




Frank W. Volk, Chief Judge
United States Bankruptcy Court
Southern District of West Virginia
Dated: June 19th, 2020

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

In re:	)	
	)	
PANTHERA ENTERPRISES, LLC,	)	Case No. 19-bk-787
	)	
Debtor.	)	Chapter 11
_____	)	

**ORDER SCHEDULING EVIDENTIARY HEARING AND SETTING
FORTH HEARING REQUIREMENTS**

On June 10, 2020, the Court convened a telephonic hearing regarding several matters in the above-captioned case and adversary proceeding, including the United States Trustee's motion to dismiss [dckt. 112], and the joint motion by Panthera Training, LLC, and West Virginia Economic Development Authority to dismiss or convert the Debtor's Chapter 11 case [dckt. 132].

Based upon the representations of the parties at the June 10 hearing,

IT IS ORDERED that the above-listed matters be, and hereby are, set for an **EVIDENTIARY HEARING VIA VIDEOCONFERENCE** on Friday, July 17, 2020, at 10:00 a.m.

IT IS FURTHER ORDERED that counsel for parties intending to present evidence or witness testimony **MUST CONTACT THE COURT** by emailing Courtroom Deputy Lisa McNeil (Lisa_McNeil@wvnb.uscourts.gov) **NO LATER THAN 4:00 p.m. on JULY 6, 2020**, the following information: the name, telephone number, and email address of each attorney and witness participating in the conference. In that regard, the parties shall submit a joint witness

and exhibit list by that date, including the anticipated time necessary for direct and cross examination of each witness.

IT IS FURTHER ORDERED that:

1. **Telephonic and Video Conferencing Solutions.** The Court will be utilizing both AT&T Teleconferencing (for audio purposes) and Zoom for Government (“Zoom”) (for video purposes). AT&T Teleconferencing can be accessed by calling (888)273-3658 and providing access code: 1039652# when prompted and the Zoom link shall be provided to those parties who have submitted a notice of intent to participate via video conference to the Court in accordance with Section 3 below. **All counsel and witnesses shall conduct a pre-hearing test of Zoom using the same equipment that they will be using during the hearing.**

2. **Limit on Video Conferencing.** Due to video conferencing limitations, the optimal number of Zoom participants is eight (8), as opposed to AT&T Teleconferencing, which allows for unlimited participants. In an effort not to overburden the Zoom platform, video conference participants shall be limited to the witnesses, those parties that anticipate questioning or cross-examining witnesses and, when possible, should be limited to one attorney per party and law firm. Parties participating via Zoom who wish to address a witness shall simultaneously be connected to AT&T Teleconferencing for audio purposes. Similarly, witnesses shall utilize the Zoom link only when called to testify. Upon completion of testimony, witnesses shall disconnect from the Zoom link and may continue participation in the hearing through AT&T Teleconferencing. In order to limit the number of Zoom participants to eight persons, if necessary, the Court will take a recess as necessary in order to add or subtract individuals participating via Zoom.

3. **Prior Notice of Intent to Participate by Video Conference.** All Parties wishing to attend the hearing via video conference shall provide notice to

lisa_mcneil@wvnb.uscourts.gov via electronic mail no later than 4:00 p.m. prevailing Eastern Time on July 6, 2020. The Court will circulate the Zoom link to all parties participating via video conference prior to the hearing.

4. **Submission of Exhibits to Court.** Parties submitting exhibits related to the hearing shall send all exhibits to lisa_mcneil@wvnb.uscourts.gov via electronic mail in .pdf format no later than three-business days prior to the scheduled hearing.

5. **Form of Exhibits.** Each Party shall combine all of its exhibits into one .pdf document and each individual exhibit shall be bookmarked for review by the Court. All parties shall submit their exhibits to the Court separately.

6. **Filing and Service of Exhibits.** Parties submitting exhibits are excused from filing exhibits on the Court docket. Parties submitting exhibits need only email the exhibits to opposing counsel and the Court.

7. **Remote Witness Testimony.** In accordance with Federal Rule of Civil Procedure 43(a) (made applicable by Federal Rule of Bankruptcy Procedure 9017), for good cause and in compelling circumstances a witness may be permitted to testify by contemporaneous transmission from a location other than the courtroom. Based on the foregoing, any witness called to testify or subject to cross-examination shall be permitted to testify by contemporaneous transmission from a different location (“Remote Witness”).

