

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:
PITTSBURGH ATHLETIC
ASSOCIATION, *et al*¹
Debtors,

Jointly Administered at:
Case No. 17-22222-JAD

Bankruptcy Case Nos:
17-22222-JAD, and
17-22223-JAD

PITTSBURGH ATHLETIC ASSOCIATION
et al,

Chapter 11

Movant,

Related to Doc. No. 753

v.

Hearing: May ____, 2018 at ____ am

IRWIN KOTOVSKY, FRANK W.
GUSTINE, JR., RICHARD J. VELAN,
YVONNE L. ROSE, KAY MERGE,
CHARLES PRINGLE, LOVEY
KREITZER, GERALD KRUPP, RICK
EVANS, ROBERT SEMETHY, JR., DR.
PETER BOWER, DR. LILA
PENCHANSKY, PITTSBURGH
ATHLETIC ASSOCIATION
PRESERVATION ASSOCIATION,
MCKNIGHT REALTY PARTNERS,
AND O'KEEFE CONSULTING.

Response Deadline: TBA

Respondents.

**SUPPLEMENT TO EXPEDITED MOTION FOR CONTEMPT FOR VIOLATION OF
THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362 AND FOR VIOLATION OF
PLAN EXCLUSIVITY PURSUANT TO 11 U.S.C. § 1121 AND 1125**

Pittsburgh Athletic Association (“PAA”) and Pittsburgh Athletic Association Land Company (“PAA-LC”, together with PAA, the “Debtors”) file this Supplement to Expedited Motion for Contempt for Violation of the Automatic Stay Pursuant to 11 U.S.C. § 362 and for Violation of Plan Exclusivity pursuant to 11 U.S.C. § 1121 and 1125, (“Contempt/Sanctions Motion”, Doc. 753). The Debtors aver as follow:

¹ The Debtors have the following case pending Pittsburgh Athletic Association, Case No. 17-22222-JAD and the Pittsburgh Athletic Association Land Company, Case No. 17-22223-JAD, both cases are being jointly administered under Case No. 17-22222-JAD.

1. The Debtors file this Supplement to the Expedited Contempt/Sanctions Motion filed on May 4, 2018, to add the authority and basis for their request for an expedited hearing on the Expedited Contempt/Sanctions Motion. Furthermore, the Contempt/Sanctions Motion was inadvertently filed without designating it as “Expedited” on the Court’s CM/ECF docket.

2. In order to obtain a hearing on an expedited basis a movant must show: (1) just cause to request consideration of the underlying matter on an expedited basis; (2) the specific harm the movant shall incur if a hearing is not granted on an expedited basis; an (3) the need for an expedited hearing has not been caused by any lack of due diligence on the part of the attorney or the attorney’s client but has been brought about solely by circumstances beyond their control. *See* W.D.Pa. LBR 9013-2(a).

3. In the instant case, just cause exists for the Court to hold an expedited hearing on this the Contempt/Sanctions Motion as a obtaining a determination on the Motion under the normal notice period would cause Debtors to incur irreparable harm. The Debtors are in the middle of their Solicitation process regarding the Amended Plan, and the relief sought in the Contempt Motion is to enjoin the Respondents from continuing to disrupt, derail and attempt to unlawfully skew this Solicitation process. Indeed, without such expedited treatment of the Motion, the Respondents could continue their conduct severely hindering the reorganization process resulting in a complete waste of the expenditures incurred by the Debtors in proceeding to this point, including but not limited to the \$15,000 incurred in preparing the Solicitation Packet.

4. The need for expedited relief was not caused by the Debtors, but is the result of the Respondents completely and blatantly ignoring the Exclusivity Period under §1121 of the

Bankruptcy Code and this Court's Order and directives, as more specifically detailed in the Expedited Contempt/Sanctions Motion.

5. On May 4, 2018, the Debtors served Expedited Contempt/Sanctions Motion on all parties requesting notice in this case as well as the Respondents via electronic mail. The Debtors are serving this Supplement on those parties via electronic mail upon filing and will file a Certificate of Service accordingly.

WHEREFORE, for the above stated reasons and the Reasons set forth in the Expedited Contempt/Sanctions Motion, Debtors respectfully request this Honorable Court set a hearing on the Contempt/Sanctions Motion on an expedited basis to be heard on Tuesday May 8, 2018, and enter an Order finding the Respondents in violation of the Automatic Stay, pursuant to 11 U.S.C. § 362(a)(3) and in violation of the exclusivity period under 11 U.S.C. § 1121, enjoining the Respondents from any further solicitation activities of the PAA Members and other parties in interest in these Cases, and to award monetary sanctions to the Debtors in the amount of \$15,000.

Respectfully Submitted,

TUCKER ARENSBERG, P.C.

DATED: May 5, 2018

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