

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY**

In re:	)	Case No. 20-21214
)	
BOYCE HYDRO, LLC,	)	Chapter 11
)	
Debtor.	)	Tax .I.D. No. (26-0416694)
_____)	
)	
In re:	)	Case No. 20-21215
)	
BOYCE HYDRO POWER, LLC,	)	Chapter 11
)	
Debtor.	)	Tax .I.D. No. (26-1373034)
_____)	

**DEBTORS’ FIRST DAY MOTION FOR JOINT ADMINISTRATION OF
RELATED CHAPTER 11 CASES PURSUANT TO BANKRUPTCY
RULE 1015(b), BANKRUPTCY CODE SECTIONS 105
AND 302, AND LOCAL RULE 1015-1**

The above-captioned debtors and debtors-in-possession (collectively, the “*Debtors*”), by their undersigned counsel, hereby file this motion (the “*Motion*”) for entry of an order, pursuant to sections 105 and 302 of title 11 of the United States Code (the “*Bankruptcy Code*”), Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “*Bankruptcy Rules*”), and Rule 1015-1 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Michigan (the “*Local Rules*”), approving joint administration of their bankruptcy cases (the “*Chapter 11 Cases*”). In support of this Motion, the Debtors respectfully state as follows:

JURISDICTION, VENUE, AND PREDICATES FOR RELIEF

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory predicates for the relief requested herein are Bankruptcy Code sections 105 and 302, Bankruptcy Rule 1015, and Local Rule 1015-1.

BACKGROUND

4. On July 31, 2020 (the “*Petition Date*”), each of the Debtors filed a voluntary petition in this Court for relief under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No examiner or statutory committee has been appointed. The Office of the United States Trustee has or will be appointing a Subchapter V Trustee for the Chapter 11 Cases.

5. The factual background relating to the Debtors’ commencement of the Chapter 11 Cases is set forth in detail in the *Declaration of Lee W. Mueller in Support of First Day Motions and Applications* (the “*Mueller Declaration*”), which is being filed contemporaneously herewith and is incorporated herein by reference.

RELIEF REQUESTED AND BASIS FOR RELIEF

6. In order to optimally and economically administer the Chapter 11 Cases, such cases should be jointly administered for procedural purposes only, under case number assigned to Boyce Hydro, LLC (Case No. 20-21214). Pursuant to Bankruptcy Rule 1015(b), “[i]f . . . two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates.” Fed. R. Bankr. P. 1015(b). The Debtors are all “affiliates” as that term is defined in section 101(2) of the Bankruptcy Code. Accordingly, the Court is authorized to grant the relief requested herein.

7. Joint administration will save time and cost and avoid duplicative and potentially confusing filings by permitting parties in interest to: (a) use a single caption on all documents that will be served in the Debtors’ Chapter 11 Cases; and (b) file pleadings in one case rather than multiple cases. Joint administration will also protect parties in interest by ensuring that the parties in each of the Debtors’ respective chapter 11 cases will be apprised of the various matters before the Court in each case. Joint administration will thus ease the administrative burden for the Court and all parties in interest.

8. Moreover, the Debtors’ financial affairs and business operations are related, and joint administration will again ease the administrative burden on the Court and all parties in interest. Additionally, many of the motions, hearings, and

orders in the Debtors' Chapter 11 Cases will affect each Debtor and its estate. Joint administration will reduce the fees and costs and avoid the need for filing duplicative documents.

9. The Debtors have affirmatively included all information required by Local Rule 1015-1 in the Mueller Declaration.

10. Joint administration will not adversely affect creditors' rights because this Motion requests only the administrative consolidation, and not the substantive consolidation, of the Debtors' estates. As such, each creditor will continue to hold its claim against a particular Debtor's estate after this Motion is approved. Accordingly, the Debtors respectfully request that the Court modify the captions of the Chapter 11 Cases to reflect joint administration as follows:

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY**

In re:	)	Case No. 20-21214
)	
BOYCE HYDRO, LLC, <i>et al.</i>	)	Jointly Administered
)	
Debtors. ¹	)	Chapter 11
)	
_____	)	Honorable Daniel S. Opperman

¹ The debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal taxpayer-identification number, are: (i) Boyce Hydro, LLC (6694), Case No. 20-21214 and (ii) Boyce Hydro Power, LLC (3034), Case No. 20-21215.

11. The Debtors also seek the Court's direction that a notation substantially similar to the following be entered on the docket in the Chapter 11 Case of Boyce Hydro Power, LLC to reflect the joint administration of these cases:

“An Order has been entered in this case consolidating this case with the case of Boyce Hydro, LLC, Case No. 20-21214, for procedural purposes only and providing for its joint administration in accordance with the terms thereof.”