8. **Requirements for Allowance of Remote Testimony; Additional Information.** As additional safeguards for the allowance of a Remote Witness, the Party sponsoring said Remote Witness shall file with the Court, no later than two-business days before the scheduled hearing, a document containing the following information:

- a. The name and title of the Remote Witness.
- b. The matter on which the Remote Witness will provide testimony.
- c. The location of the Remote Witness (city, state, country).

- d. The place from which the Remote Witness will testify (e.g. home, office – ***no addresses are required***).
- e. Whether anyone will be in the room with the Remote Witness during the testimony, and if so, who (name, title, relationship to the Remote Witness), and for what purpose.
- f. Whether the Remote Witness will have access to any documents other than exhibits that have been emailed to the Court and the parties, and if so, what documents.

9. **Swearing In of Remote Witnesses.** All Remote Witnesses shall be sworn in over the telephone or video conferencing solution, as applicable, and such testimony will have the same effect and be binding upon the Remote Witness in the same manner as if such Remote Witness was sworn in by the Courtroom Deputy in person in open court. To the extent there is an error or malfunction with the video conference, the Remote Witness may be sworn in and testify via telephone only.

10. **Responsibility for Remote Witnesses.** The party sponsoring the witness shall be responsible for ensuring that the AT&T Teleconference dial-in information, Zoom link, and all exhibits are supplied to the Remote Witness prior to the hearing and that the Remote Witness has been registered with Zoom, as applicable.

SO ORDERED.

In re:
Panthera Enterprises, LLC
Debtor

Case No. 19-00787-fwv
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0424-2

User: ad
Form ID: pdfdoc

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Total Noticed: 63

Date Rcvd: Jun 19, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 21, 2020.

