GARMAN TURNER GORDON LLP
GREGORY E. GARMAN
Nevada Bar No. 6654
E-mail: ggarman@gtg.legal
GERALD M. GORDON
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
MARK M. WEISENMILLER
Nevada Bar No. 12128
E-mail: mweisenmiller@gtg.legal
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Telephone (725) 777-3000
Facsimile (725) 777-3112
[Proposed] Attorneys for Debtor

COZEN O'CONNOR
THOMAS J. FRANCELLA
Delaware Bar No. 3835
Pro Hac Vice Pending
E-mail: tfrancella@cozen.com
1201 North Market Street, Suite 1001
Wilmington, DE 19801
Telephone: 302.295.2000
Toll Free Phone: 888.207.2440
Facsimile: 302.295.2013
[Proposed] Attorneys for Debtor

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In re: Jagged Peak, Inc., a Nevada corporation, Debtor.	Case No.: BK-19-15959-MKN Chapter 11 Hearing Date: N/A Hearing Time; N/A

EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR FIRST DAY MOTIONS

Jagged Peak, Inc. ("JPI"), TradeGlobal North America Holding, Inc. ("TGNA") and TradeGlobal LLC ("TG" or, collectively with JPI and TGNA, the "Debtors"), debtors and debtors-in-possession, hereby respectfully submit their *ex parte* application (the "Application") seeking entry of an order shortening time, substantially in the form attached hereto as **Exhibit 1**, to hear the:

(1) *Emergency Motion for Order Directing Joint Administration of Debtors' Chapter 11 Cases Under Federal Rule of Bankruptcy Procedendo 1015(b)* (the "Joint Administration Motion");

(2) *Motion of Debtors for An Order granting an Extension of Time to File Schedules of Assets and Liabilities, Statements of Financial Affairs and Lists of Executory*

Contracts and Unexpired Leases ("Schedules Extension Motion");

(3) *Motion of the Debtors for Entry of an Order (I) Authorizing Continued Use of Existing Bank Accounts, Business Forms and Purchase Card Program; (II) Waiving the Requirements of Section 345(b) on an Interim Basis; and (III) Granting Related Relief* (the "Bank Accounts Motion");

(4) *Motion of the Debtors for Entry of Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code; (I) Prohibiting Utilities Companies From Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtors on Account of Prepetition Amounts Due; (II) Deeming Utility Providers Adequately Assurance of Future Performance (III) Authorizing the Debtors to Establish the Adequate Assurance Deposit Accounts and Pay the Adequate Assurance Depositions; (IV) establishing Procedures for Objection to the Adequate Assurance Procedures; and (V) Granting Certain Related Relief* (the "Utilities Motion");

(5) *Motion of the Debtors for Entry of Interim and Final Orders (A) Authorizing the Debtors to Pay (I) All Prepetition Employee Obligations, and (II) Prepetition Withholding Obligations, and (B) Directing Banks to Honor Related Transfers* (the "Wages Motion"); and

(6) *Debtors' Application for an Order Approving Employment of BMC Group, Inc. as Claims and Noticing Agent Nunc Pro Tunc to the Petition Date* (the "Notice/Claims Agent Motion," and collectively with the Joint Administration Motion, Schedules Extension Motion, Bank Accounts Motion, Utilities Motions, and Wages Motion, the "First Day Motions").[1]

This Application for order shortening time to hear the First Day Motions is made and based upon Bankruptcy Rule 9006, the following Memorandum of Points and Authorities, the declaration Mark M. Weisenmiller, Esq. (the "Weisenmiller Declaration") set forth below, the Attorney Information Sheet filed contemporaneously herewith, and the papers and pleadings on file herein, judicial notice of which is respectfully requested.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

DECLARATION OF MARK M. WEISENMILLER

I, Mark M. Weisenmiller, Esq., hereby declare under penalty of perjury under the laws of the State of Nevada and the United States of America as follows:

1. I am over the age of 18 and am mentally competent. I am an attorney at Garman

[1] All capitalized undefined terms used herein shall be ascribed the definitions in the applicable First Day Motion.

