

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

SPORTCO HOLDINGS, INC., *et al.*,¹

Debtors.

) Chapter 11

) Case No. 19-11299 (LSS)

) (Jointly Administered)

) **Re: Docket No. 330**

**DEBTORS' MOTION FOR AN ORDER PURSUANT TO BANKRUPTCY
RULE 9006(c) AND LOCAL RULE 9006-1(e) SHORTENING NOTICE
AND OBJECTION PERIODS REGARDING DEBTORS' MOTION FOR
AN ORDER ESTABLISHING PROCEDURES FOR SALES OF CERTAIN
MISCELLANEOUS ASSETS OUTSIDE THE ORDINARY COURSE OF
BUSINESS FREE AND CLEAR OF ALL LIENS, CLAIMS, INTERESTS AND
ENCUMBRANCES PURSUANT TO SECTION 363 OF THE BANKRUPTCY CODE**

SportCo Holdings, Inc. and certain of its wholly-owned direct and indirect subsidiaries, as debtors and debtors in possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (these “Chapter 11 Cases”), hereby submit this motion to shorten time (the “Motion”), pursuant to sections 102 and 105 of title 11 of the United States Code (the “Bankruptcy Code”), Rules 2002 and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Order”), shortening the notice and objection periods for, and scheduling a hearing on, the *Debtors' Motion For An Order Establishing Procedures for Sales of Certain Miscellaneous Assets Outside the Ordinary Course of Business Free and Clear of All Liens, Claims, Interests, and Encumbrances Pursuant to Section 363 of the*

¹ The Debtors, together with the last four digits of each Debtor's federal tax identification number, are: Bonitz Brothers, Inc. (4441); Ellett Brothers, LLC (7069); Evans Sports, Inc. (2654); Jerry's Sports, Inc. (4289); Outdoor Sports Headquarters, Inc. (4548); Quality Boxes, Inc. (0287); Simmons Guns Specialties, Inc. (4364); SportCo Holdings, Inc. (0355); and United Sporting Companies, Inc. (5758). The location of the Debtors' corporate headquarters and the service address for all Debtors is 267 Columbia Ave., Chapin, SC 29036.

Bankruptcy Code (the “Miscellaneous Asset Sale Motion”), filed contemporaneously herewith. In support of the Motion, the Debtors respectfully state as follows.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory and legal predicates for the relief requested herein are Bankruptcy Code sections 102(1) and 105(a), Bankruptcy Rules 2002 and 9006(c), and Local Rule 9006-1(e).

4. Pursuant to Local Rule 9013-1(f), the Debtors consent to the entry of a final judgment or order with respect to this Motion if it is determined that the Court would lack Article III jurisdiction to enter such final order or judgment absent consent of the parties.

RELIEF REQUESTED

5. By this Motion, the Debtors request entry of an order shortening the notice and objection periods with respect to the relief requested by the Miscellaneous Asset Sale Motion such that the Motion will be heard on Wednesday, September 11, 2019 at 10:00 a.m., or such other date and time as the Court deems appropriate (the “Hearing”), with any objections, if any to be filed in advance of or made at the Hearing.

BASIS FOR RELIEF

6. Bankruptcy Rule 2002(a)(2) provides that the trustee and all creditors must be given “at least 21 days’ notice by mail of . . . a proposed use, sale, or lease of property of the estate other than in the ordinary course of business, unless the court for cause shown shortens

the time or directs another method of giving notice.” Fed. R. Bankr. P. 2002(a)(2); *see also* Fed. R. Bankr. P. 9006(c); Del. Bankr. L.R. 9006-1(e). Bankruptcy Rule 9006(c)(1) provides that “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); *see also* Del. Bankr. L.R. 9006-1(e) (stating that “[n]o motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by order of the Court, on written motion . . . specifying the exigencies justifying shortened notice”).

7. The Debtors submit that good cause and compelling circumstances exist warranting expedited consideration and shortened notice of the Miscellaneous Asset Sale Motion. The Miscellaneous Asset Sale Motion seeks to establish procedures to streamline the sale of certain miscellaneous assets (the “Miscellaneous Assets”) outside the ordinary course of business free and clear of all liens, claims, interests and encumbrances in order to maximize the value of such assets and minimize related transaction expenses. The Debtors have received indications of interest for certain Miscellaneous Assets, and the Debtors believe that such interest may not remain if a hearing is not scheduled until October 7, 2019, the next omnibus hearing date.

8. Accordingly, the Debtors respectfully request that the Miscellaneous Asset Sale Motion be heard at the Hearing. The Debtors submit that the parties-in-interest will have sufficient time to review, evaluate and comment on the Miscellaneous Asset Sale Motion.

9. Pursuant to Local Rule 9006-1(e), Delaware Counsel for the Debtors avers that a reasonable effort has been made to notify counsel to the United States Trustee, counsel to the Official Committee of Unsecured Creditors, and counsel to the Prepetition Term Loan Agent of

the relief requested within the Miscellaneous Asset Sale Motion. Each counsel indicated that they would not object to the request to shorten notice sought herein.

10. Accordingly, the Debtors respectfully submit that cause exists pursuant to Bankruptcy Rule 9006(c) and Local Rule 9006-1(e) to shorten the notice and objection periods as requested herein.

NOTICE

11. The Debtors have provided notice of this Motion to: (a) the Office of the United States Trustee for the District of Delaware; (b) counsel to the Prepetition Term Loan Agent; (c) counsel to the Official Committee of Unsecured Creditors; and (d) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, under the circumstances, no other or further notice is required.

12. The Debtors have provided notice of this Motion by e-mail, hand delivery, overnight mail, express mail, or facsimile to the Notice Parties. If the Court grants this Motion, the Debtor will immediately serve a copy of the Order, along with a copy of the Miscellaneous Asset Sale Motion, on the above-noted Notice Parties by e-mail, hand delivery, overnight mail, express mail, or facsimile.

WHEREFORE, the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, (i) granting the relief requested herein; (ii) shortening the notice and objection periods for the Miscellaneous Asset Sale Motion; (iii) scheduling a hearing on the Miscellaneous Asset Sale Motion; and (iv) granting such other and further relief as is just and proper.

Dated: August 28, 2019
Wilmington, Delaware

Respectfully submitted,

POLSINELLI PC

/s/ Christopher A. Ward

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