

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)	Chapter 11
)	
COMPLETE HYDRAULIC SERVICE)	CASE NO. 13-04677-JKC-11
& SALES, INC.,)	
)	
Debtor.)	

**EMERGENCY MOTION FOR AUTHORITY TO PAY
PRE-PETITION EMPLOYEE WAGES *NUNC PRO TUNC* TO PETITION DATE**

Debtor and Debtor-in-Possession, Complete Hydraulic Service & Sales, Inc., (“CHSSI”), by counsel, for *Emergency Motion for Authority to Pay Pre-Petition Employee Wages and Related Obligations nunc pro tunc to Petition Date* (the “Employee Motion”), states as follows:

Introduction

1. On May 2, 2013 (the “Petition Date”), CHSSI filed its voluntary petition under chapter 11 of 11 U.S.C. § 101, *et seq.* (the “Bankruptcy Code”).
2. CHSSI continues to operate its business and manage its property as debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.
3. This Court has jurisdiction over this Motion under 28 U.S.C. § 157(b)(2). Venue of this proceeding and this Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409.
4. The statutory bases for the relief requested herein are sections 105(a), 365, 1107 and 1108 of chapter 11 of the Bankruptcy Code.
5. CHSSI owns and operates an equipment distributor and service center specializing in commercial, industrial and residential hydraulic and pneumatic equipment. CHSSI currently employs approximately 9 regular employees.

6. No trustee or examiner has been appointed in the Chapter 11 Case. No committee of unsecured creditors has yet been appointed in this Chapter 11 Case.

7. This is a first day motion pursuant Local Rule S.D. Indiana B-9013-3(f).

Factual Background

8. CHSSI employs approximately 9 employees who are paid on a bi-weekly basis, in arrears.

9. CHSSI's next regularly scheduled payroll payment will occur on May 16, 2013. Payroll is processed and paid by ADP Payroll Processing, and will draw the payroll from CHSSI's KeyBank payroll account on or about May 13, 2013.

10. CHSSI has accrued pre-petition payroll for the period of April 29, 2013, through May 6, 2013, in the approximate gross amount of \$19,700.00.

11. Because CHSSI filed its petition on May 2, 2013, wages owed to employees of CHSSI to be paid on May 16, 2013 were earned prior to the Petition Date and constitute pre-petition wages. The employees CHSSI proposes to pay will have a priority claim for unpaid salary and wages under 11 U.S.C. §507(a)(4).

12. CHSSI requests authority to pay the regularly scheduled payroll *nunc pro tunc* to the Petition Date, notwithstanding that some or all of the salary/wages now due its employees were earned prior to the Petition Date and constitute pre-petition salary/wages, in the ordinary course of CHSSI's business.

13. In total, CHSSI will only be making payments to employees for those amounts that would qualify as a priority claim under section 507(a)(4) of the Bankruptcy Code as unpaid wages or salaries.

14. CHSSI also requests authority to pay the payroll taxes related to the wages that are due to the employees. ADP Payroll Processing computes the payroll taxes, draws payroll taxes from CHSSI's account, and makes payment of the payroll taxes to the appropriate taxing authorities.

15. CHSSI further requests that banks and other financial institutions be authorized and directed to receive, process, honor, and pay all checks presented for payment and electronic payment requests made by CHSSI relating to the foregoing requests for payment of salaries, wages, and other compensation.

16. It is necessary and essential that CHSSI pay and reimburse its employees on a regular basis so as to retain their loyalty and service to CHSSI.

17. Prior to filing of this Employee Motion, CHSSI's counsel conferred with the United States Trustee concerning the intent of this Employee Motion.

Notice

18. Notice of this Motion has been made in compliance with Local Rule B-9013-3(d).

WHEREFORE, Complete Hydraulic Service & Sales, Inc., by counsel, respectfully requests an order granting CHSSI authority to pay pre-petition wages due to its employees, authority to pay the related payroll taxes *nunc pro tunc* to the Petition Date, and request all other relief just and proper in the premises.

Respectfully submitted,
TUCKER HESTER BAKER & KREBS, LLC
By: /s/ David R. Krebs
David R. Krebs
Tucker Hester Baker & Krebs, LLC
One Indiana Square, Suite 1600
Indianapolis, IN 46204
Tel: (317) 833-3030 / Fax: (317) 833-3031
Email: dkrebs@thbklaw.com
Proposed Attorneys for Debtor