Turner Gordon, LLP, proposed counsel for the Debtors in the above-captioned proceeding. As such, I have personal knowledge of the facts stated in this Declaration, except where stated upon information and belief, and as to facts stated upon information and belief, I am informed of those facts and believe them to be true. If called upon to testify as to the matters herein, I could and would do so.

2. In the Wages Motion, the Debtors request entry of interim and final orders: (a) authorizing, but not directing, the Debtors to continue to honor and pay (i) all prepetition employee obligations, as described more fully herein and (ii) all prepetition federal and state withholding obligations; (b) authorizing and directing banks and financial institutions to honor and process checks and transfers related to such payments; and (c) providing any additional relief in order to effectuate the foregoing.

3. As of the Petition Date, TradeGlobal's workforce is comprised of 465 hourly employees, 114 salaried employees, and two (2) executives (collectively, the "TradeGlobal Employees"), and Jagged Peak's workforce is comprised of 119 hourly employees and 88 salaried employees (collectively, the "Jagged Peak Employees" and, together with the TradeGlobal Employees, the "Employees"). Debtor TGNA is a holding company and does not have employees.

4. A draw of funds for payroll is to occur at 4:00 a.m. on Friday, September 20, 2019 to pay the Employees.

5. Thus, if the Wages Motion is not heard on or before September 19, 2019, the Debtors hard-working Employees may not be paid.

6. As set forth in the First Day Declaration, the Employees are essential to the continued operation of the Debtors' business, and the Employees' morale directly affects their effectiveness and productivity. As the Debtors rely heavily on the Employees, continuing to satisfy the Employee Obligations without disruption is essential.

7. Consequently, it is critical that the Debtors continue, in the ordinary course, those personnel policies, programs and procedures that were in effect prior to the Petition Date. If the

checks issued and electronic fund transfers requested in payment of any of the compensation or other Employee Obligations are dishonored, or if such obligations are not timely paid postpetition, the Employees may suffer extreme personal hardship and may be unable to pay their daily living expenses.

8. Based upon the foregoing, good cause exists to hear the Wages Motion on shortened time **on or before September 19, 2019, as a draw of funds for payroll is to occur at 4:00 a.m. on Friday, September 20, 2019.**

9. In the Joint Administration Motion, the Debtors request an order directing joint administration of the Debtors' Chapter 11 Cases under Bankruptcy Rule[2] 1015(b) and Local Rule 1015(g). Debtors request an order allowing the maintenance of one file and one docket for Chapter 11 Cases under case number 19-15959-mkn assigned to the Chapter 11 Case of Jagged Peak (the "Lead Case").

10. In the Schedules Extension Motion, the Debtors request entry of an order setting a deadline forty-five (45) days after the Petition Date by which the Debtors must file their respective schedules of assets, liabilities and executory contracts and unexpired leases, and statements of financial affairs.

11. In the Bank Accounts Motion, the Debtors request entry of an order (i) authorizing the Debtors to continue to use their existing bank accounts, checks and other business forms, and Purchase Card Program; (ii) waiving the requirements of section 345(b) of the Bankruptcy Code on an interim basis; and (iii) granting related relief.

12. In the Utilities Motions, the Debtors request entry of interim and final orders: (1) prohibiting the Debtors' Utility Providers from altering, refusing or discontinuing services to, or discriminating against, the Debtors on account of prepetition amounts due; (2) determining that the Utility Providers are adequately assured of future payment; (3) authorizing each of Debtors to

[2] Unless otherwise stated, all references to "Sections" herein shall be to the Bankruptcy Code appearing in Title 11 of the U.S. Code; all references to a "Bankruptcy Rule" shall refer to the Federal Rules of Bankruptcy Procedure; and all references to a "Local Rule" shall refer to the Local Rules of Bankruptcy Practice of the U.S. District Court for the District of Nevada.

establish an Adequate Assurance Account and to pay the Adequate Assurance Deposit; (4) establishing procedures to object to this motion; and (5) granting certain related relief.

13. In the Notice/Claims Agent Motion, the Debtors request entry of an order approving the Debtors' services agreement with BMC Group, Inc. ("BMC") as the official claims and Noticing Agent in connection with these chapter 11 cases, effective *nunc pro tunc* to the Petition Date.

