

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:) Chapter 7
)
TRADE AM INTERNATIONAL, INC.,) Case No. 13-62588-mgd
)
Debtor.)
_____)

**SECOND SUPPLEMENT TO JUPITER’S OBJECTION TO THE
TRUSTEE’S MOTION FOR AUTHORITY TO USE CASH COLLATERAL
IN ORDER TO PAY CERTAIN TAX CLAIMS**

Jupiter IL, LLC (“Jupiter”) hereby supplements its objection, filed on March 21, 2014 at Docket No. 93, to the trustee’s motion, filed on March 5, 2014 at Docket No. 84 (the “Motion”), and already supplemented once at Docket No. 95, filed on March 24, 2014. We assume the reader’s familiarity with those documents.

Regardless of who has already sent what documents to whom, we recognize that Jupiter and its participants now “[have] the burden of proof on the issue of the validity, priority, or extent” of their asserted interests. 11 U.S.C. § 363(p)(2).

We believe that an evidentiary hearing may take half a day, since the loan was complicated when Deutsche Bank and Cratos acquired it, and went through over a dozen amendments after that. For a good introduction, please see a thorough but not complete explanation and set of documents that was filed on May 20, 2013, at Docket No. 348, in Trade Am International, Inc. etc. v. The Cincinnati Insurance Company, D. NDGa CAFN 1:08-CV-03711 (the “District Court Case”). This filing was Jupiter’s motion to intervene, etc. in that case. (I don’t file a copy of that document with this response because the bankruptcy court’s blue identifying header will print over the existing district court header, but I do enclose a copy to the trustee’s counsel. With exhibits, the filing is 108 pages.)

In response to one concern in particular, in any event that the insurance proceeds were not collateral before June 30, 2010, they became so by a letter amendment dated June 30, 2010, which appears as a five page filing at District Court Case Docket No. 348-3. Among other things, that instrument caused the collateral definition to include “[a]ny commercial tort claim that is or may be asserted in connection with [the District Court Case] . . .”. District Court Case Docket No. 348-3, p. 5 of 5.

Conclusion

The Motion should be denied after whatever evidentiary hearing may be required.

Dated: March 25, 2014
Atlanta, Georgia

/s/Bill Rothschild
William L. Rothschild
Ga. Bar No. 616150
Attorneys for Jupiter IL, LLC

Ogier, Rothschild & Rosenfeld, P.C.
170 Mitchell Street
Atlanta, GA 30303-3424
404/525-4000
br@oratl.com

Certificate of Service

I hereby certify that today I served the following by electronic mail:

Sean Kulka at sean.kulka@agg.com

/s/Bill Rothschild
William L. Rothschild
Ga. Bar No. 616150