

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re: ) Chapter 11  
)  
GULF PACKAGING, INC., ) Case No. 15-15249  
)  
Debtor. ) Hon. Pamela S. Hollis  
)  
) Hearing Date: December 15, 2016 at 10:00 a.m.

**NOTICE OF ROUTINE MOTION**

PLEASE TAKE NOTICE that on December 15, 2016 at 10:00 a.m., the undersigned shall appear before the Honorable Pamela S. Hollis in Courtroom 644, or whomever may be sitting in her place and stead, at the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois and will then and there present the *Routine Motion for Leave to Issue Subpoenas to Debtor-Related Entities Pursuant to Fed. R. Bankr. P. 2004* a copy of which is attached hereto and herewith served upon you.

Dated: December 8, 2016

**JOSEPH MYERS, CREDITOR TRUSTEE  
OF THE GULF PACKAGING, INC.  
CREDITOR TRUST**

By: /s/ Shelly A. DeRousse  
One of His Attorneys

Shelly A. DeRousse, Esq.  
Devon J. Eggert, Esq.  
Elizabeth L. Janczak, Esq.  
FREEBORN & PETERS LLP  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677  
Telephone: 312.360.6000  
Facsimile: 312.360.6520

*Counsel for the Creditor Trustee*

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**CERTIFICATE OF SERVICE**

I, Shelly A DeRousse, an attorney, hereby certify that on December 8, 2016, I caused a true and correct copy of the foregoing *Notice of Routine Motion* and *Routine Motion for Leave to Issue Subpoenas to Debtor-Related Entities Pursuant to Fed. R. Bankr. P. 2004*, to be filed with the Court and served upon the following parties by the manner listed.

\_\_\_\_\_  
/s/ Shelly A. DeRousse

**CM/ECF Service List**

Zarine L. Alam	zarine.alam@goldbergkohn.com
Michael W. Bishop	mbishop@grayreed.com
Jason S. Brookner	jbrookner@grayreed.com
Erich S. Buck	ebuck@ag-ltd.com
Elizabeth Bando Calvo	ebcavlo@pbfc.com
William J. Choslovsky	wchoslovsky@foxrothschild.com
Jeffrey C. Dan	jdancraneheyman.com
David J. Fischer	dfischer@lockelord.com
Joseph D. Frank	jfrank@fgllp.com
Chad H. Gettleman	cgettleman@ag-ltd.com
Stevem A. Ginther	ndilecf@dor.mo.gov
John W. Guzzardo	jguzzardo@shawfishman.com
Dimitri G. Karcazes	dimitri.karcazes@goldbergkohn.com
Jeremy C. Kleinman	jkleinman@fgllp.com
Tyler Steven Mertes	tyler.mertes@troutmansanders.com
Mark L. Radtke	mrادتke@shawfishman.com
Brian Raynor	braynor@lockelord.com
Peter J. Roberts	proberts@shawfishman.com
Gregg R. Smith	gregg@greggsmithlaw.com

**Via U.S. Mail**

Gulf Packaging – Sacramento, LLC  
c/o Jeff Cuttshall, Registered Agent  
7720 FM 1960  
East Humble, TX 77346

Gulf Atlantic Packaging, Corp.  
c/o Bobby R Atkinson Jr, Registered Agent  
100 Sumner Place Crt, Fayette  
Peachtree City, GA, 30269

Carolina-Gulf Packaging, LLC  
c/o Officer or Agent  
1548 Roger Dale Carter Blvd, Ste E  
Kannapolis, NC 28081-7729

Florida Gulf Packaging, Inc.  
c/o Robert McCormick, Registered Agent  
7520 Westpark Place  
Palmetto, FL 34221

Gulf Arizona Packaging Corp  
c/o Phyllis H Parise, Registered Agent  
4425 E. Agave Rd. Ste 106  
Phoenix, AZ 85044

Gulf-Great Lakes Packaging Corporation  
c/o Carl Fleck, Registered Agent  
1100 Maryland Ave  
Dolton IL 60419

Gulf-Midwest Packaging Corp.  
c/o Bruce C. Mccririe , Registered Agent  
717 W. Main Street  
Brighton, MI 48116

Gulf Pacific Packaging Corporation  
c/o Paul A. Albert, Registered Agent  
6203 Randolph Street  
Commerce, CA 90040

Gulf Systems, Inc.  
c/o Carol Cuttshall, Registered Agent  
7720 FM 1960  
East Humble, TX 77346

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**ROUTINE MOTION FOR LEAVE TO ISSUE SUBPOENAS TO  
DEBTOR-RELATED ENTITIES PURSUANT TO FED. R. BANKR. P. 2004**

Joseph Myers, not individually but solely as trustee (the “*Creditor Trustee*”) of the Gulf Packaging, Inc. Creditor Trust (the “*Creditor Trust*”), by and through his undersigned counsel, hereby moves this Court (the “*Motion*”), pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “*Bankruptcy Rules*”) and Local Bankruptcy Rule 9013-9, for leave to issue subpoenas to certain entities related to Gulf Packaging, Inc. (the “*Debtor*”) for (i) production of certain documents, and (ii) examination of the related entities. In support hereof, the Creditor Trustee states as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. § 1334.
2. Venue for this chapter 11 case and this Motion is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This Motion constitutes a core proceeding pursuant to 28 U.S.C. § 157(b).

