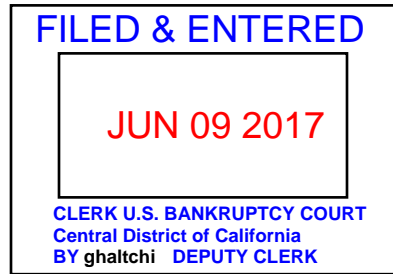


1 **MICHAEL JAY BERGER (State Bar # 100291)**
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7 **michael.berger@bankruptcypower.com**

8 **Attorney for Debtor,**
9 **Stevenson Investment Group, LLC**



10 **CHANGES MADE BY COURT**

11 **UNITED STATES BANKRUPTCY COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **LOS ANGELES DIVISION**

<p>14 In re</p> <p>15 Stevenson Investment Group, LLC</p> <p>16 dba A Better Way to Pharmacy,</p> <p>17 Debtor.)</p>	<p>) CASE NO.: 2:17-bk-16716-NB</p> <p>) Chapter 11</p> <p>) ORDER GRANTING DEBTOR'S</p> <p>) EMERGENCY MOTION FOR ORDER</p> <p>) AUTHORIZING INTERIM USE OF</p> <p>) CASH COLLATERAL</p> <p>) Date: June 6, 2017</p> <p>) Time: 1:00 P.M.</p> <p>) Place: Courtroom 1545</p>
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23 A hearing took place on June 6, 2017, at 1:00 P.M., in the Courtroom of the Honorable
24 Neil W. Bason, in consideration of Debtor Stevenson Investment Group, LLC's (the "Debtor"),
25 Emergency Motion for an Order Authorizing Interim Use of Case Collateral (the "Motion"),
26 filed on June 2, 2017 [Docket No. 15]. Appearances have been stated on the record.

27 The Court having read and considered the Motion, the attached Declaration of Mark
28 Limon in support thereof; the oral arguments of the United States Trustee and Debtor's Counsel;

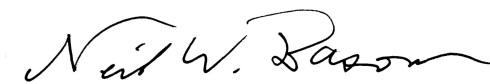
1 the Court finding that the creditors received actual notice; and good cause appearing therefor, for
2 the reasons stated on the record, ÷

3 **IT IS HEREBY ORDERED THAT:**

- 4 1. Debtor's Motion is granted on an interim basis;
- 5 2. The Debtor is authorized to use cash collateral in accordance with the terms set forth in
6 the Debtor's Motion, and the Debtor's Budget as attached hereto except as modified on the
7 record;
- 8 3. Debtor's use of cash collateral is based on the findings made by the Court, as delineated
9 in the Court's tentative ruling, which is attached hereto;
- 10 4. Debtor is not authorized to pay any insider of the Debtor, until formal Insider
11 Compensation requirements are met;
- 12 5. Debtor is to retain all remaining cash collateral proceeds in its Debtor-in-Possession Cash
13 Collateral bank account *and report such cash on a monthly basis in its Monthly Operating*
14 *Reports*; and
- 15 6. The continued hearing on the Motion is set for July 11, 2017, at 1:00 P.M.

17 ###

24 Date: June 9, 2017

23 

24 Neil W. Bason
25 United States Bankruptcy Judge

Stevenson Investment Group , LLC		
dba A Better Way to Pharmacy		
2:17-bk-16716-NB		
Income		\$ 44,950.00
Expenses		
	Rent	\$ 2,150.00
	Gas Card (Deliveries)	\$ 800.00
	Business Insurance	\$ 175.00
	Payroll	\$ 22,000.00
	Digital RX	\$ 454.00
	Alarm	\$ 23.00
	Iron Mountain	\$ 50.00
	Pharmaceuticals/Drugs (Cardinal Health)	\$ 18,000.00
	Office Supplies	\$ 200.00
	Misc and Emergency Expenses	\$ 75.00
		\$ 43,927.00
	Yellowstone Adequate Protection Payment	\$ 500.00
	Accord Adequate Protection Payment	\$ 500.00
Net Income		\$ 23.00

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, June 06, 2017

Hearing Room 1545

1:00 PM

2:17-16716 Stevenson Investment Group, LLC

Chapter 11

#5.00 Hrg re: Debtor's Emergency Motion for an
Order Authorizing Continued Interim Use of
Cash Collateral

Docket 15

Tentative Ruling:

Tentative Ruling for 6/6/17:

Appearances required. The tentative ruling, subject to any opposition at the hearing, is to grant the motion on an interim basis with a final hearing on 7/11/17 at 1:00 p.m., with the debtor to serve notice of such hearing and file a proof of service no later than 6/9/17, all subject to the following conditions.

The following are Judge Bason's standard conditions for (A) use of cash collateral or (B) postpetition financing by creditor(s) holding prepetition claim (s):

(1) Form of order.

(a) Any proposed order granting the motion shall include this tentative ruling as an exhibit, thereby adopting it as the written ruling of the court.