db Panthera Enterprises, LLC, 2506 Fishpond Road, Old Fields, WV 26845
aty +Mark A. Lindsay, 707 Grant Street, Suite 2200, Pittsburgh, PA 15219-1945
cr +Darrick and Emily Gust, c/o Spencer D. Elliott, Lewis Glasser PLLC,
300 Summers Street Suite 700, Charleston, WV 25301, US 25301-1632
cr Panthera Training, LLC, 2506 Fish Pond Road, Old Fields, WV 26845
cr +SMI, LLC, 123 East Main Street, 5th Floor, Charlottesville, VA 22902-6800
cr +West Virginia Economic Development Authority, 180 Association DR, Charleston, WV 25311-1217
cr West Virginia State Tax Department, Bankruptcy Unit, P.O. Box 766,
Charleston, WV 25323-0766
1601270 +A.L.L. Construction, Inc., P.O. Box 232, Mount Storm, WV 26739-0232
1601271 +ADP, LLC, 1851 N. Resler Drive, El Paso, TX 79912-8023
1601272 +ARB Investments Company, LLC, 109 Floral Vale Blvd., Morrisville, PA 19067-5522
1601273 +Anthony McIntyre, 4000 Midlantic Drive, Suite 200, Mount Laurel, NJ 08054-1580
1601274 +Arthur J. Gallagher & Co., 4000 Midlantic Drive, Suite 200, Mount Laurel, NJ 08054-1580
1601297 Atty General Of WV, BLDG 1 E-26 Ground Floor Main Unit, Capitol Building,
Charleston WV 25301
1601276 +Azadian Group, LLC, 600 Madison Avenue, 18th Floor, New York, NY 10022-1748
1601277 +Bill Neff Enterprises, 3570 North Valley Pike, Harrisonburg, VA 22802-1110
1601278 +Brian Riso, 138 Woodridge Drive, Morehead City, NC 28557-4609
1601279 +Bruce Hardy, 19664 Players Court, Ashburn, VA 20147-5230
1601281 +C2 Logistics USA LLC/Candy Group, 9040 Town Centre Parkway, Bradenton, FL 34202-4101
1609200 +CNA Commercial Insurance, 500 Colonial Center Parkway, Lake Mary, FL 32746-7637
1601282 +Central Tie & Lumber, Co., 79 Hyde Street, Moorefield, WV 26836-9177
1601284 +Dinsmore & Shohl, LLP, Accounts Receivable, PO Box 639038, Cincinnati, OH 45263-9038
1601256 +Duncan Development Group, LLC, 420 Park Street, Charlottesville, VA 22902-4762
1605286 +Global Matrix Corporation, 43787 Bent Creek Terrace, Leesburg, VA 20176-7431
1601257 +Howard Shockey & Sons, Inc., John Good, P.O. Box 2530, Winchester, VA 22604-1729
1601258 +James Michael Dowty, 1477 Seaside Circle, Gulf Breeze, FL 32566-7062
1601259 +James Punelli, 11654 Plaza America Drive, Reston, VA 20190-4700
1601260 +Leesburg Junction, 215 Depot Court SE, Leesburg, VA 20175-3017
1601261 +Live Oaks Consultants, LLC, PO Box 1010, Hampstead, NC 28443-1010
1601262 +Michael L. Cranston, CPA, Ltd., 4085 Chain Bridge Road, Suite 400, Fairfax, VA 22030-4106
1601263 +Midtown Resources, 1518 Walnut Street, Suite 1400, Philadelphia, PA 19102-3408
1609205 +Norman T. Daniels, Esquire, Daniels Law Firm, PLLC, P. O. Box 1433,
Charleston, WV 25325-1433
1609423 +Panthera Training, LLC, 600 Quarrier Street, Charleston, WV 25301-2121
1609431 +Panthera Training, LLC, Post Office Box 981, Old Fields, West Virginia 26845-0981
1605287 +Pons Milvius LLC, 11654 Plaza America Drive, #320, Reston, VA 20190-4700
1601265 +Raymond Barbic, 26098 Huntwick Glen Square, Aldie, VA 20105-5715
1601266 +Raymond Jones, 43787 Bent Creek Terrace, Leesburg, VA 20176-7431
1601299 +Regional Bankruptcy Contact, U.S. Environmental Protection Agency, Region III,
1650 Arch Street (3RC00), Philadelphia PA 19103-2087
1601267 +SMI, LLC, c/o Timothy Kelsey, 123 East Main Street, 5th Floor,
Charlottesville, VA 22902-6800
1601300 +Secretary Of The Treasury, 15th St & Pennsylvania Avenue, Washington DC 20220-0001
1604396 +Sheriff of Hardy County, 204 Washington Street, Moorefield, WV 26836-1155
1601268 +Sheriff of Hardy County, PO Box 643, Moorefield, WV 26836-0643
1601269 +Spectrum Consulting, LLC, 11 Canal Center Plaza, Suite 300, Alexandria, VA 22314-1595
1601285 +Squadron Defense Group, PO Box 1381, Sterling, VA 20167-8440
1601287 +State of West Virginia/State Tax Dept., 397 Mid-Atlantic Pkwy, Suite 2,
Martinsburg, WV 25404-7468
1601288 +Stratos & Associates, PLLC, 8322-A Traford Lane, Springfield, VA 22152-1669
1601289 +Target Welding Group, Inc., 61 Old Cartrette Road, Clarendon, NC 28432-9172
1601290 +The U Company, 453 Mae West Road, Confluence, PA 15424-2015
1601291 +Tim Miller, 440 Premier Circle, Suite 200, Charlottesville, VA 22901-1896
1601302 +US Attorney, Northern District of WV, PO Box 591, Wheeling WV 26003-0011
1601292 +United Health Care, 185 Asylum Street, Hartford, CT 06103-3408
1601293 +Unity Technology Corporation, 3001 Ward Kline Road, Myersville, MD 21773-9139
1601303 WV Dept of Tax & Revenue, Bankruptcy Unit, Post Office Box 766, Charleston WV 25323-0766
1601294 +West Virginia Economic Development Authority, 180 Association Drive,
NorthGate Business Park, Charleston, WV 25311-1217
1601304 West Virginia Insurance Commission, Legal Division - Bankruptcy, Post Office Box 50540,
Charleston WV 25305-0540
1601295 +West Virginia Paving, Inc., 2950 Charles Avenue, Dunbar, WV 25064-2103
1609242 +West Virginia State Auditor's Office, 1900 Kanawha Blvd E, Bldg 1 Room W-100,
Charleston, WV 25305-0001
1601296 +n8 Consulting LLC, PO Box 651163, Sterling, VA 20165-1163

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

1601275 +E-mail/Text: bankruptcy@atlanticunionbank.com Jun 19 2020 20:24:53 Atlantic Union Bank,
1800 Robert Fulton Drive, Suite 310, Reston, VA 20191-4346
1603772 +E-mail/Text: mark.vanderlaan@dinsmore.com Jun 19 2020 20:24:55 Dinsmore & Shohl LLP,
Jennifer M. Rixner, 255 East Fifth Street, Suite 1900, Cincinnati, OH 45202-4720

