

SO ORDERED.

SIGNED this 16th day of November, 2018.



Benjamin A. Kahn

BENJAMIN A. KAHN
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In re:)	Chapter 11
)	
Advanced Sports Enterprises, Inc., <i>et al.</i> , ¹)	Case No. 18-80856
)	(Joint Administration Pending)
)	
Debtors.)	
)	

**ORDER SHORTENING NOTICE AND SCHEDULING
EXPEDITED HEARING ON FIRST DAY MOTIONS**

This matter is before the Court on the *Emergency Motion for an Order Shortening Notice and Scheduling Expedited Hearing on First Day Motions* (the “Motion”) of Advanced Sports Enterprises, Inc., Advanced Sports, Inc., Performance Direct, Inc., Bitech, Inc. and Nashbar Direct, Inc. (collectively, the “Debtors”). All capitalized terms used but not defined herein shall have the meanings given to them in the Motion.

¹ The Debtors in this case, along with each Debtor’s case number, are: (i) Advanced Sports Enterprises, Inc., Case No. 18-80856; (ii) Advanced Sports, Inc., Case No. 18-80857; (iii) Performance Direct, Inc., Case No. 18-80860; (iv) Bitech, Inc., Case No. 18-80858; and (v) Nashbar Direct, Inc., Case No. 18-80859. Each Debtor is a North Carolina Corporation.



The Court has considered the Motion, the *Declaration of Patrick Cunnane in Support of First Day Motions and Applications*, and other matters reflected in the record. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that the relief sought in the Motion is in the best interests of the Debtors, their estates, and their creditors; and that good and sufficient cause exists for such relief.

Accordingly, it is hereby ORDERED as follows:

1. The Motion is GRANTED.
2. A hearing will be held on the 20th day of November, 2018 at 1:00 o'clock p.m. in Courtroom 1, United States Bankruptcy Court, Middle District of North Carolina, Venable Center, Dibrell Building - Suite 280, 302 East Pettigrew Street, Durham, NC 27701 on the motions and applications identified in Exhibit A to the Motion.

3. The Debtors are directed to serve a copy of this Order, together with copies of all motions and applications identified in Exhibit A to the Motion, by (i) electronic mail² (if available), and (ii) by overnight courier (when a street address is available) or by next-day United States mail (when no street address is available), upon the following: (i) the Office of the U.S. Bankruptcy Administrator; (ii) the Debtors' thirty (30) largest unsecured creditors on a consolidated basis; (iii) the attorneys for any committee that may be appointed by the Court; (iv) any creditor (and its attorneys, if known) that assert a secured claim against one of the Debtors, including Wells Fargo Bank, N.A., EconoTrade Limited, Ideal Bike Corporation, Advanced Holdings Co Ltd, PIDC Regional Center, LP VII, Amer Sports Winter & Outdoor Company, Raymond Leasing Corporation, Hewlett-Packard Financial Services Company, M2 Lease Funds

² The Debtors will also serve a copy of this Order, but not copies of the motions and applications, via facsimile (if available).

LLC, Antares Capital LP, General Electric Capital Corporation, York Street Mezzanine Partners II, L.P., and Ikon Financial Services, (v) the Internal Revenue Service and the North Carolina Department of Revenue, (vi) the Attorney General for the United States, the U.S. Attorney for the Middle District of North Carolina, and the North Carolina Attorney General's Office, and (vii) the U.S. Department of Labor and the North Carolina Department of Labor.

4. In addition to the service set forth above, the Debtors shall serve via overnight courier (when a street address is available) or by next-day United States mail (when no street address is available), this Order and following motions or applications on the additional parties as indicated in Exhibit B to the Motion, as reflected below:

a. This Order and the *Debtors' Motion for Entry of an Order Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364, and 507 and Fed. R. Bankr. P. 2002, 4001 and 9014 (I) Authorizing Debtors and Debtors in Possession to Obtain Post-Petition Financing, (II) Authorizing Use of Cash Collateral, (III) Granting Liens and Super-Priority Claims, (IV) Granting Adequate Protection to Prepetition ABL Lenders, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief* shall also be served upon the Debtors' banks and the Debtors' landlords as identified in Exhibit B to the Motion.

b. This Order and the *Debtors' Emergency Motion for Authority to (A) Maintain Certain Existing Depository Accounts, and (B) Continue Use of Related Business Forms* shall also be served upon the Debtors' banks as identified in Exhibit B to the Motion.

c. This Order and the *Debtors' Emergency Motion to Authorize Payment of Pre-Petition Wages, Payroll Taxes, Certain Employee Benefits, and Related Expenses, and Other Compensation to Employees* shall also be served upon the Debtors' banks as identified in Exhibit B to the Motion.

d. This Order and the *Debtors' Emergency Motion for an Order Authorizing the Debtors to Pay Pre-Petition Sales and Trust Fund Taxes and Related Obligations* shall also be served upon the Debtors' taxing authorities as identified in Exhibit B to the Motion.

e. This Order and the *Debtors' Emergency Motion For Interim and Final Orders (A) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Prepetition Invoices, (B) Deeming Utilities Adequately Assured of Future Performance, and (C) Establishing Procedures for Determining Adequate*

Assurance of Payment shall also be served upon the Debtors' utilities providers as identified in Exhibit B to the Motion.

f. This Order and the *Debtors' Emergency Motion for Authority to Continue Pre-Existing Insurance Programs, to Maintain Insurance Premium Financing Programs, and to Pay Pre-Petition Premiums and Related Obligations* shall also be served upon the Debtors' insurance providers as identified in Exhibit B to the Motion.

g. This Order and the *Debtors' Emergency Motion for Interim and Final Orders: (I) Authorizing the Debtors to Assume the Consulting Agreement; (II) Authorizing and Approving Store Closing Sales Free and Clear of All Liens, Claims and Encumbrances; and (III) Granting Related Relief* shall also be served upon the Debtors' landlords as identified in Exhibit B to the Motion.

h. This Order and the *Motion of Debtors Pursuant to 11 U.S.C. §§ 105, 365, and 554 for Approval of Global Procedures for (a) Rejecting Unexpired Nonresidential Real Property Leases, and (b) the Abandonment of De Minimus Assets* shall also be served upon the Debtors' landlords as identified in Exhibit B to the Motion.

5. The Debtors shall file a certificate of service with the Clerk of the Court certifying the above-outlined service.

6. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

[END OF DOCUMENT]