(b) Orders approving the use of cash collateral may be on local form F2081-1.1.ORDER.CASH.COLLATERAL.

(c) Rather than repeating any terms set forth in the motion or any stipulation, the proposed order must simply incorporate those terms by reference (including the docket number of the document) or simply grant the motion (except as modified in this tentative ruling or as otherwise directed by this court).

(2) Interim and final relief. Except as specifically provided in any order granting the motion, any initial relief shall be on an interim basis only, and shall be subject to modification at a final hearing at the date set forth at the start of this tentative ruling.

(3) Minimum adequate protection. In addition to the postpetition security interests that are automatically provided pursuant to 11 U.S.C. 552 (e.g., in traceable proceeds and profits), and subject to any more comprehensive protection that may be included in the motion or related

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1:00 PM

CONT...

Stevenson Investment Group, LLC

Chapter 11

papers, the debtor shall provide at least the following protection to any creditor with a security interest in the subject property, pursuant to 11 U.S.C. 361-364, as applicable:

(a) Insurance. The debtor is directed to maintain insurance on the property in a dollar amount at least equal to the debtor's good faith estimate of the value of such creditor's interest in any collateral that is typically insured, and such insurance shall name such creditor as an additional insured.

(b) Taxes. The debtor is directed to remain current on payments on account of postpetition real estate taxes (to the extent that real estate is part of the collateral).

(c) Disclosures/access. The debtor is directed to provide, upon such creditor's reasonable request, an accounting of postpetition rents, profits, and expenses, appropriate documentation of those things, and access for purposes of inspection or appraisal.

(d) Disputes. In the event of any disputes regarding the rulings herein, the parties are directed to meet and confer and, if they cannot resolve their disputes consensually, contact the chambers of Judge Bason to arrange a mutually convenient time for a telephonic hearing to address such disputes.

(4) Limitation on postpetition liens. In the event that the motion or related papers seek authority to grant postpetition liens to the creditor(s) *with respect to prepetition debts* any such liens shall be limited to the same validity, priority, and amount as prepetition liens. As used herein, the "validity, priority, and amount" or any similar phrase that may be used by the parties or the court is deemed to include the following:

(a) Extent. Such liens shall be limited to the *type* of collateral in which the creditor held a security interest as of the petition date, unless the order approving the motion not only states the new types of collateral but also includes a specific statement that such types of collateral are different from the prepetition collateral. For example, postpetition liens shall not extend to the proceeds of any avoidance actions, any recoveries under 11 U.S.C. 506 (c), or any "carveout" under 11 U.S.C. 552, unless the order approving the motion specifically states otherwise.

(b) Priority. Such liens shall be limited to the same *priority* as the security interest held by the creditor as of the petition date.

(c) Dollar amount. Such liens shall be limited to the dollar amount needed to protect the creditor against diminution in the *value* of the

**United States Bankruptcy Court
Central District of California
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1:00 PM

CONT... Stevenson Investment Group, LLC

Chapter 11

secured claims as of the petition date.

(d) Enforceability. Such liens shall be limited to the extent that the creditor's security interests were duly *perfected* and *valid* as of the petition date, and to the extent that they are *unavoidable*.

(e) Automatic postpetition perfection. Any automatic perfection of such liens shall be subject to any applicable limitations regarding the Court's authority, jurisdiction, or due process.

(5) Automatic disapproval of insufficiently disclosed provisions. Any provision of the type listed in FRBP 4001(c)(1)(B) or in local form F4001-2 (e.g., cross-collateralization) or any waiver of the "equities of the case" exception in 11 U.S.C. 552(b)(2) shall be deemed automatically disapproved and excepted from any order granting the motion, notwithstanding any other provision of such order, unless either:

(a) such provision is specifically and prominently disclosed in the motion papers in a checklist (such as local form F4001-2), or alternatively

(b) such provision is specifically identified in any proposed order granting the motion, using terminology of the type used in FRBP 4001(c)(1)(B) or local form F4001-2 (e.g., any "cross-collateralization" that is not specifically identified as such is deemed to be disapproved).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

COPY OF PAYROLL MOTION Tentative Ruling for 6/2/17:

Appearances required in person by counsel for the debtor only. Telephonic appearances are encouraged for all other interested parties if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

There is no tentative ruling, but the parties should be prepared to address the issues raised by this court in its order setting this matter on shortened notice (dkt. 6, the "OST"). Additionally, this court has reviewed the various documents and corresponding proofs of service filed by the debtor in response to the OST (dkt. 9-11), and it appears that none of those documents disclose the time at which service via email and telephone was effectuated on 6/1/17. Did the debtor provide the requisite notice by the

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Stevenson Investment Group, LLC

Chapter 11

12:00 p.m. deadline established in the OST? In addition, those proofs of service refer to attached pages for additional service information, but no such pages are attached. Is there additional service information, or are the references to attached pages erroneous?

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Stevenson Investment Group, LLC

Represented By
Michael Jay Berger