

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF KENTUCKY  
LEXINGTON DIVISION**

**IN RE**

**LEXINGTON HOSPITALITY GROUP,  
LLC**

**CASE NO. 17-51568**

**DEBTOR**

**ORDER**

The following matters came on for hearing on October 19, 2017:

1. Debtor's Emergency Motion to Extend Cash Collateral Use [ECF No. 110];
2. Debtor's Emergency Motion for Protective Order Continuing Deposition Date [ECF No. 130];
3. Motion to Compel and Request to Shorten Notice of Hearing [ECF No. 139] filed by PCG Credit Partners, LLC ("PCG"); and
4. Debtor's oral motion to retain a local accountant.

The evidence and arguments presented at the hearing were considered. Additional legal briefing and new or revised financial information is required. The following relief is intended to balance Debtor's need to continue operations with the rights of all creditors, including PCG.

Therefore, it is ORDERED that:

**A. Motion to Extend Cash Collateral Use.**

1. Debtor's Emergency Motion to Extend Cash Collateral Use [ECF No. 110] is GRANTED on an interim basis until November 3, 2017, which approval includes payment of \$3,250.00 for a fee described in Debtor's Exhibit 8.
2. PCG may submit additional briefing regarding the legal issues affecting cash collateral use **on or before October 24, 2017**. Debtor may file a reply brief **on or before October 27, 2017**. The matter is then submitted for decision.

3. The Debtor shall submit the following **on or before 5:00 p.m. on Friday,**

**October 27, 2017:**

- a. the September Monthly Operating Report;
  - b. an aging report similar to that attached to PCG Exhibit 5 for September and any amendment to the aging report attached to PCG Exhibit 5 for August;
  - c. a proposed November budget;
  - d. A document showing the expenses related to the Bennigans restaurant.
4. The Debtor shall provide the report submitted as Debtor's Exhibit 5 to PCG as requested by PCG, but no more often than once daily.
  5. The Debtor's exclusivity period pursuant to 11 U.S.C. § 1121 is terminated immediately.
  6. The Debtor shall file a plan and disclosure statement within thirty (30) days of entry of this Order.

**B. Motions for Protective Order and To Compel.**

1. The Debtor's Emergency Motion for Protective Order Continuing Deposition Date [ECF No. 130] is GRANTED IN PART and PCG's Motion to Compel and Request to Shorten Notice of Hearing [ECF No. 139] is GRANTED.
2. The Debtor will deliver responses to discovery requests **on or before 12:00 noon on November 3, 2017.**
3. The Debtor will appear for a deposition at a time agreed by the parties, but at least **on or before November 10, 2017.**
4. The Debtor and PCG are encouraged to work out issues and may adjust the time periods herein without the need for court approval.

**C. Oral Motion to Employ Local Accountant.**

1. The oral motion to employ a local accountant is DENIED WITHOUT PREJUDICE.
2. The Debtor may file an application to employ an accountant with the proposed terms.
3. The application will be considered on shortened notice upon request.

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The affixing of this Court's electronic seal below is proof this document has been signed by the Judge and electronically entered by the Clerk in the official record of this case.



Signed By:  
Gregory R. Schaaf  
Bankruptcy Judge  
Dated: Friday, October 20, 2017  
(grs)