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10 **IN THE UNITED STATES BANKRUPTCY COURT**
 11 **FOR THE DISTRICT OF NEVADA**

12 In re:
 13 Jagged Peak, Inc., a Nevada corporation,
 14 Affects this Debtor.
 15 _____
 16 In re:
 17 TradeGlobal, LLC, a Delaware limited liability
 company,
 18 Affects this Debtor.
 19 _____
 20 In re:
 21 TradeGlobal North America Holding, Inc., a
 Delaware corporation,
 22 Affects this Debtor.
 23 _____

Case No.: BK-S-19-15959-MKN
 Chapter 11
LEAD CASE
Jointly Administered with:
 Case No.: BK-S-19-15960-MKN
 Chapter 11
 Case No.: BK-S-19-15961-MKN
 Chapter 11
 Date: N/A
 Time: N/A

24 **EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR**
 25 **MOTION OF JAGGED PEAK, INC. TO EXTEND DEADLINE PURSUANT TO**
 26 **11 U.S.C. § 365(d)(4) TO ASSUME OR REJECT UNEXPIRED LEASE FOR REAL**
PROPERTY LOCATED AT 201 17th STREET SOUTH., ST. PETERSBURG, FLORIDA

27 Debtor and debtor-in-possession Jagged Peak, Inc. (the “Debtor”), submits this *ex parte*
 28 application (the “Application”) requesting that this Court issue an order shortening time to hear

1 the *Motion of Jagged Peak, Inc. to Extend Deadline Pursuant to 11 U.S.C. § 365(d)(4) to Assume*
2 *or Reject Unexpired Lease for Real Property Located at 201 17th Street South, St. Petersburg,*
3 *Florida* (the “Motion”) **not later than January 14, 2020.**¹

4 This Application is made and based upon Section² 105(a) of the Bankruptcy Code,
5 Bankruptcy Rule 9006, and Local Rule 9006, the following memorandum of points and authorities,
6 inclusive of the Declaration of Gabrielle A. Hamm, Esq. (the “Hamm Declaration”), the Attorney
7 Information Sheet filed concurrently herewith, and the papers and pleading on file with the Court,
8 judicial notice of which is respectfully requested.

9 **DECLARATION OF GABRIELLE A. HAMM**

10 I, Gabrielle Hamm, Esq., hereby declare under penalty of perjury under the laws of the
11 State of Nevada and the United States of America as follows:

12 1. I am over the age of 18 and am mentally competent. I am an attorney at Garman
13 Turner Gordon, counsel for the Debtors in the above-captioned proceeding. As such, I have
14 personal knowledge of the facts stated in this declaration, except where stated upon information
15 and belief, and as to facts stated upon information and belief, I am informed of those facts and
16 believe them to be true. If called upon to testify as to the matters herein, I could and would do so.

17 2. Good cause exists for this Court to hear the Motion on shortened time. As set forth
18 in the Motion, in order to facilitate the transfer of the Purchased Assets to ID Logistics US, Inc.
19 (the Purchaser), Jagged Peak is required, *inter alia*, 1) not to reject or cause the effective date of
20 the rejection of the Lease to occur before March 31, 2020, 2) to file a motion prior to January 1,
21 2020, seeking an extension of the deadline imposed by Section 365(d)(4) of the Bankruptcy Code
22 and to use its commercially reasonable best efforts to have an order entered by the Court before
23 January 14, 2020, extending the deadline to reject the Lease to a date that is not sooner than March
24 31, 2020, and 3) to allow the Purchaser to use and occupy the St. Petersburg Premises during the
25

26 ¹ All capitalized terms not otherwise defined herein shall have those meanings ascribed to them in the Motion.

27 ² All references to “Chapter” or “Section” shall be to the “Bankruptcy Code” appearing in Title 11 of the U.S. Code;
28 all references to a “Bankruptcy Rule” shall be to the Federal Rules of Bankruptcy Procedure; and all references to LR
or “Local Rule” shall be to the Local Rules of Bankruptcy Practice of the U.S. District Court for the District of Nevada.

1 period commencing on the Closing Date and ending March 31, 2010, and use its reasonable best
2 efforts to ensure that the Purchaser is permitted to use and occupy the premises in a manner
3 consistent with Jagged Peak’s historical practice.

4 3. However, absent an order from this Court on or before January 14, 2020 extending
5 the deadline to assume or reject for “cause” under Section 365(d)(4)(B)(i), the Lease will be
6 deemed rejected pursuant to Section 365(d)(4) if it is not assumed or rejected by January 14, 2020,
7 which is the date that is the earlier of 120 days after the date of the order for relief (the Petition
8 Date) or the date of the entry of an order confirming a plan.

9 4. Thus, good cause exists for a hearing on Motion on or before January 14, 2020, so
10 that an order can be entered on January 14, 2020.

11 DATED this 19th day of December 2019.

12 By: /s/ Gabrielle A. Hamm
13 GABRIELLE A. HAMM, ESQ.

14 **I. ARGUMENT**

15 Section 105 allows this Court to issue such orders as are necessary to carry out the
16 provisions of the Bankruptcy Code, 11 U.S.C. § 105(a), and the Court may issue an order at any
17 such conference “prescribing such limitations and conditions as the court deems appropriate to
18 ensure that the case is handled expeditiously and economically,” 11 U.S.C. § 105(d). Bankruptcy
19 Rule 9006(c) permits the Court, for cause shown and in its discretion, to shorten a deadline or
20 notice period. FED.R.BANKR.P. 9006(c)(1).

21 Under Local Rule 9006(b), every motion for an order shortening time must be accompanied
22 by an affidavit stating the reasons for an expedited hearing. As set forth in the Hamm Declaration,
23 above, a hearing on shortened time is necessary for the requested relief to be effective. As such,
24 there is a compelling reason to hear the Motion on shortened time.

25 An Attorney Information Sheet complying with Local Rule 9006 is submitted with this
26 Application.

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II. CONCLUSION

WHEREFORE, based on the foregoing, Jagged Peak respectfully requests that the Court grant this Application and issue an order shortening time to hear the Motion on or before **January 14, 2020**, and grant such other and further relief as the Court deems just and proper.

Dated December 20, 2019.

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4821-9049-1566, v. 1