

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

In re:

PANTHERA ENTERPRISES, LLC,

Debtor

BK No. 2:19-bk-00787

Chapter 11

**WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY,**

Movant

v.

PANTHERA ENTERPRISES, LLC,

Respondent

**WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY'S
OBJECTION TO DEBTOR'S MOTION TO EXTEND
TIME FOR DEBTOR TO FILE RESPONSE TO MOTIONS**

West Virginia Economic Development Authority ("WVEDA"), by its counsel, objects to the Debtor's Motion to Extend Time for Debtor to File Response to Motions ("Debtor's Motion") and states as follows:

1. Panthera Enterprises, LLC ("Debtor") initiated this bankruptcy case on September 13, 2019, with the filing of a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code.

2. On November 2, 2019, WVEDA filed its *Motion to Convert This Case to a Chapter 7 Proceeding, or, in the Alternative, Dismiss this Bankruptcy Case for Cause* ("Motion to Convert"), and its *Motion for Relief from the Automatic Stay to Foreclose Against the Debtor's*

Real Property at 2506 Fish pond Road, Old Field, Hardy County, West Virginia ("Motion for Relief" and with the Motion to Convert, "WVEDA's Motions"). Dkt. 52, 53.

3. The Court convened a telephonic preliminary hearing on WVEDA's Motions on November 12, 2019. At that time, the Court set an evidentiary hearing to consider the Motion to Convert for December 16, 2019, with the Motion for Relief held in abeyance pending a decision on the Motion to Convert. Dkt. 61.

4. On November 15, 2019, the Court entered its Order regarding the scheduling of WVEDA's Motions, which provided that (i) the parties may engage in discovery, and (ii) the Debtor was to file its response to both WVEDA Motions by December 6, 2019. Dkt. 61.

5. Today, one day before the deadline to respond, Debtor filed its Motion to Extend Time for filing its response to WVEDA's Motion, requesting a 5 day extension to Wednesday, December 11, 2019. The Debtor did not contact WVEDA prior to filing its Motion.¹

6. The Debtor claims the extension is needed because, having been denied its request to remove its tenant and subcontractor Panthera Training, LLC ("Training") from the Debtor's facility in Hardy County, it is now in discussions with Training for the "near term trainings to occur as scheduled." The Debtor claims it is "in the process of discussing and finalizing such an agreement." The Debtor then makes the conclusory statement that "any such agreement is directly related to and will substantially affect its responses to the [WVEDA's] Motions and will directly address many of the concerns expressed by the EDA."

7. WVEDA fails to see how the Debtor's resolution of a contract dispute with Training "directly relates to" or "substantially affects" a response to the WVEDA's Motions. WVEDA is not a party to the contracts between Debtor and Training on which the Debtor's

¹ WVEDA also sent to counsel on November 18, 2019, a request for certain documents in preparation for hearing on WVEDA's Motion to Convert. To date, the Debtor has not responded to the request.

dispute is based. WVEDA's Motions are not, in any way, based upon the Debtor's dispute with Training, and the outcome of WVEDA's Motions does not turn on whether or not the Debtor resolves its dispute with Training. WVEDA's Motion to Convert is based upon the Debtor's bad faith in filing its bankruptcy petition. Resolution of the contract dispute -- which originated post-petition with the Debtor -- is not going to address the Debtor's bad faith in filing for bankruptcy protection. The Debtor's request should be denied.

WHEREFORE, West Virginia Economic Development Authority objects to the Debtor's Motion to Extend Time for Debtor to File Response to Motions, and respectfully requests this Court deny the Debtor's request and grant such other and further relief as the Court deems equitable and just.

Dated: December 5, 2019

Respectfully submitted,

/s/ Debra Lee Allen

Debra Lee Allen, PA ID No. 94946

Spilman Thomas & Battle, PLLC

48 Donley Street, Suite 800

Morgantown, West Virginia 26507-0615

T: (304) 291-7920 | (304) 216-5835

F: (304) 291-7979

dallen@spilmanlaw.com

*Counsel for West Virginia Economic
Development Authority*

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FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
(Martinsburg)**

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PANTHERA ENTERPRISES, LLC,	:	
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Debtor.	:	
	:	
	:	
WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY,	:	
	:	
Movant,	:	
	:	
v.	:	
	:	
PANTHERA ENTERPRISES, LLC,	:	
	:	
Respondent.	:	
	:	

CERTIFICATE OF SERVICE

I, Debra Lee Allen, hereby certify that on this 5th day of December, 2019, the foregoing *West Virginia Economic Development Authority's Objection to Debtor's Motion to Extend Time for Debtor to File Response to Motions* was served through the Court's ECF system on all parties registered to receive CM/ECF notices, including:

Mark A. Lindsay
John J. Richardson
Robert S. Bernstein
Bernstein-Burkley, P.C.
707 Grant Street, Ste. 2200
Pittsburgh, PA 15219
Counsel for the Debtor

Gary O. Kinder
U.S. Trustee's Office
300 Virginia Street East, Rm. 2025
Charleston, WV 25301
U.S. Trustee

/s/ Debra Lee Allen

Debra Lee Allen, WV Bar No. 9838