

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK  
(UTICA DIVISION)

Hearing Date: April 24, 2023 at 9:30 am  
Hearing Location: Albany, New York

In Re:

Case No. 23-60263-6- REL

**MILES BURTON MARSHALL a/k/a  
M. BURTON MARSHALL**

Chapter 11

Debtor.

**DEBTOR'S EMERGENCY MOTION FOR ENTRY OF AN ORDER:  
(I) AUTHORIZING DEBTOR TO USE CASH COLLATERAL ON AN  
INTERIM BASIS; (II) GRANTING ADEQUATE PROTECTION PURSUANT  
TO 11 U.S.C. §§ 105, 361 AND 363; (III) MODIFYING THE AUTOMATIC STAY;  
(IV) SCHEDULING FINAL HEARING; AND (V) GRANTING RELATED RELIEF**

Miles Burton Marshall a/k/a M. Burton Marshall (the "Debtor"), the above-captioned debtor and debtor in possession, by and through his undersigned proposed counsel, hereby moves this Court (this "Motion") for entry of an interim order, in substantially the form attached hereto as **Exhibit A** (the "Interim Cash Collateral Order"), (i) authorizing the Debtor to use cash collateral on an emergency basis; (ii) granting adequate protection pursuant to Sections 105, 361, and 363 of Title 11 of the United States Code (11 U.S.C. §§ 101 et seq., as amended, the "Bankruptcy Code") to the secured creditors identified below (the "Secured Creditors" or "Lienholders"); (iii) modifying the automatic stay to the extent necessary to grant the relief requested in this Motion, (iv) scheduling a hearing to consider entry of a final order (the "Final Cash Collateral Order" and, together with the Interim Cash Collateral Order, the "Cash Collateral Orders") authorizing the relief granted in the Interim Cash Collateral Order on a final basis as described in this Motion, and (v) granting related relief. In support of this Motion, the Debtor respectfully represents as follows:

**JURISDICTION**

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.