

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:

CASE NO.: 8:17-bk-07764-KRM

JOHNNY CHIMPO II, LLC

CHAPTER 11

Debtor.

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**EMERGENCY MOTION FOR AUTHORITY TO USE CASH COLLATERAL AND  
REQUEST FOR EMERGENCY HEARING**

**STATEMENT OF RELIEF REQUESTED**

The Debtor seeks authority to use cash collateral to fund its operating expenses and costs of administration in this Chapter 11 case and to provide replacement liens as described below as adequate protection for the interests in its cash collateral. The Debtor believes that Natasha Lin may assert valid and perfected security interests in cash collateral. The Debtor proposes to grant as adequate protection replacement liens on all Cash Collateral acquired by the Debtor or the estate on or after the Petition Date to the same extent, validity, and priority held as of the Petition Date.

The Debtor, JOHNNY CHIMPO II, LLC (the “Debtor”), by and through undersigned counsel, moves this Honorable Court for Authority to Use Cash Collateral and requests an Emergency Hearing as to the same (the “Motion”) pursuant to 11 U.S.C. §§105, 363, and 541 and Rule 4001 of the Federal Rules of Bankruptcy Procedure (the “FRBP”). In support of this Motion, the Debtor would show:

1. The Debtor filed for protection under Chapter 11 of the United States Bankruptcy Code (the “Code”) on August 31, 2017 (the “Petition Date”).
2. This is a Motion for Use of Cash Collateral pursuant to 11 U.S.C. 363 (c)(2)(B) which constitutes a contested matter under Bankruptcy Rules 4001(a) and 9014 and is a core proceeding under 28 U.S.C. 157(b)(2)(M)
3. No Trustee having been appointed or qualified, Debtor is a Debtor-In-Possession.

4. The Debtor is a Florida limited liability company doing business as Bad Willies with its principal place of business in Tampa, Florida and is currently owned and operated by Lucas Good and Kelsi Sjoberg.

5. The Debtor occupies leased space at 12950 Race Track Rd, Suite 111, Tampa, FL 33626. The Debtor operates a sports lounge and bar that serves liquor, beer and wine. The main assets of Debtor are located at its current place of operation.

6. Prior to filing its bankruptcy petition, the Debtor borrowed funds from Natasha Lin (“Lin”), and in exchange granted Lin a lien on its accounts and accounts receivable. As of the Petition Date, it is believed Lin will allege a balance due of \$100,000.

**Relief Requested and Grounds for Relief**

7. As of the Petition Date, the Debtor had certain funds in various bank accounts. Additionally, the Debtor continues to receive revenue from its business. The Debtor anticipates that it will receive additional payments for goods provided following the Petition Date in the ordinary course of its business. The proceeds generated by sales, the funds in the accounts, and the accounts receivable may constitute the cash collateral (the “Cash Collateral”) of Lin.

8. By this Motion, the Debtor seeks the entry of any order authorizing the Debtor’s use of Cash Collateral to pay payroll-related expenses and other expenses in accordance with the proposed October and November budget, a copies of which is attached hereto as Exhibit “A”. The Debtor proposes to use the Cash Collateral for purposes which include the following:

- (a) Care, maintenance and preservation of the Debtor’s assets;
- (b) Payment of necessary payroll and other business expenses;
- (c) Continued business operations.

Except as specifically authorized by law or court order, the Debtor will not use the Cash Collateral to pay pre-petition obligations.

9. The Debtor requests authority to use the Cash Collateral immediately to fund operating expenses necessary to continue the operation of its business, to maintain the estate, to maximize the return on its assets, and to otherwise avoid irreparable harm and injury to its business and estate.

