

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re:
EAST BAY DRY CLEANERS, INC.,
Debtor.

Case No.: 8:17-bk-00557-KRM
Chapter 11

EMERGENCY MOTION TO USE CASH COLLATERAL

EAST BAY DRY CLEANERS, INC. (hereinafter "EAST BAY"), does hereby file this Motion to Use Cash Collateral pursuant to 11 U.S.C. § 363(a), and as grounds therefore, states that:

1. EAST BAY filed its Voluntary Petition herein under Chapter 11 of the Bankruptcy Code on January 24, 2017, and is acting as Debtor in Possession.
2. On the date of the filing of the Petition, the property of the Estate included payroll and operating accounts with Bank of America and Accounts Receivable.
3. WELLS FARGO CREDIT MANAGEMENT GROUP (hereinafter "WELLS FARGO") asserts it has a secured claim by virtue of a first lien on all assets of the Estate.
4. MICHAEL and GAIL SHAPIRO (hereinafter "SHAPIRO") assert they have a secured claim by virtue of a second lien on all assets of the Estate.
5. It is necessary for the Debtor to use its cash, deposits, and accounts receivable to continue its business operations as Debtor in Possession in this case and to reorganize. If this Court does not grant this Motion and allow the use of cash collateral, the Debtor will be unable to operate, and in such a case, this reorganization would be seriously jeopardized.

6. As and for adequate protection for the use of cash collateral, the Debtor will maintain the level of cash collateral that it had on the Petition date with a variance of ten percent (10%) of that level.
7. As adequate protection, the Debtor will agree to the continuance of the pre-petition liens to the extent that they existed on the Petition date, as well as the grant of post-petition replacement liens to the same extent and priority in post-petition assets of the same kind and type. The cash deposits and accounts receivable totaled \$23,000.00 on the date the Petition was filed herein.
8. The Schedules filed herein reflect that WELLS FARGO is owed approximately \$1,000,000.00.
9. The foregoing constitutes cause to grant this Motion, and to allow the use of cash collateral under an Order granting preliminary relief. The Debtor anticipates that this Court would schedule a final hearing on this Motion within a reasonable time thereafter, to allow parties in interest to be heard on the Motion.
10. It is in the best interest of the Debtor, Creditors, and the reorganization process that this Motion be granted.

WHEREFORE, the Debtor prays that this Court grant this Motion, allow the use of cash collateral for business purposes, and for such other and further relief as is just and proper.

DAVID W. STEEN, P.A.

/s/ David W. Steen

David W. Steen, Esquire
Florida Bar No. 221546
2901 W Busch Boulevard, Suite 311
Tampa, Florida 33618
Telephone: (813) 251-3100
E-Mail: dwsteen@dsteenpa.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing **Emergency Motion to Use Cash Collateral** has been furnished by electronic and/or United States Mail to: U.S. Trustee, 501 E. Polk Street, Suite 1200, Tampa, Florida 33602; Wells Fargo Credit Management Group, Ann.: President, Mail Code A1792-018, 1620 E. Roseville Parkway, Suite 100, Roseville, CA 95611; Wells Fargo Bank, N.A., Attn.: President/CEO, 420 Montgomery Street, San Francisco, CA 94163; Wells Fargo Bank, N.A., c/o Corporation Service Company, Registered Agent, 1201 Hays Street, Tallahassee, FL 32301-2525; Michael and Gail Shapiro, 11716 Harborside Circle, Largo, FL 33773; Jack J. Geller, Esquire, 2560 Gulf to Bay Boulevard, Suite 300, Clearwater, FL 33765; and those listed on the attached Local Rule 1007-2 Parties in Interest Matrix, this 7 day of February, 2017.

/s/ David W. Steen

David W. Steen, Esquire

UNITED STATES BANKRUPTCY COURT
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EAST BAY DRY CLEANERS, INC.,

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Debtor.

Chapter 11

CERTIFICATION OF NECESSITY OF REQUEST FOR EMERGENCY HEARING

I HEREBY CERTIFY, as a member of the Bar of the Court, that I have carefully examined the matter under consideration and to the best of my knowledge, information and belief formed after reasonable inquiry, all allegations are well grounded in fact and all contentions are warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law can be made, that the matter under consideration is not interposed for any improper purpose, such as to harass, to cause delay, or to increase the cost of litigation, and there is just cause to request a consideration of the following pleading on an emergency basis:

EMERGENCY MOTION TO USE CASH COLLATERAL

I CERTIFY FURTHER that there is a true necessity for an emergency hearing, specifically, because **EAST BAY DRY CLEANERS, INC.** seeks to **use its cash collateral** and requires a hearing as soon as possible for the following reason: **The Debtor requests authority to use cash collateral immediately to fund the operating expenses necessary to continue the operation of the business, to maximize the return on its assets, and to otherwise avoid irreparable harm and injury to its business and estate.**

I CERTIFY FURTHER that the necessity of this emergency hearing has not been caused by a lack of due diligence on my part, but has been brought about only by circumstances beyond my control or that of my client. I further certify that this motion is filed with full understanding of F.R.B.P. 9011 and the consequences of noncompliance with same.

DAVID W. STEEN, P.A.

/s/ David W. Steen

DAVID W. STEEN, ESQUIRE

Florida Bar No.: 221546

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Label Matrix for local noticing
 113A-8
 Case 8:17-bk-00557-KRM
 Middle District of Florida
 Tampa
 Mon Feb 6 14:30:33 EST 2017

Bayfront Central, Inc.
 1001 Arlington Avenue N
 Saint Petersburg, FL 33705-1520

Bell Partners, Inc.
 300 N. Greene Street, #1000
 Greensboro, NC 27401-2173

Equity One, Inc
 777 17 Street
 Penthouse Suite
 Miami Beach, FL 33139-1895

Internal Revenue Service
 Centralized Insolvency Ops
 P O Box 7346
 Philadelphia, PA 19101-7346

Ioannis Tagaras
 2270 Lancaster Drive
 Clearwater, FL 33764-6530

Largo Town Square, LLC
 14502 N Dale Mabry Hwy. #200
 Tampa, FL 33618-2040

Mike Shapiro
 11716 Harbor Side Circle
 Saint Petersburg, FL 33733

Real Estate Equity Partners
 Nine, LLC
 20537 Amberfield Dr., #100
 Land O Lakes, FL 34638-4323

Ronald & Alice Nisk
 2380 Campbell Rd
 Clearwater, FL 33765-1503

State of Florida
 Department of Revenue
 P. O. Box 6668
 Tallahassee, FL 32314-6668

Sun Hee Investment Corp.
 11716 Harborside Circle
 Largo, FL 33773-4405

Village Commons LLC
 Brandywine RE Management
 2631 McCormick Dr., #101
 Clearwater, FL 33759-1075

WG Financing
 141 North East 3rd Avenue
 Miami, FL 33132-2207

Wells Fargo
 Credit Management Group
 Mail Code A1792-018
 1620 E Roseville Pkwy., #100
 Roseville, CA 95661-3303

Wells Fargo Bank, N.A.
 c/o Stephanie C. Lieb, Esq.
 Trenam Law
 101 E. Kennedy Blvd., Suite 2700
 Tampa, FL 33602-5150

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Sun Hee Investment Corp
 11716 Harborside Circle
 FL 34643

End of Label Matrix	
Mailable recipients	15
Bypassed recipients	1
Total	16