

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

In re:

PANTHERA ENTERPRISES, LLC,

Debtor-in-possession.

Case No. 2:19-787
Chapter 11

WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY,

Movant,

v.

PANTHERA ENTERPRISES, LLC,

Respondent.

MOTION TO EXTEND TIME FOR DEBTOR TO FILE RESPONSE TO MOTIONS

AND NOW COMES, the Panthera Enterprises, LLC (“Debtor”), by and through its undersigned counsel, pursuant to Rule 9006(b)(1) of the Federal Rules of Bankruptcy Procedure, file this Motion to Extend Time File Response to Motions filed by West Virginia Economic Development Authority, and in support thereof, respectfully states as follows:

1. On September 13, 2019, the Plaintiff filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code and is a debtor in possession in accordance with § 1107(a) of the Bankruptcy Code.

2. The Plaintiff owns the real property located at 2506 Fishpond Road, Old Fields, West Virginia 26845, including the improvements, structures and various personal property situated on such real property (collectively, the “Property”), all of which is utilized as a training facility for various of the Plaintiff’s clients and customers.

3. On November 2, 2019, the West Virginia Economic Development Authority filed a Motion for Relief from Stay related to the Property (the “Motion for Relief from Stay”) and a Motion to Convert the Case to Chapter 7, or in the alternative, to Dismiss the Case (the “Motion to Convert”). Collectively, the Motion for Relief from Stay and the Motion to Convert are hereafter referred to as the “Motions” when appropriate.

4. The Court held a preliminary telephone hearing on the Motions on November 12, 2019 (the “Preliminary Hearing”).

5. At the Preliminary Hearing, the Court set a date to hear the Motion to Convert for December 16, 2019 and it was agreed that a date for the Motion for Relief from Stay would be set at a later date.

6. Also at the Preliminary Hearing, the Debtor suggested and it was agreed that the Debtor be allowed until December 6, 2019 to file responsive pleadings to the Motions (the “Response Deadline”).

7. As the Court and EDA are aware, the Debtor is also involved in a series of disputed issues with its tenant, Panthera Training, LLC (“Training”) and the Court held a trial on November 25 and November 26, 2019 to hear Debtor’s request for a preliminary injunction. On December 2, 2019, the Court notified the parties by telephonic hearing of its decision to deny Debtor’s request for preliminary injunction (the “Injunction Order”).

8. Since the entry of the Injunction Order, the Debtor has been in discussions with Training regarding a potential agreement that would resolve certain of the disputed issues between said parties and provide for the near term trainings to occur as scheduled.

9. As of the time of the filing of this Motion, the Debtor and Training are still in the process of discussing and finalizing such an agreement.

10. The Debtor believes and therefore avers that any such agreement is directly related to and will substantially affect its responses to the Motions and will directly address many of the concerns expressed by the EDA.

11. In order to allow the Debtor to continue its discussions and still have the opportunity to appropriately respond to the Motions, the Debtor hereby requests an extension of time to respond to the Motions to Wednesday, December 11, 2019.

12. WHEREFORE, in consideration of the foregoing, the Debtor respectfully moves this Court to extend the time for Debtor file its responsive pleadings to the Motions to December 11, 2019 and grant them such other and further relief as the Court deems just and appropriate.

Date: December 5, 2019

Respectfully submitted:

BERNSTEIN-BURKLEY, P.C.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the within Motion for Extension of Time was served via the CM/ECF system upon all parties and counsel of record on this 5th day of December, 2019.

Respectfully submitted:

Date: December 5, 2019

BERNSTEIN-BURKLEY, P.C.

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