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

In re:
PANTHERA ENTERPRISES, LLC,

Debtor.

Case No. 19-00787
Chapter 11

DEBTOR'S RESPONSE TO MOTION TO DISMISS OR CONVERT

And now comes Panthera Enterprises, LLC ("Panthera" or "Debtor"), by and through its undersigned counsel, Bernstein-Burkley, P.C., and hereby files this *Response to the Motion to Dismiss or Convert* (the "Response") in response to United States Trustee's Motion to Dismiss or Convert to Chapter 7 pursuant to 11 U.S.C. §1112(b) (the "Trustee Motion") and in support thereof states as follows:

1. On April 7, 2020, the United States Trustee ("UST") filed a Motion to Dismiss Case or Convert Case to Chapter 7 (the "Trustee Motion") based upon the fact that the policy of casualty insurance related to the Debtor's real property had lapsed.

2. The Court should deny the Trustee Motion on because the Debtor has addressed the concerns of the UST by obtaining a policy of casualty insurance and the Trustee Motion is accordingly now moot.

3. The Debtor owns real property located at 2506 Fish Pond Road, Old Fields, West Virginia, 26845, which includes various improvements, structures and attached personal property (the "Property")..

4. As noted by the UST, the Property is utilized as a training facility primarily by an unaffiliated lessee, Panthera Training, LLC ("PT"). Specifically, the Debtor and PT executed that certain commercial lease dated June 1, 2018 related to the Debtor's Property. The Debtor

and PT also executed that certain Subcontract dated June 1, 2018 pursuant to which the Debtor engaged PT as a subcontractor to perform work for Debtor on various prime contracts held by the Debtor and its subsidiary.

5. The Debtor and PT disagree as to who is responsible for maintaining certain policies of insurance related to the Property. Nevertheless, the Debtor acknowledges that the casualty insurance on the Property lapsed and was not in place. Upon discovering that such insurance was not in place and that Panthera Training was taking the position that it would not maintain such insurance, the Debtor sought and procured a policy of casualty insurance as required by the UST. The new casualty insurance policy period is effective as of April 17, 2020 and extends through April 17, 2021. A copy of the insurance summary page is attached hereto as Exhibit A and made a part hereof.

6. A copy of the proof of insurance was separately provided to the UST and counsel for the UST advised Debtor's counsel that the procurement of such insurance policy renders the Trustee Motion moot. The UST requested that additional evidence be provided showing the UST as an interested party certificate holder on the policy. Such evidence was provided to the UST by electronic mail on April 24, 2020.

WHEREFORE, Debtor requests that this Honorable Court enter an Order denying the Trustee's Motion to Dismiss Case or Convert to Chapter 7 in its entirety, without prejudice.

Respectfully submitted:

Date: April 24, 2020

BERNSTEIN-BURKLEY, P.C.

By: /s/ John J. Richardson

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Counsel for Debtor

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the within Response to United States Trustee's Motion to Dismiss or Convert Case was served via the CM/ECF system upon all parties and counsel of record in this adversary proceeding on this 24th day of April, 2020.

Date: April 24, 2020

Respectfully submitted:
BERNSTEIN-BURKLEY, P.C.
By: /s/ John J. Richardson

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