UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS AT KANSAS CITY

In re:	**)**	**Case No. 16-21142-11**
	)	
JOHN Q. HAMMONS FALL 2006, LLC, *et al.*,	**)**	**(Jointly Administered)**
	)	
Debtors.	**)**	**[Re: ECF Nos. 257 & 269]**

DEBTORS' MOTION FOR PARTIAL SUMMARY JUDGMENT DENYING JD HOLDINGS MOTION TO DISMISS CASE FILED FOR REVOCABLE TRUST

COME NOW the debtors-in-possession in the jointly-administered cases captioned above (the "Debtors"), and for their motion for partial summary judgment pursuant to Rule 56, Fed. R. Civ. P., as applied to the captioned cases by Rules 9014(c) and 7056, Fed. R. Bankr. P., to deny the relief sought in the second count of *JD Holdings' Motion to Dismiss Debtors' Chapter 11 Cases, or Alternatively to Lift or Modify the Automatic Stay and Memorandum of Law in Support Thereof* (the "Motion") [ECF Nos. 257 & 269], state:

1. JD Holdings, L.L.C. ("JDH") filed the second count of the Motion in order to dismiss the captioned case filed on behalf of the Revocable Trust of John Q. Hammons, Dated December 28, 1989, as amended and restated (the "Trust").

2. JDH argues that the Trust is not an entity eligible for relief under title 11 of the United States Code. *See Motion* at 3 & 10-17.

3. For the reasons more particularly set forth in *Debtors' Memorandum in Support of Debtors' Motion for Partial Summary Judgment Denying JD Holdings' Motion to Dismiss Case Filed by Hammons Revocable Trust* filed herewith, there is no genuine issue of material fact that the Debtors are entitled to judgment as a matter of law denying the Motion's request for dismissal of the Trust's bankruptcy case.

4. The Debtors are therefore entitled to entry of partial summary judgment denying the relief sought in the second count of the Motion.

5. There is no just reason for delay in rendering final judgment on the second count of the Motion because each count of the Motion deals with different Debtors on different theories of dismissal and no appellate court would need to decide the same issues more than once even if there were subsequent appeals. The Court should sever it from the remaining counts alleged by the Motion pursuant to Rule 54(b), Fed. R. Civ. P., as applicable to the Motion by Rules 9014(c) and 7054(a), Fed. R. Bankr. P., and enter final judgment.

6. The Debtors request oral argument on this motion.

WHEREFORE, the Debtors request that the Court enter partial summary judgment denying any relief on account of the second count of the Motion, sever the judgment on the second count from the remaining counts alleged by the Motion, and enter final judgment denying any relief on account of the second count of the Motion, together with such other and further relief to which the Debtors may be entitled pursuant to Rule 56(f)(2) or (3), Fed. R. Civ. P., or otherwise.

Respectfully submitted,

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