

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

In re:

LITHIUM TECHNOLOGY CORPORATION,

Debtor.

**Case No. 14-14527-BFK
Chapter 11**

**MOTION TO EXTEND TIME TO FILE SCHEDULES,
STATEMENTS, AND LIST OF EQUITY SECURITY HOLDERS**

Lithium Technology Corporation, the debtor and debtor in possession (the “Debtor”) in the above captioned case, by and through undersigned counsel, hereby files this *Motion to Extend Time to File Schedules, Statements, and List of Equity Security Holders* (the “Motion”) seeking the entry of an order extending the deadline by which the Debtor must file its schedules of assets and liabilities (the “Schedules”), statement of financial affairs (“SOFA”), and list of equity security holders (the “List of Equity Security Holders”) through and including December 31, 2014. In support of this Motion, the Debtor respectfully states as follows:

Jurisdiction, Venue and Governing Law

This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The relief sought in this Motion is based upon Rule

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1007(a) and (c) of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule 1007-1.

Background

On December 5, 2014 (the “Petition Date”), the Debtor commenced this case by filing a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtor has continued in the possession of its property and has continued to operate and manage its business as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

The Debtor intends to continue in possession of its property and the management of its business as debtor in possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code. No creditors committee has been appointed in this case by the United States Trustee.

Relief Requested

By this Motion, the Debtor requests that the Court extend the deadline by which it must file its Schedules, SOFA, and List of Equity Security Holders through and including December 31, 2014. 11 U.S.C. § 521(a)(1) requires a debtor to file with the Court a schedule of all assets and liabilities, a statement of financial affairs, and list of equity security holders, which under Bankruptcy Rule 1007(c) must be filed within 14 days of the Petition Date. *See* Fed. R. Bankr. P. 1007(c). Rule 1007(c) also permits the court to extend the 14 day deadline for cause. *Id.* (“Any extension of time for the filing of the schedules and statements may be granted only on motion for cause shown and on notice.”).

The Debtor has been working diligently to complete its Schedules, SOFA, and List of Equity Security Holders. However, due to the complexity of the Debtor’s business structure, pending litigation with a creditor, and large number of equity holders, the Debtor will be unable to complete its Schedules, SOFA, and List of Equity Security Holders by the statutory deadline. Given the competing demands upon the Debtor’s management in connection with the commencement of this Chapter 11 case, the pending Motion for Relief scheduled for expedited

hearing on December 22, 2014, and the need to compile a list of approximately 7,500 equity security holders, the Debtor submits that “cause” exists to extend the deadline for filing its Schedules, SOFA, and List of Equity Security Holders through and including December 31, 2014. The requested extension will avoid the necessity of substantial subsequent amendments.

No Prior Request

No previous motion requesting the relief sought herein has been made to this or any other Court in this case.

Notice

Unless an objection is filed with the Clerk of the United States Bankruptcy Court at 200 S. Washington Street, Alexandria, Virginia 22314 within seven (7) days of the date of service of this Motion, the Court may enter an Order extending the time for filing the Schedules, SOFA, and List of Equity Security Holders without further notice.

Conclusion

WHEREFORE, the Debtor respectfully requests that this Court enter an order extending the deadline for the Debtor to file its Schedules, SOFA, and List of Equity Security Holders through and including December 31, 2014, and granting such other and further relief as is necessary and proper.

Dated: December 19, 2014

WHITEFORD TAYLOR & PRESTON LLP

/s/ David W. Gaffey

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2014, I caused a copy of the foregoing Motion to be served via first-class mail, postage prepaid to the following parties: (i) the Office of the United States Trustee; (ii) the Debtor's ten largest secured creditors, and (iii) each of the Debtor's 20 largest unsecured creditors.

/s/ David W. Gaffey

Counsel