

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In re: ) Chapter 11  
)  
TWG CAPITAL, INC., ) Case No. 12-11019-BHL-11  
)  
Debtor. )

**MOTION PURSUANT TO FED. R. BANKR. P. 9006(c) FOR ORDER SETTING  
MOTION TO AUTHORIZE THE REJECTION OF CERTAIN ADMINISTRATIVE  
SERVICES AGREEMENT FOR EXPEDITED HEARING ON SHORTENED NOTICE**

TWG Capital, Inc., the debtor and debtor-in-possession in the above-captioned chapter 11 case (the "Debtor"), by counsel, hereby requests (this "9006(c) Request") that the Court shorten notice and expedite hearing on the *Motion to Authorize the Rejection of Certain Administrative Services Agreement* [Docket No. 152] (the "Underlying Motion"). This 9006(c) Request is made pursuant to 11 U.S.C. § 105(a), Fed. R. Bankr. P. 9006(c) and 9019 and Rule B-9006-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of Indiana. In support of this 9006(c) Request, the Debtor respectfully states as follows:

1. The Underlying Motion seeks entry of an order authorizing the Debtor to reject the Administrative Services Agreement (the "Agreement") dated June 30, 2005 between the Debtor and Long Term Preferred Care, Inc. ("LTPC"). The nature and support for the relief requested in the Underlying Motion is set forth in the Underlying Motion.

2. The relief requested in the Underlying Motion needs to be considered and granted immediately. On November 9, 2012, the Court entered its *Order Granting Motion For Entry Of An Order (I) Approving Asset Purchase Agreement; (II) Authorizing The Sale Of Substantially All Of The Assets Of The Debtor's Estate Free And Clear Of All Liens, Claims And Encumbrances; And (III) Authorizing The Assumption And Assignment Of Leases And Contracts*

(the "Sale Order") [Docket No. 142]. Pursuant to the Sale Order, the Court authorized the sale of substantially all of the Debtor's assets (the "Sale"). The Sale is scheduled to close in early December 2012. The Underlying Motion must be heard prior to the closing of the Sale.

3. Further, the Debtor has filed a related *Motion to Authorize the Rejection of Certain Agreements* [Docket No. 73], pursuant to which the Debtor seeks authority to reject agreements with the LION Trust and Imagine (the "First Rejection Motion"). As set forth in detail in the Underlying Motion, the relief requested in the Underlying Motion and in the First Rejection Motion is closely related, and both motions should be heard concurrently.

4. The exigent circumstances set forth herein and in the Underlying Motion justify shortening the notice period for the hearing in connection with the Underlying Motion. The expedited hearing and shortened notice requested by the Debtor is not inconsistent with any other provision of title 11 of the United States Code (the "Bankruptcy Code"). On the contrary, shortening the notice period and expediting hearing will advance the provisions of the Bankruptcy Code by allowing the Debtor to maximize the value of its estate and to close the Sale.

5. The Underlying Motion needs to be set for hearing on or before November 30, 2012 in order for the Sale to close as scheduled.

6. A proposed order granting the relief requested in this 9006(c) Request is attached hereto as Exhibit A.

WHEREFORE, the Debtor respectfully requests that the Court enter an order (1) setting the Underlying Motion for hearing at the first date and time available, (2) shortening notice thereon, and (3) granting the Debtor such other and further relief as is just and proper.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Wendy W. Ponader

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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on November 16, 2012, a copy of the foregoing pleading will be mailed by first-class U.S. Mail, postage prepaid and properly addressed, to the following:

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