

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

-----X Chapter 11  
In re: :  
: Case No. 08-62733  
TRIAD RESOURCES, INC., :  
: Judge C. Kathryn Preston  
Debtor. :  
-----X

In re: : Chapter 11  
: Case No. 08-62744  
TRIAD ENERGY CORPORATION, :  
: Judge C. Kathryn Preston  
Debtor. :  
-----X

In re: : Chapter 11  
: Case No. 08-62747  
TRITEX ENERGY, L.L.C., :  
: Judge C. Kathryn Preston  
Debtor. :  
-----X

In re: : Chapter 11  
: Case No. 08-62749  
TRITEX RESOURCES, L.L.C., :  
: Judge C. Kathryn Preston  
Debtor. :  
-----X

In re: : Chapter 11  
: Case No. 08-62757  
TRIAD OIL & GAS CO., LTD., :  
: Judge C. Kathryn Preston  
Debtor. :  
-----X

In re: : Chapter 11  
: Case No. 08-62759  
ALPHA DRILLING, LTD., :  
: Judge C. Kathryn Preston  
Debtor. :  
-----X

**MOTION OF DEBTORS AND DEBTORS-IN-POSSESSION FOR ENTRY OF AN  
ORDER (I) AUTHORIZING THE DEBTORS TO (A) PREPARE A LIST OF  
CREDITORS IN LIEU OF A MATRIX AND (B) MAIL INITIAL NOTICES, AND (II)  
APPROVING FORM OF INITIAL NOTICE OF COMMENCEMENT OF CASE**

Triad Resources, Inc. (“TRI”), Triad Energy Corporation (“TEC”), TriTex Energy, LLC (“TEL”), TriTex Resources, LLC (“TRL”), Triad Oil & Gas Co., Ltd. (“TOG”) and Alpha Drilling, Ltd. (“ADL”) (each a “Debtor” and, collectively, the “Debtors”), the debtors and debtors-in-possession in the above-captioned chapter 11 cases (the “Cases”), by and through their undersigned proposed counsel, and pursuant *inter alia* to sections 105(a) and 521(a)(1) of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”),<sup>1</sup> hereby move (the “Motion”) this Court for the entry of an order, substantially in the form of the proposed order attached hereto as Exhibit B, granting this Motion in its entirety, and (I) authorizing the Debtors to (a) prepare a list of creditors in lieu of a matrix, and (b) mail initial notices, and (ii) approving the form of initial notice in relation to the Cases, attached hereto as Exhibit A (the “Initial Notice”). The Debtors submit the *Affidavit of James R. Bryden in Support of Chapter 11 Petition and First Day Motions* (the “Bryden Affidavit”), filed contemporaneously herewith, in support of this Motion and further respectfully state and submit as follows:

### **JURISDICTION**

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of the Motion is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2).
2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory predicates for the relief requested herein are sections 105(a) and 521(a)(1) of the Bankruptcy Code, Bankruptcy Rules 1007(a)(1), Local Bankruptcy Rule 1007-2 and the Southern District of Ohio Administrative Procedures for Electronic Case Filing (the “ECF Filing Procedures”).

---

<sup>1</sup> Unless otherwise stated herein, all “Section” references herein are to the Bankruptcy Code. All capitalized terms not defined in this introductory paragraph are subsequently defined herein.

### **BACKGROUND**

4. On the date hereof (the "Petition Date"), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors have requested that the Cases be jointly administered for procedural purposes only.

5. The Debtors are operating their businesses as debtors and debtors-in-possession pursuant to Sections 1107 and 1108. No trustee, examiner or official committee of unsecured creditors has been appointed in these Cases.

6. Detailed facts about the Debtors, the reasons for the commencement of their Cases, and additional support for this Application are set forth in the Bryden Affidavit which is incorporated by reference as if set forth in full herein.

### **RELIEF REQUESTED**

#### **I. Request for Authority to Prepare a List of Creditors**

7. By this Motion, the Debtors request authority to prepare a list of creditors in electronic format only, identifying their creditors in the format or formats currently maintained in the ordinary course of the business in lieu of any required creditor matrix. The Debtors further seek authority not to file the list with the Court concurrently with the filing of their respective bankruptcy petitions, but instead to make such list available only upon request.

8. In these Cases, permitting the Debtors to maintain a list of their creditors in electronic format only in lieu of filing a creditor matrix is warranted under the circumstances. Indeed, converting the Debtors' computerized information to a format compatible with the matrix requirements set forth in Local Bankruptcy Rule 1007-2(a) would be a burdensome task and would greatly increase the risk and recurrence of error with respect to information already intact on computer systems maintained by the Debtors or their agents.