12. Based on the foregoing, the Debtors respectfully submit that the relief requested herein is necessary and appropriate, is in the best interests of the Debtors' estates and creditors, and should be granted in all aspects.

NOTICE

13. The Debtors have provided notice of this Motion to the following parties or their respective counsel: (a) the United States Trustee's Office for the Eastern District of Michigan; (b) Byline Bank; (c) the holders of the twenty (20) largest unsecured claims against each of the Debtors; (d) the Federal Energy Regulatory Commission; (e) the United States Attorney's Office for the Eastern District of Michigan; (f) Applicable Taxing Authorities¹; and (g) any party that has formally appeared and requested notice pursuant to Bankruptcy Rule 2002. In light

¹ The term “Applicable Taxing Authorities” as used herein and in the notice section of future motions filed in these Chapter 11 Cases shall mean the following taxing authorities that the Debtors are aware of: (a) the Internal Revenue Service; (b) the Gladwin and Midland County Treasurers; and (c) the Hay, Secord, Bourret, Clement, Jerome, Billings, Edenville, and Tobacco Township Treasurers.

of the nature of the relief requested, the Debtors respectfully submit that no other or further notice need be given.

CONCLUSION

WHEREFORE, the Debtors respectfully request this Court enter an order, the form of which is attached to this Motion as **Exhibit A**: (i) directing the joint administration of the Debtors' Chapter 11 Cases; and (ii) granting any other relief as the court deems just and proper.

Dated: August 3, 2020

Respectfully submitted,

By: /s/ Matthew E. McClintock

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Daniel C. Curth, Esq.
Eric W. Garavaglia, Esq.
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Proposed Counsel to the Debtors

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY**

In re:	)	Case No. 20-21214
)	
BOYCE HYDRO, LLC,	)	Chapter 11
)	
Debtor.	)	Tax .I.D. No. (26-0416694)
_____)	
)	
In re:	)	Case No. 20-21215
)	
BOYCE HYDRO POWER, LLC,	)	Chapter 11
)	
Debtor.	)	Tax .I.D. No. (26-1373034)
_____)	

**FIRST DAY ORDER DIRECTING JOINT ADMINISTRATION OF
RELATED CHAPTER 11 CASES PURSUANT TO BANKRUPTCY
RULE 1015(b), BANKRUPTCY CODE SECTIONS 105
AND 302, AND LOCAL RULE 1015-1**

Upon the Debtors’ Motion for Joint Administration of Related Chapter 11 Cases (the “*Motion*”)¹, seeking entry of an order directing the joint administration of the Debtors’ chapter 11 cases for procedural purposes only; and upon consideration of the *Declaration of Lee W. Mueller in Support of First Day Motions and Applications* (the “*Mueller Declaration*”); and the Court having jurisdiction pursuant to sections 157 and 1334 of title 28 of the United States Code to consider the Motion and the relief requested therein; and venue being proper in this Court

¹ Capitalized terms used and not otherwise defined herein shall have the meaning ascribed thereto in the Motion.

pursuant to sections 1408 and 1409 of title 28 of the United States Code; and it appearing that proper and adequate notice of the Motion has been given and that, except as otherwise ordered herein, no other or further notice is necessary; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtors, their creditors, and all parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion and in the Mueller Declaration establish just cause for the relief granted herein, it is therefore:

ORDERED that the Motion is GRANTED; and it is further

ORDERED that, pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure, the above-captioned chapter 11 cases shall be consolidated for administrative purposes only and jointly administered as Case No. 20-21214 (the “*Lead Case*”); and it is further

ORDERED that the following caption shall be used for all pleadings filed in the above-referenced cases:

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY**

In re:	)	Case No. 20-21214
)	
BOYCE HYDRO, LLC, <i>et al.</i>	)	Jointly Administered
)	
Debtors. ¹	)	Chapter 11
)	
_____	)	Honorable Daniel S. Opperman

¹ The debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal taxpayer-identification number, are: (i) Boyce Hydro, LLC (6694), Case No. 20-21214 and (ii) Boyce Hydro Power, LLC (3034), Case No. 20-21215.

; and it is further

ORDERED that a docket entry shall be made in the Boyce Hydro Power, LLC case substantially as follows:

“An Order has been entered in this case consolidating this case with the case of Boyce Hydro, LLC, Case No. 20-21214, for procedural purposes only and providing for its joint administration in accordance with the terms thereof.”

