

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

IN RE:)	Chapter 11
)	
SCOVILL FASTENERS INC., <i>et al.</i> ,)	Case No. 11-21650-reb
)	
Debtors. ¹)	Jointly Administered
)	

**CHAPTER 7 TRUSTEE’S MOTION FOR ORDER AUTHORIZING
MODIFICATION OF CASE CAPTION**

COMES NOW, S. Gregory Hays, as Chapter 7 Trustee (the “Trustee”) for Debtors Scovill Fasteners Inc., *et al.* (collectively, the “Debtors”), by and through his proposed counsel, and moves this Court to issue an order authorizing the Trustee to modify the case caption of these bankruptcy cases. In support of this Motion, the Trustee states as follows:

JURISDICTION AND VENUE

1. On April 19, 2011 (the “Petition Date”), the Debtors filed their voluntary petitions for relief under chapter 11 of the Bankruptcy Code with the Clerk of this Court. The Trustee was appointed as interim chapter 7 trustee as of July 12, 2011.

2. 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). Venue of these chapter 11 cases in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

¹ The last four digits of the tax identification number for each of the Debtors follow in parenthesis: (i) Scovill Fasteners, Inc. (9561); (ii) Scovill, Inc. (3634); (iii) PCI Group, Inc. (7672) and Rau Fastener Company, L.L.C. (0883). Scomex, Inc. does not have a taxpayer identification number.

FACTUAL BACKGROUND

3. During the course of these bankruptcy cases, the Debtors sold substantially all of their assets to Global SFI Holdings, LLC (“Global”) pursuant to that certain Asset Purchase Agreement (the “APA”)². The Court previously entered an Order authorizing the Debtors to sell all or substantially all of their assets pursuant to the APA. [Docket No. 652] (the “Sale Order”). Pursuant to Section 1.(a)(viii) of the APA, Global acquired all Intellectual Property (as defined in the APA) of the Debtors, including, without limitation, the rights to the Scovill name.

4. In light of the entry of the Sale Order, and due to the sale of the Debtors’ name and Intellectual Property pursuant to the APA, the Trustee seeks to change the name on the caption of these cases to Clarkesville Liquidation Inc. effective upon an entry of an order granting this Motion.

RELIEF REQUESTED

5. By this Motion, the Trustee is requesting an order authorizing the caption of the case to be modified in light of the APA’s conveyance of all of the Intellectual Property to Global as the continued use of such current case caption could be seen as a violation of said APA. Moreover, the name of the lead debtor, Scovill Fasteners Inc., has been changed to Clarkesville Liquidation Inc. via corporate action and filings with the Delaware Secretary of State.

6. Section 105(a) of the Bankruptcy Code provides a bankruptcy court with broad powers in the administration of a case under title 11. Section 105(a) provides that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [title 11].” 11 U.S.C. § 105(a). Provided that a bankruptcy court does not employ its equitable powers to achieve a result not contemplated by the Bankruptcy Code, the exercise of

² A copy of the APA is located at Docket No. 12-2.

its section 105(a) power is proper. *See, e.g., In re Chinichian*, 784 F.2d 1440, 1443 (9th Cir. 1986) (“Section 105 sets out the power of the bankruptcy court to fashion orders as necessary pursuant to the purposes of the Bankruptcy Code.”); *In re Cooper Props, Liquidating Trust, Inc.*, 61 B.R. 531, 537 (Bankr. W.D. Tenn. 1986) (noting that bankruptcy court is “one of equity and as such it has a duty to protect whatever equities a debtor may have in property for the benefit of their creditors as long as that protection is implemented in a manner consistent with the bankruptcy laws”).

7. Due to the provisions of the APA, the Trustee seeks to have the current case caption set forth above modified to reflect the case caption set forth on Exhibit A, attached hereto, in order to comply with the APA. This modification would not adversely affect the administration of these cases.

8. Accordingly, the Trustee believes that authorization of the name change is in the best interest of these bankruptcy estates and their creditors, and requests that the Court use its equitable powers under section 105 to authorize this change.

9. No previous motion for relief requested herein has been made to this or any other court.

NOTICE

10. Notice of this Motion will be given to the Amended Master Service List maintained in these cases.

WHEREFORE, the Trustee respectfully requests that this Court enter an order authorizing the modification of the case caption currently used in this bankruptcy case to reflect the case caption set forth in Exhibit A, and to grant such other and further relief as this Court may deem just and proper.

This 14th day of July, 2011.

GREENBERG TRAURIG, LLP

/s/ John D. Elrod

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EXHIBIT A

PROPOSED NEW CASE CAPTION

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:)	Chapter 11
)	
CLARKESVILLE LIQUIDATION INC.,)	
<i>et al.,</i>)	Case No. 11-21650-reb
)	
Debtors.)	Jointly Administered
_____)	

CERTIFICATE OF SERVICE

I certify that on this day I have served a copy of the foregoing document via notice of electronic filing on all parties receiving electronic notices in this case, including the following:

Erich Durlacher, Esq.
Burr & Forman LLP
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Counsel to Global SFI Holdings, LLC

James Morawetz, Esq.
Office of the United States Trustee
Jim.H.Morawetz@usdoj.gov

This 14th day of July, 2011.

/s/ John D. Elrod
John D. Elrod, Ga Bar No. 246604