

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

In re:

CAFE HOLDINGS CORP., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-05837 (hb)

(Jointly Administered)

**DEBTORS' MOTION FOR AN EMERGENCY HEARING  
ON DEBTORS' EMERGENCY MOTION TO COMPEL WINDSTREAM  
TO COMPLY WITH UTILITY ORDERS**

The above-captioned debtors and debtors in possession (collectively, the “**Debtors**”), hereby file this motion (the “**Motion**”) with this Court pursuant to Rule 9075-1 of the Local Rules for the United States Bankruptcy Court for the District of South Carolina (the “**Local Rules**”) seeking an emergency hearing on less than the required 14 or 21 days’ notice on the *Debtors’ Emergency Motion to Compel Windstream to Comply with Utility Orders* [Dkt. No. 172] (the “**Motion to Compel**”).

The Debtors state in support of the Motion as follows:

1. Through this Motion, the Debtors are requesting that the Motion to Compel be heard on an emergency basis at the Court’s next available opportunity, including by telephonic hearing today, if possible.
2. The Debtors assert that an emergency hearing on the Motion to Compel is necessary because, in violation of the Final Utilities Order,<sup>2</sup> Windstream has discontinued services

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Cafe Holdings Corp. (7910); Cafe Enterprises, Inc. (4946); CE Sportz LLC (2009); and CES Gastonia LLC (0863). The location of the Debtors’ corporate headquarters is 4324 Wade Hampton Blvd., Suite B, Taylors, South Carolina 29687.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion to Compel.

to the Debtors based on outstanding prepetition invoices. Windstream is a phone and internet provider to the Debtors. The Debtors, as well as counsel for the Debtors, vigorously attempted to persuade Windstream to restore services prior to filing the Motion to Compel; however, representatives from Windstream refused to restore services.

3. As a result of Windstream's refusal to comply with the Final Utilities Order, online ordering is unavailable at affected locations, which include, at a minimum, one of the Debtors' restaurants in Blairsville Georgia. Online ordering is approximately 20% of the Debtors' business at a given location. Additionally, as a result of Windstream's violation of the Final Utilities Order, the Debtors are not able to utilize alarm systems, including fire alarms.

4. The request for emergency relief is not due to delay of the Debtors. Windstream's violation of the Final Utilities Order occurred today, and the Debtors moved quickly to file this motion once Windstream indicated that services to the Debtors would not be restored today. Without relief from the Court, the Debtors could be without services from Windstream until the Motion to Compel is granted.

5. The Debtors respectfully request that the emergency hearing be scheduled on at the Court's next available opportunity, including by telephonic hearing today, if possible.

WHEREFORE, the Debtors respectfully request that this Court enter an Order granting an expedited hearing on the Motion set forth herein and such other and further relief as is just.

**McNAIR LAW FIRM, P.A.**

December 7, 2018

/s/ Michael H. Weaver  
Michael H. Weaver (S.C. Dist. Ct. ID # 9847)  
Robin C. Stanton (S.C. Dist. Ct. ID # 7438)  
Weyman C. Carter (S.C. Dist. Ct. ID # 5218)  
1221 Main Street, 18<sup>th</sup> Floor  
Post Office Box 11390  
Columbia, South Carolina 29211  
Tel: (803) 799-9800  
Fax: (803) 753-3277  
mweaver@mcnair.net  
rstanton@mcnair.net  
wcarter@mcnair.net  
*Proposed Counsel to the Debtors and  
Debtors in Possession*

- AND -

**HAYNES AND BOONE, LLP**

/s/ David L. Staab  
Ian T. Peck (admitted *pro hac vice*) (TX Bar  
No. 24013306)  
J. Frasher Murphy (admitted *pro hac vice*)  
(TX Bar No. 24013214)  
David L. Staab (admitted *pro hac vice*) (TX  
Bar No. 24093194)  
2323 Victory Avenue, Suite 700  
Dallas, Texas 75219  
Tel: (214) 651-5000  
Fax: (214) 651-5940  
Email: ian.peck@haynesboone.com  
Email: frasher.murphy@haynesboone.com  
Email: david.staab@haynesboone.com  
*Proposed Counsel for the Debtors  
and Debtors in Possession*