14. Hearing the First Day Motions on shortened time as requested herein is necessary to preserve the assets of the estates and to continue business operations with minimal disruption or loss of productivity, customers, and value. The relief sought in the First Day Motions is critical to the efficient administration of the Debtors' Chapter 11 Cases, in the best interests of the estates, and necessary to maximize the value of the Debtors' assets for the benefit of all creditors and other parties and interest.

15. Thus, good cause exists to hear the remaining First Day Motions on shortened time **on or before September 20, 2019, or as soon as the Court's calendar permits.**

16. The Debtors anticipate that the hearing on the First Day Motions will last no longer than two (2) hours.

DATED this 17th day of September 2019.

By:*/s/ Mark M. Weisenmiller*
MARK M. WEISENMILLER, ESQ.

II.
LEGAL ARGUMENT

Section 105 allows this Court to issue such orders as are necessary to carry out the provisions of this title. See 11 U.S.C. § 105. Bankruptcy Rule 9006(c)(1) generally permits a bankruptcy court, for cause shown and in its discretion, to reduce the period during which any notice is given in accordance with the Bankruptcy Rules. In particular, Bankruptcy Rule 9006(c)(1) provides as follows:

> [e]xcept as provided in paragraph (2) of this subdivision, when an act is

> required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

FED. R. BANKR. P. 9006(c)(1).

Local Rule 9006 provides further authority for shortening the time for a hearing. According to Local Rule 9006(b), every motion for an order shortening time must be accompanied by an affidavit stating the reasons for an expedited hearing. As set forth in the Weisenmiller Declaration, there are compelling reasons for an expedited hearing on the First Day Motions. Based upon the foregoing, good cause exists to hear the Wages Motion on shortened time **on or before September 19, 2019, as a draw of funds for payroll is to occur at 4:00 a.m. on Friday, September 20, 2019.** Moreover, good cause exists to hear the remaining First Day Motions on shortened time **on or before September 20, 2019, or as soon as the Court's calendar permits.**

Local Rule 9006 also requires the moving party to submit an Attorney Information Sheet indicating whether opposing counsel was provided with notice, whether opposing counsel consented to the hearing on an order shortening time, the date counsel was provided with notice, and how notice was provided or attempted to be provided. An Attorney Information Sheet was filed contemporaneously with this Application.

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III.
CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court grant this Application and issue an order shortening time to hear: (i) the Wages Motion **on or before September 19, 2019, as a draw of funds for payroll is to occur at 4:00 a.m. on Friday, September 20, 2019;** and (ii) the remaining First Day Motions **on or before September 20, 2019, or as soon as the Court's calendar permits.** The Debtors request such other and further relief as the Court deems just and proper.

Dated: September 17, 2019

GARMAN TURNER GORDON LLP

By: */s/ Mark M. Weisenmiller*
GREGORY E. GARMAN, ESQ.
GERALD M. GORDON, ESQ.
MARK M. WEISENMILLER, ESQ.
650 White Drive, Ste. 100
Las Vegas, Nevada 89119

COZEN O'CONNOR
THOMAS J. FRANCELLA, ESQ.
1201 North Market Street, Suite 1001
Wilmington, DE 19801

[Proposed] Attorneys for Debtor

4820-7922-3718, v. 2

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EXHIBIT 1

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GARMAN TURNER GORDON LLP
GREGORY E. GARMAN
Nevada Bar No. 6654
E-mail: ggarman@gtg.legal
GERALD M. GORDON
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
MARK M. WEISENMILLER
Nevada Bar No. 12128
E-mail: mweisenmiller@gtg.legal
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Telephone (725) 777-3000
Facsimile (725) 777-3112
[Proposed] Attorneys for Debtor

COZEN O'CONNOR
THOMAS J. FRANCELLA
Delaware Bar No. 3835
Pro Hac Vice Pending
E-mail: tfrancella@cozen.com
1201 North Market Street, Suite 1001
Wilmington, DE 19801
Telephone: 302.295.2000
Toll Free Phone: 888.207.2440
Facsimile: 302.295.2013
[Proposed] Attorneys for Debtor