**BACKGROUND**

3. On April 29, 2015, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “*Bankruptcy Code*”) in the United States Bankruptcy Court for the Northern District of Illinois (the “*Court*”).

4. On December 15, 2015, the Court entered an order (the “*Confirmation Order*”) confirming the Debtor’s First Amended Chapter 11 Plan, as amended (the “*Plan*”), including the Gulf Packaging, Inc. Creditor Trust Agreement (the “*Creditor Trust Agreement*”) separately filed with the Plan Supplement.

5. The Plan became effective on January 22, 2016.

6. Pursuant to Section 3.2 of the Creditor Trust Agreement, the Creditor Trustee is authorized to, among other things, analyze, prosecute and settle avoidance actions under chapter 5 of the Bankruptcy Code.

7. The Creditor Trustee has issued demand letters to many of the recipients of potentially avoidable transfers. The Creditor Trustee has begun exchanging information and discussing resolution with certain of these recipients and intends to continue his efforts to resolve these matters short of the commencement of formal litigation. Notwithstanding the exchange of information between the Creditor Trustee and the recipients, the Creditor Trustee requires additional information from certain Debtor-related entities (the “*Non-Debtors*”), which will assist in the Creditor Trustee’s analysis of these claims and defenses.

8. The Non-Debtors consist of Gulf Packaging – Sacramento, LLC, Gulf Atlantic Packaging, Corp., Carolina-Gulf Packaging, LLC, Florida Gulf Packaging, Inc., Gulf Arizona Packaging Corp, Gulf-Great Lakes Packaging Corporation, Gulf-Midwest Packaging Corp., Gulf Pacific Packaging Corporation, Gulf Systems, Inc.<sup>1</sup>

### **RELIEF REQUESTED**

9. The Creditor Trustee respectfully requests, pursuant to Bankruptcy Rule 2004, entry of an order allowing the Creditor Trustee to issue the proposed Bankruptcy Rule 2004

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<sup>1</sup> The Court previously permitted the Official Committee of Unsecured Creditors to take Bankruptcy Rule 2004 discovery from the Non-Debtors and certain other entities, which permitted the Committee to examine transfers between the Debtor and the Non-Debtors. This Motion seeks information that was outside the scope of the Committee’s prior examination.

subpoenas (the “*Subpoenas*”) in substantially the same form attached hereto as Group Exhibit A, which: (i) requests that the Non-Debtors produce for examination the documents requested in the riders attached to the Subpoenas, and (ii) request the examination of the Non-Debtors (collectively, the “*Requested Discovery*”).<sup>2</sup>

### **BASIS FOR RELIEF REQUESTED**

10. The Creditor Trustee respectfully submits that it is appropriate for the Court to authorize him to take the Requested Discovery of the Non-Debtors pursuant to Bankruptcy Rule 2004, which provides in relevant part, “on motion of a party in interest, the court may order the examination of any entity.” Fed. R. Bankr. P. 2004(a). Moreover, the scope of the examination may relate to “the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor’s estate.” Fed. R. Bankr. P. 2004(b).

11. In this District, courts generally agree that “the scope of inquiry under Bankruptcy Rule 2004 is very broad. Great latitude of inquiry is ordinarily permitted.” *In re Handy Andy Home Imp. Centers, Inc.*, 199 B.R. 376, 379 (Bankr. N.D. Ill. 1996) (quotation omitted). Additionally, courts have reasoned that “[t]he scope of examination allowed under Bankruptcy Rule 2004 is larger than that allowed under the Federal Rules of Civil Procedure and can legitimately be in the nature of a ‘fishing expedition.’” *In re Wilcher*, 56 B.R. 428, 433 (Bankr. N.D. Ill. 1985). Moreover, the court in *Wilcher* noted, “the primary purpose of a Rule 2004 examination is to permit the trustee to quickly ascertain the extent and location of the estate’s assets.” *Id.*

12. The Creditor Trustee seeks to investigate the relationship between the Debtor, the

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<sup>2</sup> Although the Creditor Trustee does not currently anticipate the examination of the Non-Debtors, the Creditor Trustee nonetheless requests authority to do so in the event that examination is necessary based upon the documents produced to the Creditor Trustee.

Non-Debtors, and the vendors which supplied goods and services to each.

13. This information is relevant to the Debtor's chapter 11 case because the Creditor Trustee believes it will yield information relevant to the Creditor Trustee's avoidance claims and the recipients' defenses thereto, and is therefore discoverable under Bankruptcy Rule 2004.

**WHEREFORE**, the Creditor Trustee respectfully requests that the Court enter an order:

- (a) authorizing the Creditor Trustee, pursuant to Bankruptcy Rule 2004, to issue the Subpoenas for document requests and examinations, consistent with the request set forth in this Motion; and
- (b) granting such other and further relief as the Court deems just and proper.

Dated: December 8, 2016

**JOSEPH MYERS, CREDITOR TRUSTEE  
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CREDITOR TRUST**

By: /s/ Shelly A. DeRousse  
One of His Attorneys

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Devon J. Eggert, Esq.  
Elizabeth L. Janczak, Esq.  
FREEBORN & PETERS LLP  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677  
Telephone: 312.360.6000  
Facsimile: 312.360.6520

*Counsel for the Creditor Trustee*