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 13 and Plan Proponent

14 **UNITED STATES BANKRUPTCY COURT**
 15 **FOR THE DISTRICT OF NEVADA**

<p>16 In re:</p> <p>17 Front Sight Management LLC,</p> <p>18 Debtor.</p>	<p>19 Case No. 22-11824-abl</p> <p>20 Chapter 11</p> <p>21 Requested Hearing Date: November 28, 2022 or November 29, 2022</p> <p>22 Requested Hearing Time: any time</p>
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23 **EX PARTE APPLICATION FOR ORDER SHORTENING TIME**
 24 **FOR HEARING ON FORM OF PLAN CONFIRMATION ORDER**

25 Front Sight Management LLC, the chapter 11 debtor in possession and plan proponent herein
 26 (the “Debtor”), is concerned that it will not be able to lodge a consensual plan confirmation order on
 27 or before November 29, 2022 (which is the deadline by which a confirmation order must be entered
 28 in this case pursuant to the DIP financing order [ECF No. 228]). Additionally, the Debtor intended
 to originally have an effective date (“Effective Date”) under its plan [ECF No. 405] (the “Plan”) of
 on or around November 23, 2022, which is what the Debtor budgeted for.¹ The Debtor and the
 proposed equity investor under the Plan, Nevada PF, LLC (“Nevada PF”), agreed to extend the

¹ Pursuant to the Debtor’s agreement with its proposed equity investor, the confirmation order must be entered no later than December 1, 2022.

1 Effective Date to December 1, 2022, which leaves the Debtor in the position of not having sufficient
2 funds to cover its operating expenses and administrative costs if there is any delay in entry of the
3 confirmation order. Per the terms of the Plan, the Effective Date is two business days after the date
4 the confirmation order is entered. Therefore, the Debtor must have the confirmation order entered in
5 this case no later than November 29, 2022 or else the Debtor will be in default under the DIP
6 financing order and the Debtor will begin incurring administrative liabilities that it does not have the
7 ability to pay for (and Nevada PF has agreed to cover a maximum of \$50,000 in liabilities incurred
8 from the original estimated Effective Date of November 23, 2022 to the now agreed upon date of
9 December 1, 2022). As of the date this application was filed, the Debtor does not have consent from
10 all parties for the form of order and is concerned that either (a) the Debtor will not receive such
11 consent before November 29, 2022, or (b) that one or more parties may file an objection to the form
12 of confirmation order.

13 Given that the Court is closed on Thursday, November 24, 2022 and Friday, November 25,
14 2022 for the Thanksgiving holiday and the Debtor's counsel's firm is also closed those days, the
15 Debtor is respectfully requesting that the Court schedule a hearing on Monday, November 28, 2022
16 or Tuesday, November 29, 2022 for the Court to rule on any remaining disputes as to the form of the
17 confirmation order so that the confirmation order can be entered **on or before November 29, 2022**.
18 If the Debtor is able to obtain a consensual form of order prior to the scheduled hearing, the Debtor
19 will lodge the order and inform the Court's clerk that there is no need for the hearing.

20 The Debtor's counsel emailed all parties that appeared in connection with plan confirmation
21 late Tuesday evening (so therefore was not able to get any consents via email prior to the filing of
22 this application) and talked to certain parties earlier in the day where she did obtain consent as set
23 forth on the Attorney Information Sheet filed concurrently herewith. The Debtor proposes that
24 objections can be made to the form of order at the hearing but requests that the Court require any
25 objecting party to file its redline prior to the hearing.

26 This Application is made pursuant to Local Bankruptcy Rule 9006, the declaration of Susan
27 K. Seflin set forth herein, the Attorney Information Sheet filed in support hereof, and the papers and
28 pleadings on file herein, judicial notice of which is respectfully requested.

DECLARATION OF SUSAN K. SEFLIN

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2 1. I am a partner at the law firm of BG Law LLP, bankruptcy counsel to Front Sight
3 Management LLC (the “Debtor”). The facts stated herein are known to me to be true based on my
4 personal knowledge. I am over 18 years of age, and if called upon to testify, I could and would
5 competently testify to each of the facts set forth herein.

6 2. The Debtor’s Plan confirmation hearing was November 18, 2022, and the Court
7 orally confirmed the Plan at the hearing.

8 3. I filed the first draft of the proposed Plan confirmation order on November 11, 2022,
9 and circulated a word version of the order to all parties that appeared at the confirmation hearing on
10 November 11, 2022.