; and it is further

ORDERED that notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion; and it is further

ORDERED that notwithstanding any applicability of Federal Rule of Bankruptcy Procedure 6004(g), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Bay City, Michigan
Dated: August __, 2020

United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY**

In re:)	Case No. 20-21214
)	
BOYCE HYDRO, LLC,)	Chapter 11
)	
Debtor.)	Tax .I.D. No. (26-0416694)
_____)	
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In re:)	Case No. 20-21215
)	
BOYCE HYDRO POWER, LLC,)	Chapter 11
)	
Debtor.)	Tax .I.D. No. (26-1373034)
_____)	

**NOTICE OF DEBTORS’ FIRST DAY MOTION FOR JOINT
ADMINISTRATION OF RELATED CHAPTER 11 CASES
PURSUANT TO BANKRUPTCY RULE 1015(B),
BANKRUPTCY CODE SECTIONS 105 AND 302,
AND LOCAL RULE 1015-1**

The above-captioned debtors (the “*Debtors*”), as Chapter 11 debtors and debtors in possession, have filed papers with the court for entry of an order jointly administering the above-captioned bankruptcy cases (the “*Motion*”).

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.)

If you do not want the court to grant the Motion, or if you want the court to consider your views on the Motion, you or your attorney must attend a hearing on the Motion, which the Debtors understanding is being held on **Thursday, August 6, 2020 at 2:00 PM (EST), Dial-in #: 888-557-8522, Access #: 1287364.** The Debtors shall provide you with the court

order scheduling the Motion, if a different hearing date or time is established prior to presentment.

You or your attorney may also file with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
111 First Street
Bay City, MI 48708

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also send a copy to:

Goldstein & McClintock, LLLP
c/o Matthew E. McClintock, Esq.
111 West Washington Street—Suite 1221
Chicago, IL 60602

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

¹ Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e).

Dated: August 3, 2020

/s/ Matthew E. McClintock

Matthew E. McClintock, Esq.

Jason J. Ben, Esq.

Daniel C. Curth, Esq.

Eric W. Garavaglia, Esq.

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Proposed Counsel to the Debtors

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY**

In re:	)	Case No. 20-21214
)	
BOYCE HYDRO, LLC,	)	Chapter 11
)	
Debtor.	)	Tax .I.D. No. (26-0416694)
_____)	
)	
In re:	)	Case No. 20-21215
)	
BOYCE HYDRO POWER, LLC,	)	Chapter 11
)	
Debtor.	)	Tax .I.D. No. (26-1373034)
_____)	

CERTIFICATE OF SERVICE

I, Matthew E. McClintock, Esq., hereby certify that on August 3, 2020, I served documents as follows:

Documents Served: Debtors’ First Day Motion For Joint Administration of Related Chapter 11 Cases Pursuant to Bankruptcy Rule 1015(b), Bankruptcy Code Sections 105 and 302, and Local Rule 1015-1

Served Upon and Method of Service:

Overnight Delivery Service

Office of the U.S. Trustee for the Eastern District of Michigan
201 Superior Avenue, Suite 441
Cleveland, OH 44144

United States Attorney’s Office for the Eastern District of Michigan
211 W. Fort Street, Suite 2001
Detroit, MI 48226

Electronic Mail

Office of the U.S. Trustee for the Eastern District of Michigan
Attn: Ronna G. Jackson
201 Superior Avenue, Suite 441
Cleveland, OH 44144

Ronna.G.Jackson@usdoj.gov

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101

Gladwin County Treasurer
Attn: Christy Van Tiem
401 W. Cedar Ave.
Gladwin, MI 48624

Midland County Treasurer
Attn: Catherine L. Lunsford
County Services Building
220 W Ellsworth Street
Midland, MI 48640-5194

Billings Township Treasurer
Attn: Linda J. McSweyn
1050 Estey rd
Beaverton, MI 48612

Bourret Township Treasurer
Attn: Lisa Ball
4430 Pine St
Alger MI 48610-0000

Clement Township Treasurer
Attn: Eric House
1497 E. M-30
Alger MI 48610-0000

Edenville Township Treasurer
Attn: Lydia Draves
467 Moore St.
P.O. Box 24
Edenville MI 48620-0000

Hay Township Treasurer
Sandra Priemer
1220 E. Highwood Rd.
Beaverton MI 48612-0000

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Attn: Angela Martin
737 W. Beamish Rd.
Sanford MI 48657-0000

Secord Township Treasurer
Attn: Kathy Wilton
1507 Secord Dam Road
Gladwin MI 48624-0000

Tobacco Township Treasurer
Attn: Roshelle Brubaker
5119 S M-18
Beaverton MI 48612-0000

Federal Energy Regulatory
Commission
Attn: David L. Morenoff
888 First Street, NE
Washington, DC 20436

Michigan Department of Treasury
430 W. Allegan St.
Lansing, Michigan 48922

Elan Financial Services
Attn: Legal
1255 Corporate Dr.
Irving, TX 75038

Affiliated Researchers LLC
Attn: Rollin Reineck
3585 North US 23
Oscoda, MI 48750

IPFS Corporation
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