a). 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).

The Debtor submits that there is sufficient cause, under Rule 9006 of the Bankruptcy Rules, to shorten the time for filing objections to the Critical Motion. The Hobbit Movie is set to be released on December 14, 2012. However, under Bankruptcy Rule 2002(a), the Debtor is required to give at least 21 days notice (*i.e.* December 26, 2012) to all creditors to object to the relief sought in the Critical Motion. If the time to object to the Critical Motion is not shortened and the Critical Motion is not heard before December 26, 2012, the Debtor will be certain to miss out on collecting significant revenues generated by the release of the Hobbit Movie during the peak of the holiday season. Accordingly, the Debtor submits that "cause" exists under Bankruptcy Rule 9006.

In order to mitigate any prejudice that may result from shortening the notice period for objecting to the Critical Motion requested herein, the Debtor will serve the notice of the emergency (the "Special Notice") on all parties on the mailing matrix. A copy of the Special Notice is attached to the Motion as Exhibit A.

Accordingly, based on the foregoing, the Debtor requests that the Court shorten the deadline to object to the Critical Motion so that any such objection be filed and received by counsel for the Debtor no later than 5:00 p.m. Central Standard Time on December 10, 2012.

In support of the urgency of the Critical Motion, the undersigned Counsel for the Debtor also filed their Bankruptcy Rule 9011 Certification Regarding Request for an Emergency Hearing.

WHEREFORE, Debtor respectfully requests this Court enter an Order in substantially the form attached hereto and incorporated herein as Exhibit B and schedule a hearing on December 11, 2012 beginning at 4:00 p.m. Central Standard Time or as soon thereafter as the parties can be heard, on the referenced Critical Motion and shorten the time period of the deadline to object to the relief sought therein at its earliest possible convenience.

Dated: December 5, 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

*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

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

CERTIFICATE OF SERVICE

This is to confirm that a copy of the foregoing Emergency Motion was electronically filed on December 5, 2012, 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