

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
)	Case No. 17-70646 JAD
Lifestat Ambulance Service, Inc.,)	
)	Chapter 11
Debtor)	Docket No.
)	
Lifestat Ambulance Service, Inc.,)	
)	
Movant)	
)	
vs.)	
)	
First National Bank of Pennsylvania and)	
WebBank c/o Can Capital Asset)	
Servicing, Inc.,)	
)	
Respondents)	

MOTION TO USE CASH COLLATERAL TOGETHER WITH REQUEST FOR EXPEDITED HEARING PURSUANT TO LOCAL BANKRUPTCY RULE 9013-2

AND NOW, comes the Debtor, Lifestat Ambulance Service, Inc., by and through attorney Christopher M. Frye, and Steidl and Steinberg, P.C., and respectfully represents as follows:

1. This case was commenced on August 31, 2017 when the Debtor filed a voluntary petition under Chapter 11 of the Bankruptcy Code.
2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. Venue is proper pursuant to 28 U.S.C. § 1408 and 1409.

4. The Relief being requested is pursuant to 11 U.S.C. § 363.
5. The Debtor is a 501(c)(3) non-profit entity that does business as an ambulance/critical care service.
6. The Debtor believes and avers that First National Bank of Pennsylvania has the first position on the cash collateral of the Debtor via financing documents and a valid and recorded UCC filing with the State of Pennsylvania dated May 12, 2010 and a continuation statement dated December 8, 2014.
8. Attached and labeled Exhibit "A" please find both the UCC filed by First National Bank of Pennsylvania dated May 12, 2010 and the continuation statement dated December 8, 2014.
9. The Debtor believes that WebBank c/o Can Capital Asset Servicing, Inc. may have second position on the cash collateral of the Debtor via financing documents and a recorded UCC filing with the State of Pennsylvania dated January 20, 2016.
10. The UCC dated January 20, 2016, which the Debtor believes is related to its debt to WebBank c/o Can Capital Asset Servicing, Inc., does not identify WebBank c/o Can Capital Asset Servicing, Inc. as the secured party, but lists the secured party as Corporation Service Company, as Representative.
11. Attached and labeled Exhibit "B" please find the UCC dated January 20, 2016 which the Debtor believes is related to the debt of WebBank c/o Can Capital Asset Servicing, Inc.
12. The Debtor believes that Corporation Service Company, as Representative is not the secured party but only the preparer and filer of the UCC on behalf of WebBank c/o Can Capital Asset Servicing, Inc.

13. The Debtor believes that this may make the security interest defective, but is listing WebBank c/o Can Capital Asset Servicing, Inc. as a Respondent due to not having a definitive ruling or determination of the secured status of WebBank c/o Can Capital Asset Servicing, Inc.

14. In order to use cash collateral, pursuant to 11 U.S.C. § 363, the Debtor must either have consent or a Court Order allowing use.

15. The Debtor cannot operate and the Debtor cannot attempt to reorganize if it does not have the use of cash collateral.

16. The Debtor believes that due to the Chapter 11 filing that it can operate profitably and generate value to creditors of the estate.

17. No creditors or parties in interest will be harmed or prejudiced by allowing the Debtor to continue to use cash collateral.

WHEREFORE, the Debtor, Lifestat Ambulance Service, Inc., respectfully requests this Honorable Court to allow the use of cash collateral.

Request for Expedited Hearing

18. The allegations set forth in paragraphs 1 through 17 of this Motion are incorporated herein as if set forth in their entirety.

19. Pursuant to the provisions of Local Bankruptcy Rule 9013-2, the Debtor requests an expedited hearing on this matter for the following reasons:

- (a) Pursuant to applicable bankruptcy laws, the Debtor is required to have a Court Order for the use of cash collateral absent consent;

- (b) The Debtor will be unable to operate their business without the use of cash collateral;
- (c) The Debtor needs immediate approval to use cash collateral;
- (d) The need for an expedited hearing has not been caused by any lack of due diligence by the Debtor or its counsel but has been brought on by circumstances beyond its control.

WHEREFORE, Debtor respectfully requests this Court to schedule an expedited hearing on this Motion to Use Cash Collateral.

Respectfully submitted,

August 31, 2017
DATE

/s/ Christopher M. Frye
Christopher M. Frye, Esquire
Attorney for the Debtor

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