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Attorneys for Michael F. Thomson, Chapter 11 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

THE FALLS EVENT CENTER LLC,

Debtor.

Bankr. Case No. 18-25116

Chapter 11

The Honorable R. Kimball Mosier

***EX PARTE* MOTION FOR ORDER SHORTENING TIME FOR NOTICE AND
HEARING REGARDING MOTION FOR AUTHORITY TO ENTER INTO
INSURANCE PREMIUM FINANCE AGREEMENTS**

**Proposed Objection Deadline on Underlying Motion: February 15, 2019 at 4:30 p.m.
Proposed Hearing Date on Underlying Motion: February 19, 2019 at 11:00 a.m.**

Pursuant to Federal Rule of Bankruptcy Procedure 9006(c) and Local Rule 9006-1, Michael F. Thomson, the duly appointed Chapter 11 trustee (the “Trustee”) for the bankruptcy estate of The Falls Event Center LLC (the “Debtor”), by and through his counsel, hereby files this motion seeking entry of a Court Order shortening the time for notice and hearing relating to his *Motion for Authority to Enter Into Insurance Premium Finance Agreements* (the “Motion”), which he has filed contemporaneously herewith. In support hereof, the Trustee states as follows:

BACKGROUND

General Background

1. On July 11, 2018, The Falls Event Center LLC filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. [Docket No. 1].
2. The Official Committee of Unsecured Creditors was formed on July 27, 2018. [Docket No. 28].
3. On November 27, 2018, the Court approved the appointment of the Trustee as Chapter 11 Trustee of the Debtor. [Docket No. 214].

The Motion

4. The Debtor operates an indoor waterpark in McMinnville, Oregon (“Wings and Waves”).
5. In connection with the Debtor’s waterpark operations for Wings and Waves, it is necessary to maintain adequate insurance coverage, among which, includes Property, General Liability and Excess Liability insurance coverage.
6. The Debtor’s use of a third-party premium finance company for the insurance premiums at Wings and Waves has been standard practice and allows for the effective management of cash flow. In 2018, the Debtor’s total premiums for the waterpark property and liability coverage were \$210,532, with a monthly payment of \$17,349.11 for 10 months.
7. In the Motion, the Trustee seeks authority to use a third-party premium finance company for the payment of the insurance premiums at Wings and Waves, consistent with the Debtor’s past practices. The 2019 total combined property and liability premiums are \$201,615, with total combined monthly payments of \$15,617.54 for 10 months.
8. The Trustee is seeking shortened time in order to be able to execute two Commercial Premium Finance Agreements with FIRST Insurance Funding, a Division of Lake Forest Bank & Trust Company, N.A for the financing of the Property and Liability insurance

policies required for the operation of Wings and Waves (the “Policies”) so as not to have a lapse in insurance coverage.

9. The Motion is a motion to obtain financing pursuant to 11 U.S.C. § 364. Accordingly, this Motion will be governed by Rules 2002, 4001, and 9014, of the Federal Rules of Bankruptcy Procedure and Rules 2002-1, 4001-2 and 9006-1(b) of the Local Rules of Practice of the United States Bankruptcy Court for the District of Utah. Those rules require that the hearing on the Motion must be scheduled at least twenty-one days from the mailing of the Notice on the Motion. Such notice period, however, could result in the Policies being canceled by the insurers prior to the hearing.

RELIEF REQUESTED

10. Accordingly, the Trustee requests that the Court conduct a hearing on the Motion on February 19, 2019 at 11:00 a.m. (Mountain Time).

11. The Trustee proposes that all objections or responses to the Motion must be filed and served by February 15, 2019 at 4:30 p.m.

12. The Trustee will serve a Notice of Hearing relating to the Motion to all parties required to receive such notice, with the Notice containing the above proposed dates. In the event the Court does not grant this Motion for Order Shortening Time, or modifies the dates proposed by the Trustee herein, the Trustee will mail an amended Notice of Hearing to all parties informing them of the Court’s Order.

DATED this 6th day of February 2019

/s/ Megan K. Baker
Michael F. Thomson
Peggy Hunt
Jessica McKinlay
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DORSEY & WHITNEY LLP
Attorneys for Chapter 11 Trustee

CERTIFICATE OF SERVICE – BY NOTICE OF ELECTRONIC FILING (CM/ECF)

I hereby certify that on the 6th day of February 2019, I electronically filed the foregoing ***EX PARTE*** **MOTION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING REGARDING MOTION FOR AUTHORITY TO ENTER INTO INSURANCE PREMIUM FINANCE AGREEMENTS** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

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/s/ Michelle Montoya