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In re: Jagged Peak, Inc., a Nevada corporation, Debtor.	Case No.: BK-S-19-15959-MKN Chapter 11 Hearing Date: Hearing Time:

NOTICE OF HEARING AND ORDER SHORTENING TIME TO HEAR FIRST DAY MOTIONS

On September 17, 2019, Jagged Peak, Inc. ("JPI"), Trade Global North America Holding, Inc. ("TGNA") and Trade Global LLC ("TG" or, collectively with JPI and TGNA, the "Debtors"), debtors and debtors-in-possession, filed the following:

(1) *Emergency Motion for Order Directing Joint Administration of Debtors' Chapter 11*

Cases Under Federal Rule of Bankruptcy Procedendo 1015(b) (the "Joint Administration Motion");

(2) *Motion of Debtors for An Order granting an Extension of Time to File Schedules of Assets and Liabilities, Statements of Financial Affairs and Lists of Executory Contracts and Unexpired Leases* ("Schedules Extension Motion");

(3) *Motion of the Debtors for Entry of an Order (I) Authorizing Continued Use of Existing Bank Accounts, Business Forms and Purchase Card Program; (II) Waiving the Requirements of Section 345(b) on an Interim Basis; and (III) Granting Related Relief* (the "Bank Accounts Motion");

(4) *Motion of the Debtors for Entry of Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code; (I) Prohibiting Utilities Companies From Altering, Refusing or Discontinuing Services to, or Discriminating Against, the Debtors on Account of Prepetition Amounts Due; (II) Deeming Utility Providers Adequately Assurance of Future Performance (III) Authorizing the Debtors to Establish the Adequate Assurance Deposit Accounts and Pay the Adequate Assurance Depositions; (IV) establishing Procedures for Objection to the Adequate Assurance Procedures; and (V) Granting Certain Related Relief* (the "Utilities Motion");

(5) *Motion of the Debtors for Entry of Interim and Final Orders (A) Authorizing the Debtors to Pay (I) All Prepetition Employee Obligations, and (II) Prepetition Withholding Obligations, and (B) Directing Banks to Honor Related Transfers* (the "Wages Motion"); and

(6) *Debtors' Application for an Order Approving Employment of BMC Group, Inc. as Claims and Noticing Agent Nunc Pro Tunc to the Petition Date* (the "Notice/Claims Agent Motion," and collectively with the Joint Administration Motion, Schedules Extension Motion, Bank Accounts Motion, Utilities Motions, and Wages Motion, the "First Day Motions").[1]

The Court, having considered the *Ex Parte Application for Order Shortening Time to Hear First Day Motions*, and good cause appearing therefore,

IT IS HEREBY ORDERED and notice is hereby given that the First Day Motions shall be heard by a United States Bankruptcy Judge on the _____ day of _____ _____, 2019, at ____. A copy of the above-referenced First Day Motions and any supporting declarations and exhibits are on file with the clerk of the United States Bankruptcy Court for the District of Nevada, Foley Building, 300 Las Vegas Blvd. South, Las Vegas, Nevada 89101, or

[1] All capitalized undefined terms used herein shall be ascribed the definitions in the applicable First Day Motion.

may be obtained by emailing Mark M. Weisenmiller, Esq. at the address listed above.

IT IS HEREBY FURTHER ORDERED that service of this Order Shortening Time shall be served within ___ days of entry; that any oppositions to the First Day Motions must be filed and served by _____; that replies to any oppositions filed must be filed and served by _____; and that this hearing may be continued from time to time without further notice except for the announcement of any adjourned dates and times at the above noticed hearing or any adjournment thereof.

IT IS SO ORDERED.

PREPARED AND SUBMITTED BY:

GARMAN TURNER GORDON LLP

By*: Mark M. Weisenmiller*
GREGORY E. GARMAN, ESQ.
GERALD M. GORDON, ESQ.
MARK M. WEISENMILLER, ESQ.
650 White Drive, Ste. 100
Las Vegas, Nevada 89119

COZEN O'CONNOR
THOMAS J. FRANCELLA, ESQ.
1201 North Market Street, Suite 1001
Wilmington, DE 19801

[Proposed] Attorneys for Debtor