9. Moreover, concurrently with this Motion, the Debtors have filed an application (the "Notice and Claims Agent Application") seeking the appointment of BMC Group, Inc. ("Agent") as claims, noticing and balloting agent in these Cases. Prepetition, Agent assisted with the consolidation of the Debtors' computer records into a creditor database which is maintained by Agent. If the Notice and Claims Agent Application is granted, Agent will, among other things, complete the mailing of the Initial Notice to the parties in such database and perform all noticing and solicitation of parties in the database.

10. After consultation with Agent, the Debtors believe preparing the list in the format or formats currently maintained by Agent will be sufficient to permit Agent to notice promptly all applicable parties. Accordingly, it is in the best interest of the Debtors' respective estates to avoid the cost and risks associated with preparing and filing a separate matrix with this Court.

## **II. Request for Authority to Mail Initial Notices to Creditors**

11. Local Bankruptcy Rule 1007-2 requires that, "unless otherwise ordered, the debtor at the time of filing a petition in a voluntary case, ... shall file a mailing list of creditors and other parties in interest in the following format..." (emphasis added). The Debtors, by separate application, are contemporaneously seeking authority to retain Agent as their notice and claims agent. The Debtors propose that Agent undertake all mailing directed by the Court, the United States Trustee or as required by the Bankruptcy Code, Bankruptcy Rules or any Local Rule or Procedure. Additionally, Agent will assist the Debtor in preparing creditor lists and mailing required notices.

12. With such assistance, the Debtors will be prepared to file a computer readable list of creditors upon request, and will be capable of undertaking all necessary mailings.

13. The noticing procedures proposed herein are beneficial to the Debtors' estates and creditors because they provide actual notice to each of the Debtor's respective creditors in an efficient and cost-effective manner.

**III. Approval of Form of Initial Notice of Commencement**

14. The Debtors seek approval of the Initial Notice of the commencement of the Cases and the meeting of creditors pursuant to section 341 of the Bankruptcy Code. A form of the Initial Notice is attached hereto as Exhibit A. The Initial Notice complies with the requirements of Bankruptcy Rule 2002(a) and (f) and is beneficial to each of the Debtor's respective estates and creditors because it provides actual notice to all of the Debtors' creditors in an efficient and cost-effective manner.

15. Relief similar to that requested in this Motion has been granted in comparable Chapter 11 cases throughout Ohio. *See, e.g., In re Excello Engineered Systems, LLC*, Case No. 08-51424 (MSS) (Bankr. N.D. Ohio April 25, 2008); *In re CEP Holdings, LLC*, Case No. 06-51848 (MSS) (Bankr. N.D. Ohio Sept. 26, 2006); *In re Nexpak Corp.*, Case No. 04-63816 (RK) (Bankr. N.D. Ohio July 19, 2004).

**MEMORANDUM OF LAW**

16. Pursuant to Local Bankruptcy Rule for the Southern District of Ohio 9013-1(a), because there are no novel questions of law presented herein and because appropriate authorities are cited in this Motion, the Debtors respectfully request that the Court waive the requirement that the Debtors file a memorandum of law in support of this Motion.

**NOTICE**

17. Notice of the Motion has been given to (a) the Office of the United States Trustee, (b) Capital One National Association, as Administrative Agent for the Secured Lenders, (c) the

Debtors' consolidated thirty (30) largest unsecured creditors and (d) WesBanco Bank, Peoples Bank, CNH Capital, Caterpillar Financial, Chrysler Financial and Ford Motor Credit Company.

The Debtors submit that, under the circumstances, no other or further notice need be given.

**NO PRIOR REQUEST**

18. No prior request for the relief sought in this Application has been made to this or any other court in connection with these Cases.

**CONCLUSION**

WHEREFORE, the Debtors respectfully request entry of an order, substantially in the form attached hereto as Exhibit B, granting the relief requested herein and granting such other and further relief as the Court deems just and proper.

Date: December 31, 2008

Respectfully submitted by:

/s/ Christopher B. Wick  
Daniel A. DeMarco (0038920)  
Nancy A. Valentine (0069503)  
Christopher B. Wick (0073126)  
Rocco I. Debitetto (0073878)  
Hahn Loeser & Parks LLP  
200 Public Square, Suite 2800  
Cleveland, Ohio 44114  
Telephone: (216) 621-0150  
Facsimile: (216) 241-2824  
E-Mail: dademarco@hahnlaw.com  
navalentine@hahnlaw.com  
cwick@hahnlaw.com  
ridebitetto@hahnlaw.com

*PROPOSED ATTORNEYS FOR DEBTORS*