

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
KANSAS CITY DIVISION**

In re:)	
)	
CRESCENT OIL COMPANY, INC., et al.)	Case No. 09-20258
)	Chapter 11
Debtor.)	

**RESPONSE TO MOTION TO LIMIT NOTICE ON EMERGENCY MOTION OF
STATION ACQUISITION, LLC FOR ORDER DECLARING LEASES OF NON-
RESIDENTIAL REAL PROPERTY TO BE TERMINATED, COMMANDING DEBTOR
TO SURRENDER POSSESSION OF SUCH REAL PROPERTY FORTHWITH AND
FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362(D) AS
NECESSARY OR APPROPRIATE TO SUCH RELIEF AND TO SHORTEN TIME FOR
HEARING THEREON**

Debtors and Debtors-in-Possession Crescent Oil Company, Inc., *et al.*, by and through counsel, for their Response to Motion to Limit Notice on Emergency Motion of Station Acquisition, LLC (“Station”) for Order Declaring Leases of Non-Residential Real Property to be Terminated, Commanding Debtor to Surrender Possession of Such Real Property Forthwith and For Relief from the Automatic Stay Under 11 U.S.C. § 362(d) as Necessary or Appropriate to Such Relief and to Shorten Time for Hearing Thereon (the “Motion”), states:

1. Crescent Oil Company, Inc. (“Crescent”) filed its voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code (the “Code”) on February 7, 2009 (the “Crescent Petition Date”). Certain of Crescent’s affiliated companies (the “Remaining Debtors”)¹ filed their own separate voluntary petitions for relief under Chapter 11 of the Code on February 8, 2009. Crescent along with the Remaining Debtors are collectively referred to herein as the “Debtors.”

¹ Crescent Fuels, Inc.; Crescent Stores Corporation; Crescent Realty, Inc.; and Crescent Business Development Corp.

2. Debtors continue to manage their property as debtors-in-possession pursuant to Code §§ 1107 and 1108.

3. On February 12, 2008, Station filed the Motion seeking to limit notice of its Emergency Motion and to shorten the time for a hearing on the same.

4. With respect to the request to limit the notice of the Emergency Motion, Debtors have no objection to the same and refer Station to the Standing Order No. 1 Establishing Limited Notice and Motion Procedures.

5. With respect to its second request, Station asks the Court to take up and consider the Emergency Motion at the earliest time available on the Court's calendar. With respect to this second request, Debtors believe that this issue needs to be taken up and resolved prior to an auction of their assets, which pursuant to the Interim Financing Order, must take place by March 27, 2009. Accordingly, Debtors respectfully suggest the proposed scheduling:

a. A preliminary nonevidentiary hearing be set for **March 10, 2009 at 9:30 a.m.**, at which time the Debtors respectfully request that the Court enter an order with respect to Station continuing the automatic stay in full force and effect pending the conclusion of a final hearing on the Emergency Motion;

b. A final evidentiary hearing be set for **March 13, 2009 at 9:30 a.m.**; and

c. An deadline be set for **March 6, 2009** for the Debtors and other parties in interest to object or otherwise respond to the Emergency Motion

(the "Proposed Scheduling").

6. Debtors believe that the Proposed Scheduling is in the best interests the bankruptcy estates and creditors, in part, because it will (i) allow the Debtors, an other parties-in-interest, to fully respond to the Emergency Motion ; (ii) allow the Emergency Motion to be heard and resolved on an

orderly basis; and (iii) resolve this significant issue prior to any auction of Debtors' assets, which will provide a degree of certainty to prospective bidders with respect to the same.

7. Station will not be prejudiced by the Proposed Scheduling. The Proposed Scheduling represents a relatively short time frame in which to have this matter heard and resolved. Further, there are no exigent circumstances that would necessitate earlier dates. Contrary to Station's mere speculation as to potential loss, casualty or destruction, the leased premises at issue are in good condition and there are no signs of destruction or dissipation.

WHEREFORE, Debtors respectfully requests the Court enter an Order:

- a. Setting a deadline of **March 6, 2009** for the Debtors and other parties in interest to object or otherwise respond to the Emergency Motion;
- b. Setting a Preliminary Nonevidentiary Hearing on the Emergency Motion for **March 10, 2009 at 9:30 a.m.**;
- c. Setting a Final Evidentiary Hearing on the Emergency Motion for **March 13, 2009 at 9:30 a.m.**;
- d. Continuing the automatic stay with respect to Station pending the conclusion of the Final Evidentiary Hearing; and
- e. for such other and further relief as the Court deems just and equitable.

Respectfully submitted,

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