

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

Hearing Date: April 24, 2023 at 9:30 a.m.  
Hearing Location: Albany, New York

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In Re:

Case No. 23-60263-6- REL

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

Chapter 11

Debtor.  
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**DEBTOR'S MOTION PURSUANT TO SECTIONS 105(a) AND 363(b) OF  
THE BANKRUPTCY CODE FOR AN ORDER AUTHORIZING PAYMENT  
OF WAGES, COMPENSATION, AND EMPLOYEE BENEFITS**

TO THE HONORABLE PAUL R. WARREN:

M Burton Marshall, debtor and debtor in possession ("Marshall" or the "Debtor"), hereby moves this Court, pursuant to Sections 105(a) and 363(b) of Title 11 of the United States Code (as amended, the "Bankruptcy Code"), for entry of an order substantially in the form attached hereto as Exhibit A: (A) authorizing, but not requiring, the Debtor to (i) pay, in his sole discretion, wage obligations, expense reimbursements, payroll taxes, and employee benefits, (ii) maintain and continue to honor its practices, programs, and policies for its employees as they were in effect on the Petition Date (defined below), and as such may be modified, amended, or supplemented from time to time in the ordinary course, and (B) authorizing Berkshire Bank to receive, honor, process, and pay any and all checks or wire transfers drawn on Debtor's accounts in satisfaction of employee obligations and employee benefits (the "Motion"). In support of the Motion, the Debtor respectfully represents:

**JURISDICTION**

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before his Court pursuant to 28 U.S.C. §§ 1408 and 1409.