

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: DOCTOR'S BEST IMMEDIATE : CASE NO. 17-17771
MEDICAL CARE, INC. : CHAPTER 11
Debtor-in-possession :

**DEBTOR'S MOTION TO FOR EXPEDITED HEARING ON DEBTOR'S MOTION
APPROVE CASH COLLATERAL STIPULATION FOR
USE OF CASH COLLATERAL PURSUANT TO SECTION 363 OF THE UNITED
STATES BANKRUPTCY CODE**

Doctor's Best Immediate Medical Care, Inc. ("Movant"), by its attorney, David Hamilton Lang, Esquire, moves this Honorable Court for an (1) an Order setting an expedited hearing date on the underlying Motion and (2) an Order under Sections 361 and 363 of Title 11 of the United States Bankruptcy Code (the "Bankruptcy Code"), Rules 2002, 4001, and 9014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 4001-2 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the Eastern District of Pennsylvania (the "Local Rules"), authorizing the Debtor's use cash collateral. In support of this Motion, the Debtor states as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. §157(b). Venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409. The statutory basis for the relief requested herein are Bankruptcy Code §§ 361 and 363, and Bankruptcy Rules 2002, 4001 and 9014.

BACKGROUND

2. On November 5, 2017 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

3. The Debtor continues to operate its business and manage its property as a Debtor-In-Possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.
4. Prior to the filing of the instant bankruptcy, the Debtor entered into a certain business loan agreement (the “Loan”) with Wilmington Savings Fund Society (the “Lender”).
5. As of the Petition Date, the outstanding obligation under the loan was approximately \$1,500,000.00.
6. The Debtor’s obligation under the loan is secured by liens on and security interests in the Debtor’s inventory and other cash collateral with the approximate value of \$120,000.00.
7. The loan is further guaranteed by Geoffrey Winkley and Robin Stuntebeck (the “Guarantors”) and as further adequate protection, the Lender has a lien on and security interest in personal assets of the Guarantors.
8. Movant and Lender have entered into a Cash Collateral Agreement for the use of cash collateral. A copy of the agreement is attached and marked as Exhibit “A”.

EXPEDITED CONSIDERATION

9. By this Motion, the Movant seeks entry of an Order setting an expedited hearing date to consider the Movant’s underlying Motion For Approval of the Use of Cash Collateral.
10. The Movant needs expedited consideration because the inability to use cash collateral until the Court would normally hear a motion hampers the Movant’s ability to function as Debtor-in-possession for cash flow and business operations, such as payroll, etc.

11. Notice of the Motion was given by email to counsel for the Lender which is the party to the proposed stipulation for use of cash collateral on November 15, 2017. Further, Movant's counsel spoke with Lender's counsel by phone and advised that Movant was seeking expedited consideration.
12. Lender's counsel was in agreement with requesting expedited consideration.

RELIEF REQUESTED

13. By this Motion, the Movant is seeking approval of the Stipulation,(the "Stipulation Order") approving the Stipulation, attached hereto as Exhibit "A"authorizing the Debtor's use cash collateral.
14. Pursuant to Section 363(e) of the Bankruptcy Code, the Debtor's use of cash collateral is conditioned upon adequate protection to be provided to the Lender. The Debtor respectfully submits that the proposed use of cash collateral, in conjunction with the Stipulation is necessary for the Debtor to have sufficient liquidity during the Chapter 11 process to preserve its assets and property. The Debtors proposed use of cash collateral prejudices no one, it affirmatively and directly benefits the Debtors estate and creditors and it enhances the prospects of a successful outcome of this case.
15. No Trustee, examiner or creditors committee has been appointed in this case. Notice of this Motion has been given to the Lender, the United States Trustee and holders of the twenty (20) largest unsecured claims.

WHEREFORE, the Debtor respectfully requests that an entry of an Order approving the Cash Collateral Agreement.

Respectfully submitted:

/s/ David Lang
David Hamilton Lang, Esquire