

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN OF VIRGINIA
NEWPORT NEWS DIVISION

In Re:
MICHAEL D. VICK,
Debtor

Case No. 08-50775-FJS
Chapter 11

MOTION TO EXTEND LIQUIDATING TRUST AGREEMENT

NOW COMES Joseph J. Luzinski (the "Trustee"), Liquidating Trustee under the Michael D. Vick Liquidating Trust Agreement (the "Trust Agreement") and hereby moves for an Order extending the termination date under the Michael D. Vick Liquidating Trust (the "MDV Trust") for a period of one year to November 24, 2015. And for his Motion, the Trustee respectfully states as follows:

1. On or about July 7, 2008, Michael D. Vick (the "Debtor") filed a petition for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").
2. By Order dated October 28, 2009 (the "Confirmation Order"), this Court confirmed Debtor's Third Amended Plan of Reorganization (the "Plan"), which Plan provided for, inter alia, the creation of the MDV Trust and the appointment of the Trustee as the liquidating trustee thereunder. Capitalized terms used and not otherwise defined herein shall have the meaning ascribed to them in the Plan.
3. This Court has jurisdiction over this matter pursuant to ¶ 18 of the Confirmation Order and Article 11.1(a) of the Plan.

Ross C. Reeves (VSB No. 13628)
Stephanie N. Gilbert (VSB No. 77140)
Willcox & Savage P.C.
440 Monticello Avenue, Suite 2200
Norfolk, Virginia 23510
(757) 628-5500 (T)
(757) 628-5566 (F)
Counsel for Joseph J. Luzinski, Trustee

4. The MDV Trust was established and the Trustee appointed “for the primary purpose of liquidating the assets transferred to [the Trust under the Plan]” and to “make timely (at least annual) distributions of net income....under the Plan....” Trust Agreement Art. 4.1.

5. The Trust Assets to be liquidated under the MDV Trust include the Post-Confirmation Income Contributions of the Reorganized Debtor under the Plan. The Reorganized Debtor is obligated under the Plan to make Post-Confirmation Income Contributions during the Payout Period. Pursuant to Article 5.3.1 of the Plan, the Payout Period commenced on January 1, 2009 and will terminate, at the earliest, on December 31, 2014.

6. The MDV Trust was executed on November 24, 2009 (the “Effective Date”). Pursuant to Article 9.1 of the Trust Agreement, the MDV Trust

will terminate five (5) years after the Effective Date or within a reasonable period after final distribution is made under Section 5.2 of the Plan, whichever is earlier; provided, however, that on or prior to the date six (6) months prior to such termination, the Bankruptcy Court, upon motion by a party in interest, shall extend the term of the MDV Trust for a finite period if necessary for the liquidating purpose hereof.

Final distributions have not been made under Section 5.2 of the Plan. The MDV Trust is therefore scheduled to terminate on November 24, 2014.

7. Because the Reorganized Debtor’s obligation to make Post-Confirmation Income Contributions under the Plan will not cease until, at the earliest, December 31, 2014, and because the Liquidating Trustee may have further distributions to make to Holders of Allowed Claims upon receipt of additional Post-Confirmation Income Contributions, the Trustee respectfully requests that this Honorable Court enter an Order extending the MDV Trust termination date to November 24, 2015 pursuant to Article 9.1 of the Trust Agreement.

REQUEST TO PROCEED BY LIMITED NEGATIVE NOTICE

8. To minimize expenses to the estate, the Trustee respectfully request that notice of this Motion be provided by “negative notice” over the ECF System in the form attached hereto as **Exhibit A** (the “Notice”), and service the Motion and Notice by first-class mail on counsel of record for the Debtor and the United States Trustee. A proposed order approving the Trustee’s request to proceed by negative notice is attached as **Exhibit B**.

WHEREFORE, Joseph J. Luzinski, Liquidating Trustee of the Michael D. Vick Liquidating Trust requests that this Honorable Court enter an Order (1) extending the termination date of the Michael D. Vick Liquidating Trust to November 24, 2015, (2) permitting the Trustee to proceed with this Motion by limited negative notice and (3) granting such additional relief as is equitable, just and proper.

RESPECTFULLY SUBMITTED,

JOSEPH J. LUZINSKI, TRUSTEE

Dated: May 1, 2014

By His Attorneys,
WILLCOX & SAVAGE, P.C.

/s/ Stephanie N. Gilbert

Ross C. Reeves, VSB #13628
Stephanie N. Gilbert, VSB #77140
440 Monticello Avenue
Suite 2200
Norfolk, Virginia 23510
Tel: 757.628.5500
Fax: 757.628.5566
rreeves@wilsav.com
sgilbert@wilsav.com

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2014, I served a copy of the foregoing on the following parties by U.S. Mail:

Paul K. Campsen, Esquire
Dennis T. Lewandowski, Esquire
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, Virginia 23510
Counsel for Debtor/Residual Beneficiary

Kenneth N. Whitehurst, III, Esquire
OFFICE OF THE U.S. TRUSTEE
200 Granby Street, 625 Federal Building
Norfolk, Virginia 23510
Counsel for the U.S. Trustee

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NOTICE OF MOTION TO EXTEND TRUST TERMINATION DATE

PLEASE TAKE NOTICE that, on May 1, 2014, Joseph J. Luzinski (the "Trustee"), Liquidating Trustee under the Michael D. Vick Liquidating Trust Agreement (the "Trust Agreement") and filing a Motion (the "Motion") requesting entry of an Order extending the termination date under the Michael D. Vick Liquidating Trust ("MDV Trust") for a period of one year to November 24, 2015.