District/off: 0424-2

User: ad
Form ID: pdfdocPage 2 of 3
Total Noticed: 63

Date Rcvd: Jun 19, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

1601298 E-mail/Text: sbse.cio.bnc.mail@irs.gov Jun 19 2020 20:24:50 Internal Revenue Service,
Post Office Box 7346, Philadelphia PA 19101-7346
1609425 +E-mail/Text: brapp@wtplaw.com Jun 19 2020 20:24:57
PJSC Aviation Company Ukrainian Helicopters, c/o Brandy M. Rapp, Esq.,
Whiteford, Taylor & Preston LLP, 10 S. Jefferson St., Suite 1110, Roanoke, VA 24011-1314
1601264 +E-mail/Text: ostovich@parkerostovich.com Jun 19 2020 20:24:48 Parker, Ostovich & Associates,
2000 Duke Street, Suite 300, Alexandria, VA 22314-6101
1601301 +E-mail/Text: philadelphia.bnc@ssa.gov Jun 19 2020 20:24:54 Social Security Administration,
300 Spring Garden Street, Philadelphia PA 19123-2999

TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

1601280 Bureau of Alcohol Tobacco & Firearms
1601283 Department of State
1601286 State of Delaware
1601305* +A.L.L. Construction, Inc., P.O. Box 232, Mount Storm, WV 26739-0232
1601306* +ADP, LLC, 1851 N. Resler Drive, El Paso, TX 79912-8023
1601307* +ARB Investments Company, LLC, 109 Floral Vale Blvd., Morrisville, PA 19067-5522
1601308* +Anthony McIntyre, 4000 Midlantic Drive, Suite 200, Mount Laurel, NJ 08054-1580
1601309* +Arthur J. Gallagher & Co., 4000 Midlantic Drive, Suite 200, Mount Laurel, NJ 08054-1580
1601310* +Atlantic Union Bank, 1800 Robert Fulton Drive, Suite 310, Reston, VA 20191-4346
1601311* +Azadian Group, LLC, 600 Madison Avenue, 18th Floor, New York, NY 10022-1748
1601312* +Bill Neff Enterprises, 3570 North Valley Pike, Harrisonburg, VA 22802-1110
1601313* +Brian Riso, 138 Woodridge Drive, Morehead City, NC 28557-4609
1601314* +Bruce Hardy, 19664 Players Court, Ashburn, VA 20147-5230
1601315* +C2 Logistics USA LLC/Candy Group, 9040 Town Centre Parkway, Bradenton, FL 34202-4101
1601316* +Central Tie & Lumber, Co., 79 Hyde Street, Moorefield, WV 26836-9177
1601317* +Dinsmore & Shohl, LLP, Accounts Receivable, PO Box 639038, Cincinnati, OH 45263-9038
1601318* +Duncan Development Group, LLC, 420 Park Street, Charlottesville, VA 22902-4762
1601319* +Howard Shockey & Sons, Inc., John Good, P.O. Box 2530, Winchester, VA 22604-1729
1601320* +James Michael Dowty, 1477 Seaside Circle, Gulf Breeze, FL 32566-7062
1601321* +James Punelli, 11654 Plaza America Drive, Reston, VA 20190-4700
1601322* +Leesburg Junction, 215 Depot Court SE, Leesburg, VA 20175-3017
1601323* +Live Oaks Consultants, LLC, PO Box 1010, Hampstead, NC 28443-1010
1601324* +Michael L. Cranston, CPA, Ltd., 4085 Chain Bridge Road, Suite 400, Fairfax, VA 22030-4106
1601325* +Midtown Resources, 1518 Walnut Street, Suite 1400, Philadelphia, PA 19102-3408
1601326* +Parker, Ostovic & Associates, 2000 Duke Street, Suite 300, Alexandria, VA 22314-6101
1601327* +Raymond Barbic, 26098 Huntwick Glen Square, Aldie, VA 20105-5715
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1601329* +SMI, LLC, c/o Timothy Kelsey, 123 East Main Street, 5th Floor,
Charlottesville, VA 22902-6800
1601330* +Sheriff of Hardy County, PO Box 643, Moorefield, WV 26836-0643
1601331* +Spectrum Consulting, LLC, 11 Canal Center Plaza, Suite 300, Alexandria, VA 22314-1595
1601332* +Squadron Defense Group, PO Box 1381, Sterling, VA 20167-8440
1601333* +State of West Virginia/State Tax Dept., 397 Mid-Atlantic Pkwy, Suite 2,
Martinsburg, WV 25404-7468
1601334* +Stratos & Associates, PLLC, 8322-A Traford Lane, Springfield, VA 22152-1669
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1601336* +The U Company, 453 Mae West Road, Confluence, PA 15424-2015
1601337* +Tim Miller, 440 Premier Circle, Suite 200, Charlottesville, VA 22901-1896
1601338* +United Health Care, 185 Asylum Street, Hartford, CT 06103-3408
1601339* +Unity Technology Corporation, 3001 Ward Kline Road, Myersville, MD 21773-9139
1601340* +West Virginia Economic Development Authority, 180 Association Drive,
NorthGate Business Park, Charleston, WV 25311-1217
1601341* +West Virginia Paving, Inc., 2950 Charles Avenue, Dunbar, WV 25064-2103
1601342* +n8 Consulting LLC, PO Box 651163, Sterling, VA 20165-1163

