

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In re:) Chapter 11
)
EVERMILK LOGISTICS LLC,) Case No. 17-03613-JJG-11
)
Debtor.)

DEBTOR’S FOURTH MOTION PURSUANT TO 11 U.S.C. § 1121(d) FOR AN ORDER, NUNC PRO TUNC TO MARCH 12, 2018, EXTENDING THE DEBTOR’S EXCLUSIVE PERIOD TO SOLICIT VOTES IN CONNECTION WITH ITS PLAN

Evermilk Logistics LLC, the debtor and debtor-in-possession in the above-captioned chapter 11 case (the “Debtor”), by counsel, files this *Debtor’s Fourth Motion Pursuant To 11 U.S.C. § 1121(d) For An Order, Nunc Pro Tunc To March 12, 2018, Extending The Debtor’s Exclusive Period To Solicit Votes In Connection With Its Plan* (this “Motion”) seeking a 30 day extension of the time, to and including April 11, 2018, in which to solicit votes in connection with its chapter 11 plan. The Debtor states the following in support of this Motion:

1. On May 15, 2017, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Indiana, Indianapolis Division (this “Court”) initiating this chapter 11 case. The Debtor continues as debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. Pursuant to sections 1121(b) and (c) of the Bankruptcy Code, the original dates by which the Debtor had the exclusive right to file a chapter 11 plan and solicit votes in connection with such plan were September 12, 2017, and November 11, 2017, respectively.

3. By order entered on September 13, 2017 [Docket No. 87], this Court extended these periods through and including November 11, 2017, and January 10, 2018. By order entered on December 4, 2017 [Docket No. 100], this Court further extended these periods

through and including December 11, 2017, and February 9, 2018. By order entered on February 27, 2018 [Docket No. 139], this Court further extended the deadline to solicit votes in connection with the Debtor's chapter 11 plan through and including March 12, 2018.

4. On December 11, 2017, the Debtor filed *Debtor's Plan of Reorganization* [Docket No. 102] and *Evermilk Logistics, LLC's Disclosure Statement* [Docket No. 103].

5. On January 9, 2018, General Truck Leasing, LLC filed its *Objections to Evermilk Logistics LLC's Disclosure Statement* [Docket No. 112]. On January 16, 2018, Semo Tank/Baker Equipment Co. filed its *Objections to Evermilk Logistics LLC's Disclosure Statement* [Docket No. 115]. On February 2, 2018, the United States of America, Internal Revenue Service filed its *Objection to Disclosure Statement* [Docket No. 126].

6. This Court held a hearing on the Debtor's disclosure statement and the filed objections on February 22, 2018, and entered an order permitting the Debtor to file an amended plan and disclosure statement within seven days [Docket No. 137]. If an objection to the amended plan and disclosure statement is filed by March 9, 2018, a hearing will be held on March 12, 2018.

7. By this Motion, the Debtor respectfully seeks entry of an order, *nunc pro tunc* to March 12, 2018, if necessary, extending the period under section 1121(c) of the Bankruptcy Code in which the Debtor has the exclusive right to solicit acceptances of its plan for 30 days, up to and including April 11, 2018, without prejudice to the Debtor's right to seek additional and further extensions of this period as may be appropriate under the circumstances.

8. Pursuant to section 1121(d)(1) of the Bankruptcy Code, this Court may, upon a demonstration of cause, extend the Debtor's exclusive period to solicit acceptances of the Debtor's plan. Cause exists for extending the Debtor's exclusive period in this case. The Debtor

is in negotiations regarding the amended plan and disclosure statement, and a hearing will be held on March 12, 2018 if objections to the amended plan and disclosure statement are timely filed. In light of the scheduled hearing on the amended plan and disclosure statement, the Debtor requests an extension of the deadline to solicit acceptances of its plan.

WHEREFORE, the Debtor respectfully requests that this Court enter an order, *nunc pro tunc* to March 12, 2018, if necessary, extending the Debtor's exclusive period within which to solicit acceptances of its plan for 30 days, up to and including April 11, 2018, and grant the Debtor all other just and proper relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Elizabeth M. Little

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CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2018, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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