

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: ) Chapter 11  
)  
METROPOLITAN DIAGNOSTIC IMAGING, INC. ) Case No. 17 B 35285  
d/b/a Advanced Medical Imaging Center, )  
) Hon. Timothy A. Barnes  
Debtor. )  
) Date & Time:  
) December 5, 2017 at 10:00 am

**NOTICE OF MOTION**

**TO:** Attached Service List

**PLEASE TAKE NOTICE THAT** on December 5, 2017, at 10:00 a.m., I shall appear before the Honorable Timothy A. Barnes, or any other judge sitting in his stead, in Room 744, 219 South Dearborn Street, Chicago, Illinois, and request a hearing Debtor's Interim Motion To Use Cash Collateral Pursuant To §363(c)(2) and (3) Of The Bankruptcy Code and Bankruptcy Rule 4001(b), a copy of which is attached hereto and hereby served upon you.

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, hereby state that pursuant to Section II, B, 4 of the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing NOTICE OF MOTION and MOTION to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants and, as to all other persons on the attached Service List by facsimile, Federal Express or U.S. Mail as indicated on the 28<sup>th</sup> day of November 2017.

/s/ Gregory K. Stern

Gregory K. Stern

Gregory K. Stern (Atty. ID #6183380)  
Monica C. O'Brien (Atty. ID #6216626)  
Dennis E. Quaid (Atty. ID # 02267012)  
Rachel S. Sandler (Atty. ID #6310248)  
53 West Jackson Boulevard  
Suite 1442  
Chicago, Illinois 60604  
(312) 427-1558

## SERVICE LIST

### Registrants Served Through The Court's Electronic Notice For Registrants

Patrick Layng, United States Trustee  
219 South Dearborn Street  
Suite 873  
Chicago, Illinois 60604

### Parties Served by United States Mail

The Bankcorp Bank  
409 Silverside Road, Suite 105  
Wilmington, Illinois 19809

Vincent T. Borst  
Robbins, Solomon & Patt, Ltd.  
180 N. La Salle Street, Suite 3300  
Chicago, Illinois 60601

Anchor Mechanical, Inc.  
255 North California  
Chicago, IL 60612

BB&T Bank  
29 Keyes Ferry Road  
Charles Town, WV 25414

Baker Donelson Bearman, Caldwell & Berkowitz, PC  
420 Twentieth Street North, Suite 1400  
Birmingham, AL 35203

Capital Parking LLC  
111 North Wabash, #2118  
Chicago, IL 60602

Cogent Communications, Inc.  
P.O. Box 791087  
Baltimore, MD 21279

Dwight Yochum, DC  
7500 Wadsworth Blvd  
Arvada, CO 80003

Hatti Group RE Chicago LLC  
289 Eastland Drive  
Charles Town, WV 25414

Hitachi Healthcare Americas  
1959 Summit Commerce Park  
Twinsburg, OH 44087

Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62104

Integrated INS Solutions  
44675 Cape Court, Suite 100  
Ashburn, VA 20147

Lake Park LLC  
c/o Gerald B. Lurie, Esq.  
Chen Roberts Ltd.  
33 North Dearborn, Suite 1420  
Chicago, IL 60602

Law Office of Donald B. Garvey & Assoc.  
1 S 376 Summit, Unit 3C  
Villa Park, IL 60181

M. Bachman & Associates  
2626 Tamiami Trail East, #3  
Naples, FL 34112

Pitney Bowes Global Financial Services  
2225 American Drive  
Neenah, WI 54956-1005

Quantum Imaging & Therapeutic Ass., Inc  
629D Lowther Road  
Lewisberry, PA 17339

Regal Medical Services  
P.O. Box 1101 25 Tesler Road  
Lake Zurich, IL 60047

ServisFirst Bank  
P.O. Box 84032  
Columbus, GA 31908

State of California Franchise Tax Board  
P.O. Box 942857  
Sacramento, CA 94257

Washington Imaging Assoc. of MD, LLC  
7799 Leesburg Pike  
Suite 1000 N  
Falls Church, VA 22043

Wise Medical Services Inc.  
12634 West 159th Street  
Homer Glen, IL 60491

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: ) Chapter 11  
)  
METROPOLITAN DIAGNOSTIC IMAGING, INC. ) Case No. 17 B 35285  
d/b/a Advanced Medical Imaging Center, )  
) Hon. Timothy A. Barnes  
Debtor. )  
) Date & Time:  
) December 5, 2017 at 10:00 am

**MOTION FOR INTERIM USE OF CASH COLLATERAL  
PURSUANT TO § 363(c)(2) and (3) OF THE BANKRUPTCY CODE  
AND BANKRUPTCY RULE 4001(b)**