TOTALS: 3, * 38, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 21, 2020

Signature: /s/Joseph Speetjens

District/off: 0424-2

User: ad
Form ID: pdfdoc

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CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 19, 2020 at the address(es) listed below:

Debra Lee Allen on behalf of Creditor West Virginia Economic Development Authority
dallen@spilmanlaw.com
Debra Lee Allen on behalf of Defendant West Virginia Economic Development Authority
dallen@spilmanlaw.com
Douglas E. Kahle, Esq. on behalf of Creditor Panthera Training, LLC dkahle@basnightkinser.com
Douglas E. Kahle, Esq. on behalf of Counter-Claimant Panthera Training, LLC
dkahle@basnightkinser.com
Douglas E. Kahle, Esq. on behalf of Defendant Panthera Training, LLC dkahle@basnightkinser.com
Eric Michael Wilson on behalf of Creditor West Virginia State Tax Department
eric.m.wilson@wv.gov, lora.l.rutledge@wv.gov
Gary O. Kinder on behalf of U.S. Trustee United States Trustee gary.o.kinder@usdoj.gov
John J. Richardson on behalf of Plaintiff Panthera Enterprises, LLC
jrichardson@bernsteinlaw.com
John J. Richardson on behalf of Debtor Panthera Enterprises, LLC jrichardson@bernsteinlaw.com
John J. Richardson on behalf of Counter-Defendant Panthera Enterprises, LLC
jrichardson@bernsteinlaw.com
Julia A. Chincheck on behalf of Defendant Panthera Training, LLC jchincheck@bowlesrice.com
Julia A. Chincheck on behalf of Counter-Claimant Panthera Training, LLC
jchincheck@bowlesrice.com
Julia A. Chincheck on behalf of Creditor Panthera Training, LLC jchincheck@bowlesrice.com
Leslie Gallian leslie.gallian@wvsb.uscourts.gov
Lisa Smolder lisa_smolder@wvsb.uscourts.gov
Robert S. Bernstein, Esq. on behalf of Debtor Panthera Enterprises, LLC
rbernstein@bernsteinlaw.com,
cwirick@bernsteinlaw.com;cwirick@ecf.courtdrive.com;rbernstein@ecf.courtdrive.com
Robert S. Bernstein, Esq. on behalf of Plaintiff Panthera Enterprises, LLC
rbernstein@bernsteinlaw.com,
cwirick@bernsteinlaw.com;cwirick@ecf.courtdrive.com;rbernstein@ecf.courtdrive.com
Salene Rae Mazur Kraemer on behalf of Debtor Panthera Enterprises, LLC
skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com,
Salene Rae Mazur Kraemer on behalf of Counter-Claimant Panthera Enterprises, LLC
skraemer@bernsteinlaw.com, salene@ecf.courtdrive.com,
Spencer D. Elliott on behalf of Creditor Darrick and Emily Gust selliot@lgcr.com
Travis Alan Knobbe on behalf of Creditor West Virginia Economic Development Authority
tknobbe@spilmanlaw.com, dambrose@spilmanlaw.com
United States Trustee ustpregion04.ct.ecf@usdoj.gov
William J. Leon on behalf of Counter-Defendant Bill V. Neff, Sr. jayleon@comcast.net
William J. Leon on behalf of Creditor SMI, LLC jayleon@comcast.net
William J. Leon on behalf of Plaintiff Bill V. Neff, Sr. jayleon@comcast.net
Zachary James Rosencrance on behalf of Defendant Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com
Zachary James Rosencrance on behalf of Creditor Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com
Zachary James Rosencrance on behalf of Counter-Claimant Panthera Training, LLC
zrosencrance@bowlesrice.com, ajones@bowlesrice.com

TOTAL: 28