

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: (A) MAINTAIN CERTAIN
EXISTING BANK ACCOUNTS; (B) CONTINUE USING ITS EXISTING CASH
MANAGEMENT SYSTEM; AND (C) CONTINUE USING ITS EXISTING BUSINESS
FORMS**

Complete Hydraulic Service & Sales, Inc., debtor and debtor-in-possession (“CHSSI”), by counsel, requests the entry of an order pursuant to sections 105(a), 363, 1107 and 1108 of the 11 U.S.C. §101, *et seq.* (the “Bankruptcy Code”), authorizing CHSSI to maintain certain existing bank accounts, continue using its existing cash management system, and continue using its existing business forms. In support, CHSSI states as follows:

I. General Background

1. 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.

2. The statutory bases for the relief requested herein are sections 105(a), 363, 1107 and 1108 of the Bankruptcy Code.

3. On May 2, 2013 (the “Petition Date”), CHSSI filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. CHSSI continues to operate its business and manage its properties as a debtor-in-possession under section 1107(a) and 1108 of the Bankruptcy Code.

4. No trustee or examiner has been appointed in this chapter 11 case. No committee of unsecured creditors has yet been appointed in this chapter 11 case.

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.

Relief Requested

6. By this motion, CHSSI seeks the entry of an order authorizing it to maintain its existing cash management system, including the continued use of existing business forms and certain bank accounts.

7. Prior to the Petition Date and in the ordinary course of its businesses, CHSSI maintained the following bank accounts (collectively, the “Accounts”):

Operating Account No. XXXXXXXXX3242 with KeyBank

Payroll Account No. XXXXXXXXX3119 at KeyBank

Checking Account No. XXXXXXXXX0936 at KeyBank

Checking Account No. XXXXXXXXX3416 at KeyBank

Checking Account No. XXXXXXXXX5772 at KeyBank

8. The Trustee has established certain operating guidelines for a debtor-in-possession. One such provision requires chapter 11 debtors-in-possession to open new bank accounts and close all existing accounts. This requirement is designed to provide a clear line of demarcation between prepetition and post-petition claims and payments and help protect against the inadvertent payment of prepetition claims by preventing the debtor-in-possession’s banks from honoring checks drawn prior to the Petition Date. Another of the operating guidelines is to obtain checks which bear the designation “Debtor-in-Possession”, the bankruptcy case number, and the type of accounts. As set forth below, CHSSI submits that enforcing the majority of these requirements would disrupt CHSSI’s operations and impose a financial burden on its estate.

9. Notwithstanding the foregoing, CHSSI has an immediate need to continue using the Accounts and CHSSI's cash management system without interruption and believe that its reorganization in its chapter 11 cases will be much more orderly and efficient, with a minimum amount of disruption and harm to its business operations, if the Accounts are continued post-petition with the same account numbers and without interruption.

10. Further, given that KeyBank is an "approved depository" in this district by the Trustee, CHSSI hereby requests immediate authority to (i) maintain the Accounts in the ordinary course of business and (ii) pay any ordinary course post-petition bank fees that may be incurred in connection with the Accounts.

11. Although CHSSI has requested authority to keep the Accounts open, there may be circumstances wherein CHSSI finds it appropriate to close certain Accounts in order to avoid paying prepetition indebtedness not authorized under the first-day orders entered in the chapter 11 cases by this Court.

12. By preserving business continuity and avoiding monumental disruption and delay to payroll and daily business operations that would necessarily result from the closing of the Accounts and the opening of new bank accounts, all parties in interest, including CHSSI's employees, vendors and customers, will be best served by continuing to maintain the Accounts. The benefit to CHSSI's estates will be considerable by eliminating the confusion that would otherwise result absent the relief requested herein.

13. In addition, to minimize expenses to CHSSI's estates, CHSSI requests authorization to continue to use its current correspondence and business forms, including, but not limited to, invoices, purchase orders and related vendor communications and documents, letterhead, envelopes, promotional materials, order forms and other business forms (collectively,

the “Business Forms”), substantially in the form existing immediately before the Petition Date, without reference to CHSSI’s status as debtor-in-possession. It is believed that vendors doing business with CHSSI will undoubtedly be aware of CHSSI’s status as chapter 11 debtor-in-possession.

14. If CHSSI is not permitted to maintain and utilize the current Accounts and to continue to use its existing Business Forms, CHSSI will be adversely impacted by (i) the resulting disruption to CHSSI’s ordinary financial affairs and business operations, (ii) the delay of the administration of its estates and (iii) the incurrence of unnecessary costs to the estate.

15. Prior to filing of this Emergency Motion, CHSSI’s counsel conferred with the United States Trustee concerning the intent of this Emergency Motion.

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

WHEREFORE, Complete Hydraulic Service & Sales, Inc., by counsel, requests the entry of an Order: (a) authorizing but not directing CHSSI to maintain the Accounts, (b) authorizing CHSSI to continue using its existing cash management system and continue using its existing business forms, and (c) granting such other and further relief as the Court deems proper.

Respectfully submitted,

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