Now comes the Debtor, Metropolitan Diagnostic Imaging, Inc. d/b/a Advanced Medical Imaging, Inc. (the “Debtor”), by and through its attorneys, Gregory K. Stern, Monica C. O’Brien, Dennis E. Quaid, and Rachel S. Sandler, and in support of its Motion For Interim Use Of Cash Collateral Pursuant To § 363(c)(2) and (3) of the Bankruptcy Code and Bankruptcy Rule 4001(b), states as follows:

1. On November 28, 2017, the Debtor filed a Voluntary Petition for relief under Chapter 11 of the United States Bankruptcy Code.
2. This Court has jurisdiction pursuant to 28 U.S.C. § 1334; and, this matter constitutes a core proceeding under 28 U.S.C. § 157(b)(2)(M).
3. The Debtor, as Debtor In Possession, has continued in possession of its property, pursuant to §§ 1107 and 1108; and, no trustee has been appointed in this case.
4. The Debtor operates a medical imaging facility with its principal place of business located in Cook County, Illinois.
5. On February 6, 2017, the Debtor executed a Loan Agreement, U.S. Small Business

Administration Note and U.S. Small Business Association Security Agreement (collectively referred to as the “Loan Documents”) in favor of The Bancorp Bank (“Bancorp”) in the principal amount of \$1,100,000.00 (“Loan”) which is secured by a lien on the assets of the Debtor, including equipment, fixtures, inventory, accounts, instruments, chattel paper, general intangibles, together with all replacements, accessions, proceeds and products. (the “Collateral”).

6. Bancorp asserts a perfected security interest in the Collateral by virtue of a UCC Financing Statement filed with the Illinois Secretary of State on February 6, 2017.

7. The approximate balance due and owing to Bancorp is \$1,079,826.20 (the “Indebtedness”).

8. The Debtor’s assets consist of cash deposits, accounts receivables, imaging equipment, office furniture and furnishings and general intangibles the value of which is estimated to be in excess of \$1,300,000.00.

9. All proceeds of the Collateral including cash and cash equivalents constitute cash collateral within the meaning of 11 U.S.C. §363.

10. The Debtor lacks funds with which to fund this Chapter 11, and specifically with which to continue the operations of its business without the continued use of the Cash Collateral. The Debtor requires use of its post-petition receipts to pay employees, independent contractors for imaging reading services, insurance, and other necessary expenses associated with and necessary for the operation of its business.

11. To assist the Debtor in continuing with its operations and to propose a plan of reorganization in accordance with 11 U.S.C. §§1107 and 1108, the Debtor requires the use of the Cash Collateral.

12. Without the immediate use of Cash Collateral, the estate will suffer immediate and

irreparable harm, including the inability to pay its employees and maintain regular business operations.

13. The Debtor requires the use of cash collateral in the approximate amounts as set forth on the Budget attached hereto **as Exhibit A** and made a part hereof.

14. The Debtor is unable to obtain secured or unsecured credit in the ordinary course of business, or otherwise, pursuant to § 364.

15. As and for adequate protection for the interests of Bancorp in the Collateral, the Debtor proposes that:

- (a) Bancorp shall be granted valid and perfected replacement liens in and to post-petition Cash Collateral and all post-petition property of the Debtor of the same type or kind substantially equivalent to the pre-petition Collateral (excepting avoidance actions of the estate) to the same extent and with the same priority as held pre petition; and,
- (b) Insurance shall be maintained on the Collateral and the policy shall reflect Bancorp as a lienholder and loss payee.

16. The Debtor requires the interim use of Cash Collateral to pay the necessary costs associated with the operation of its business and requests that this Court conduct a preliminary hearing, *instanter*, on the Motion and set this matter for final hearing on December 19, 2017, at 10:30 a.m.

17. Notice of this Motion has been sent to all secured creditors and parties in interest, including the twenty (20) largest unsecured creditors in this Chapter 11 case, in accordance with Bankruptcy Rule 4001 and Rule 1007(d).

WHEREFORE, Metropolitan Diagnostic Imaging, Inc., Debtor and Debtor In Possession, prays for entry of an order as follows:

- A. Authorizing its use of cash collateral, as defined in 11 U.S.C. § 363;

B. Granting The Bancorp Bank adequate protection as follows: a post-petition replacement lien, to the same extent and with the same priority as held pre petition, under 11 U.S.C. §§ 361(2) and 363 on all of the Cash Collateral and all post-petition property of the Debtor of the same type or kind substantially equivalent to the pre-petition Collateral;

C. Setting this matter for a final hearing on the Debtor's Motion to Use Cash Collateral for **December 19, 2017**, at 10:30 a.m.; and,

D. For such other further relief as this Court deems just.

By:           /s/ Monica C. O'Brien            
Monica C. O'Brien, Attorney

Gregory K. Stern (Atty. ID #6183380)  
Dennis E. Quaid (Atty. ID #02267012)  
Monica C. O'Brien (Atty. ID #6216626)  
Rachel S. Sandler (Atty. ID #6310248)  
53 West Jackson Boulevard  
Suite 1442  
Chicago, Illinois 60604  
(312) 427-1558