The Motion is on file with the Court. Any party desiring a copy may request one, in writing, from the undersigned.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Under Local Rule 9013-1, unless a written objection to the Motion is filed with and received by the Clerk of the Bankruptcy Court, United States Bankruptcy Court, 600 Granby Street, Room 400, Norfolk, Virginia 23510, and the undersigned at the address listed below, on

Ross C. Reeves (VSB No. 13628)
Stephanie N. Gilbert (VSB No. 77140)
Willcox & Savage P.C.
440 Monticello Avenue, Suite 2200
Norfolk, Virginia 23510
(757) 628-5500 (T)
(757) 628-5566 (F)
Counsel for Joseph J. Luzinski, Trustee

or before **fourteen (14) days** after the date of this Notice, then the Court may treat any objection as waived, treat the Motion as conceded, and issue an Order granting the relief requested without further notice or hearing. If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it in a timely manner. You must also mail a copy to:

Ross C. Reeves, Esquire
Stephanie N. Gilbert, Esquire
WILLCOX & SAVAGE, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, Virginia 23510

Should you file an objection to the Motion, then you must also appear at any scheduled hearing, notice of which will be given at a later date. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Application, and may enter an Order granting the requested relief. **Please govern yourselves accordingly.**

RESPECTFULLY SUBMITTED,

JOSEPH J. LUZINSKI, TRUSTEE

Dated: May 1, 2014

By His Attorneys,
WILLCOX & SAVAGE, P.C.

/s/ Stephanie N. Gilbert

Ross C. Reeves, VSB #13628
Stephanie N. Gilbert, VSB #77140
440 Monticello Avenue
Suite 2200
Norfolk, Virginia 23510
Tel: 757.628.5500
Fax: 757.628.5566
rreeves@wilsav.com
sgilbert@wilsav.com

CERTIFICATE OF SERVICE

I hereby certify that on this ___ day of May, 2014, I caused a true copy of the foregoing Notice to be filed electronically via the ECF system, thereby causing the Notice to be served on all creditors and parties in interest who have filed a notice of appearance and request for service of process in this Case, and mailed a copy of the foregoing, by first-class United States mail to the following:

Paul K. Campsen, Esquire
Dennis T. Lewandowski, Esquire
KAUFMAN & CANOLES, P.C.
150 West Main Street, Suite 2100
Norfolk, Virginia 23510
Counsel for Debtor/Residual Beneficiary

Kenneth N. Whitehurst, III, Esquire
OFFICE OF THE U.S. TRUSTEE
200 Granby Street, 625 Federal Building
Norfolk, Virginia 23510

All creditors and parties in interest on the Court's mailing matrix as of May 1, 2014.

/s/ Stephanie N. Gilbert
Of Counsel

UNITED STATES BANKRUPTCY COURT
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ORDER APPROVING REQUEST FOR “NEGATIVE NOTICE”

This matter is before the Court upon the Motion (the “Motion”) of Joseph J. Luzinski (the “Trustee”), Liquidating Trustee under the Michael D. Vick Liquidating Trust Agreement (the “Trust Agreement”) for Entry of an Order Extending the Termination date under the Michael D. Vick Liquidating Trust (“MDV Trust”), in which the Trustee requests that Notice of the Motion (“Notice”) be provided over the ECF system in the form attached to the Motion. The Notice provides that the Court shall hold a hearing on the Motion only if an objection to the Motion is filed within fourteen (14) days of the date of the Notice. Bankruptcy Rule 2002(i) permits the Court to order that notice of motions or applications be sent only to the United States Trustee, the Official Committee of Unsecured Creditors (if any) and creditors who have requested notice and service of process.

Accordingly, it is

ORDERED that the request that the Notice be sent by “negative notice” and that a hearing be held only if an objection is filed within 14 days is GRANTED.

ORDERED that notice of the Motion is sufficient if sent over the ECF system and thereby served on all creditors and parties in interest who have filed a notice of appearance and request for service of process in this case.

Date: May ___, 2014

United States Bankruptcy Judge

Entered on the Docket: _____

I ASK FOR THIS:

/s/ Stephanie N. Gilbert
Ross C. Reeves (VSB No. 13628)
Stephanie N. Gilbert (VSB No. 77140)
WILLCOX & SAVAGE, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, Virginia 23510
757-628-5500 (T)
757-628-5566 (F)
Counsel for the Liquidating Trustee

SEEN AND NO OBJECTION:

Kenneth N. Whitehurst, III (VSB No. 48919)
OFFICE OF THE U.S. TRUSTEE
Federal Building, Room 625
200 Granby Street
Norfolk, Virginia 23510
Counsel for the U.S. Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Order has been endorsed by or served upon all necessary parties in accordance with Local Rule 9022-1.

Stephanie N. Gilbert