

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

In re	:	
	:	
PANTHERA ENTERPRISES, LLC,	:	BK No. 2:19-BK-00787
	:	
Debtor.	:	Chapter 11
	:	
	:	

**WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY'S
MOTION FOR LEAVE TO BE HEARD AT THE HEARING ON THE
UNITED STATES TRUSTEE'S MOTION TO DISMISS CASE OR CONVERT**

West Virginia Economic Development Authority ("WVEDA"), by counsel, seeks leave to be heard at the hearing set for Wednesday, May 27, 2020 on the United States Trustee's Motion to Dismiss Case or Convert to Chapter 7 for failure to maintain adequate insurance, and in support of its motion, 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. WVEDA is the Debtor's largest creditor, with a claim of \$6,477,180.47 based upon two loans made to the Debtor prepetition. WVEDA's claim is secured by a lien against a 750 acre tract of land, in Hardy County, West Virginia ("Real Property"), scheduled as property of the Debtor.

3. On April 7, 2020, the United States Trustee filed its Motion to Dismiss or Convert the Debtor's case to Chapter 7 for failure to maintain adequate insurance. (Doc. 112) The Court heard the Motion on April 29, 2020, but continued the hearing to Wednesday, May 27, 2020 to

allow the parties further time to resolve certain questions related to the insurance procured by the Debtor. (Doc 126)

4. WVEDA has not filed a motion to join in the United States Trustee's Motion. However, WVEDA and Panthera Training, LLC filed on May 7, 2020, a *Joint Motion to Convert This Case to a Chapter 7 Proceeding for Cause Pursuant to 11 U.S.C. § 1112(b)(1)* ("Joint Motion"), and among the bases for finding cause to convert the Debtor's case is the Debtor's failure to maintain adequate insurance. (Doc. 132, ¶¶ 38-47) Hearing on the Joint Motion is scheduled for Wednesday, June 10, 2020.

5. Accordingly, WVEDA seeks leave to be heard at the hearing on May 27, 2020 insofar as the Court is considering whether to convert the Debtor's case for lack of adequate insurance under 11 U.S.C. § 1112(b)(1). Otherwise, a decision on the United States Trustee's Motion could prejudice WVEDA's ability to argue on June 10, 2020 lack of adequate insurance as cause for converting this case to a Chapter 7. WVEDA incorporates by reference paragraphs 38-47 of the Joint Motion as if fully set forth herein.

WHEREFORE, West Virginia Economic Development Authority respectfully seeks leave of Court to allow it to be heard at the hearing scheduled for May 27, 2020 on the United States Trustee's Motion to Dismiss or Convert the Debtor's case to Chapter 7 for failure to

maintain adequate insurance and to grant such other and further relief as the Court deems appropriate.

Dated: May 19, 2020

**WEST VIRGINIA ECONOMIC
DEVELOPMENT AUTHORITY**
By Spilman Thomas & Battle, PLLC

s/ Debra Lee Allen

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Economic Development Authority

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

In re	:	
	:	BK No. 2:19-bk-00787
PANTHERA ENTERPRISES, LLC,	:	
	:	Chapter 11
Debtor.	:	
	:	
	:	

CERTIFICATE OF SERVICE

I, Debra Lee Allen, hereby certify that on this 19th day of May 2020, the foregoing *West Virginia Economic Development Authority's Motion for Leave to be Heard at the Hearing on the United States Trustee's Motion to Dismiss Case or Convert* was served through the Court's ECF system on all parties registered to receive CM/ECF notices, including:

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John J. Richardson
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U.S. Trustee

s/ Debra Lee Allen
Debra Lee Allen, WVSB # 9838