11 4. After the Plan confirmation hearing, I made revisions to the proposed order and
12 circulated a revised draft on November 18, 2022 at 4:13 p.m. I did not receive any redlines to the
13 proposed confirmation order until Monday afternoon.

14 5. Given (a) the November 29, 2022 deadline in the final DIP order for entry of the
15 confirmation order, (b) the December 1, 2022 deadline for entry of the confirmation order pursuant
16 to the Debtor’s agreement with Nevada PF, and (c) the potential administrative insolvency of the
17 bankruptcy estate if there are any further delays with respect to the Effective Date (currently
18 scheduled to be on December 1, 2022), I ask the Court to please schedule a hearing on the
19 confirmation order for Monday, November 28, 2022 or Tuesday, November 29, 2022.

20 6. In order for the Debtor to timely meet its confirmation deadlines, I believe it is
21 imperative that the Court schedule a hearing on approval of the form of the confirmation order on
22 November 28, 2022 or November 29, 2022.

23 7. I contacted counsel for all interested parties about this timing on Tuesday, November
24 22, 2022. I declare under penalty of perjury under the laws of the United States that the foregoing is
25 true and correct.

26 Executed on this 22nd day of November, 2022, in Stateline, Nevada.

27
28 /s/ Susan K. Sefflin
Susan K. Sefflin

LEGAL ARGUMENT

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2 Section 105 allows this Court to issue such orders as are necessary to carry out the provisions
3 of the Bankruptcy Code. 11 U.S.C. § 105(a). Rule 9006(c)(1) of the Federal Rules of Bankruptcy
4 Procedure generally permits a bankruptcy court, for cause shown and in its discretion, to reduce the
5 period during which any notice is given in accordance with the Bankruptcy Rules. Additionally,
6 pursuant to Local Bankruptcy Rule 9006, the Court is empowered to issue orders shortening the time
7 to hear motions and other applications.

8 Given (a) the November 29, 2022 deadline in the final DIP order for entry of the
9 confirmation order, (b) the December 1, 2022 deadline for entry of the confirmation order pursuant
10 to the Debtor's agreement with Nevada PF, and (c) the potential administrative insolvency of the
11 bankruptcy estate if there are any further delays with respect to the Effective Date (currently
12 scheduled to be on December 1, 2022), it is imperative that the Court schedule a hearing on
13 November 28, 2022 or November 29, 2022 to hear any disputes relating to the confirmation order.
14 The consequences of not having the confirmation order entered by November 29, 2022 are too grave
15 for the Debtor, its estate and its creditor to risk not having a consensual order to lodge by November
16 28, 2022. If the confirmation order is not entered by November 29, 2022, it will be a default under
17 the DIP financing order, which could have catastrophic results for this case. Furthermore, the
18 Debtor's estate will become administrative insolvent if the Effective Date does not occur by
19 December 1, 2022.

20 Local Bankruptcy Rule 9006 also requires the moving party to submit an Attorney
21 Information Sheet indicating whether opposing counsel was provided with this notice, whether
22 opposing counsel consented to the hearing on an order shortening time, the date counsel was
23 provided with notice, and how notice was provided or attempted to be provided. Counsel for the
24 Debtor talked to counsel for the United States Trustee, counsel for the Official Committee of
25 Counsel of Unsecured Creditors ("Committee") and counsel for the Piazza parties on November 22,
26 2022 and obtained their consent to a hearing on shortening time. Counsel for the Debtor sent an
27 email to counsel for: Nevada PF / FS DIP, the United States Trustee, Michael Meacher, Las Vegas
28 Development Fund, LLC, the Committee, and the Debtor's insiders, late on November 22, 2022.

1 The parties contacted only by email did not have sufficient time to respond and therefore the Debtor
2 did not receive their consent. The Debtor submits that objections can be made at the hearing but
3 requests that the Court order that any objecting party file a redline of the confirmation order prior to
4 the hearing.

5 **CONCLUSION**

6 For the reasons set forth herein, the Debtor respectfully requests that the Court grant this
7 application and issue an order shortening time for a hearing to be held on the form of confirmation
8 order on November 28, 2022 ort November 29, 2022, and for objections to be made orally at the
9 hearing (except that the objecting party must file a redline of the confirmation order prior to the
10 hearing).

11 DATED: November 22, 2022

BG Law LLP

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13 By: /s/ Susan K. Seflin
14 Susan K. Seflin
15 Attorneys for Chapter 11 Debtor in Possession
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