10. There is insufficient time for a full hearing pursuant to Rule 4001(b)(2) of the FRBP to be held before the Debtor must use the Cash Collateral. If this Motion is not considered on an expedited basis and if the Debtor is denied the ability to immediately use the Cash Collateral, there will be direct and immediate material and adverse impact on the continuing operations of the Debtor's business and on the value of its assets. In order to continue its business activities in an effort to achieve a successful reorganization, the Debtor must use the Cash Collateral in the ordinary course of business. The inability of the Debtor to meet its ordinary business expenses will require the Debtor to discontinue normal operations, which will result in irreparable injury to the Debtor and its chances for reorganization. Any such discontinuation would also materially and adversely impact upon the value of the Collateral. It is in the best interest of Lin and other creditors that the Debtor use the Cash Collateral, which will preserve the ongoing concern value of the Collateral.

11. The Debtor's assets consists of cash on hand, equipment, accounts, inventory, equipment, its leasehold, and other tangible assets more particularly described on schedule B filed by the Debtor. The Debtor also owns a liquor license which is subject to a lien. In order for the Debtor to remain in business or possession of its financial affairs, it is imperative that it have use of its cash collateral.

12. As adequate protection for the use of cash collateral, Debtor offers the following:

(a.) Creditors shall have a post-petition lien on the Collateral to the same extent, validity and priority as existed pre-petition; and

(b.) Debtor will pay adequate protection in an amount of \$1000 per month and provide a replacement lien on the post petition funds to the same extent, validity, and priority as existed pre-petition.

13. The Debtor asserts that the interests of Lin will be adequately protected. Consequently, no further provision for adequate protection is required. The Debtor further alleges that all conditions precedent to use the Cash Collateral have been performed or have occurred.

14. If allowed to use the Cash Collateral, the Debtor believes that it can operate its business during the Chapter 11 case and successfully reorganize its business.

WHEREFORE, the Debtor, JOHNNY CHIMPO II, LLC, respectfully requests this Honorable Court to enter an order (a) granting the instant Motion and authorizing the interim use of cash collateral, (b) scheduling a preliminary hearing on the Motion at the earliest possible time, (c) authorizing the Debtor to use the Cash Collateral in the operation of its business, and (d) granting such other and further relief as the Court may deem appropriate.

*/s/ Jake C. Blanchard*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was delivered CM/ECF to all parties receiving notice via CM/ECF on this 4<sup>th</sup> day of October, 2017. I hereby further certify that a true copy of the foregoing was provided to Natasha Lin via first class US Mail at 10211 Bennington Drive Tampa, FL 33626 and c/o William Collins, Esq., 503 East Jackson St., Unit 332 Tampa, FL 33602 and on this 4<sup>th</sup> day of October 2017.

*/s/ Jake C. Blanchard*

ATTORNEY

## October Budget

Projected Income		54,000
Rent		\$6,500
Electric		\$1,200
Direct Tv		\$1,700
Phone/Internet		\$250
Taxes		\$4,500
Pest Control		\$120
Dishwasher and Ice		
Machine rental		\$750
Propane		\$250
Bevintel		\$900
Liquor License		\$2,000
Cleaning Services		\$1,300
Insurance		\$2,000
Payroll		
	Bar	\$4,000
	DJ	\$2,800
	Bookkeeper	\$900
	Officer Salary	\$1,200
Adequate		
protection payment		\$1,000
Food		\$1,000
Dry Storage		\$1,400
Liquor Inventory		\$20,000
Net after Expenses		\$230

## November Budget

Projected Income		54,000
Rent		\$6,500
Electric		\$1,200
Direct Tv		\$1,700
Phone/Internet		\$250
Taxes		\$4,500
Pest Control		\$120
Dishwsher and Ice		
Machine rental		\$750
Propane		\$250
Bevintel		\$900
Liquor License		\$2,000
Cleaning Services		\$1,300
Insurance		\$2,000
Payroll		
	Bar	\$4,000
	DJ	\$2,800
	Bookeeper	\$900
	Officer Salary	\$1,200
Adequate		
protection payment		\$1,000
Food		\$1,000
Dry Storage		\$1,400
Liquor Inventory		\$20,000
Net after Expenses		\$230