

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

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

**MOTION TO LIMIT NOTICE ON EMERGENCY
MOTION OF METCALF 136, 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**

COMES NOW Metcalf 136, LLC (“Metcalf 136”), pursuant to Fed. R. Bankr. P. 2002(a) and for its Motion to Limit Notice on Emergency Motion 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 (“Emergency Motion”), states as follows:

1. On February 7, 2009, Debtor Crescent Oil Company, Inc. (“Debtor”) filed its voluntary petition under Chapter 11 of the Bankruptcy Code. Debtor continues to operate its business and assets as a Debtor-in-Possession pursuant to 11 U.S.C. §§ 1107 and 1108.
2. On February 12, 2009, Metcalf 136 filed its Emergency Motion.
3. Metcalf 136 respectfully submits that there is good cause to limit notice of said Emergency Motion, and requests that the Court enter its Order limiting notice of said Emergency Motion, the parties to said Motion, the U.S. Trustee, secured creditors, parties who have

requested notices described in Fed. R. Bankr. P. 2002, and creditors identified on the List of 20 Largest Unsecured Creditors. Metcalf 136 respectfully submits that such limitation of notice will avoid unnecessary expense while at the same time providing notice to those parties truly having an interest therein.

4. Further, Metcalf 136 respectfully requests that this Court enter its Order shortening the time for notice hearing upon the Emergency Motion sufficiently to permit the Court to take up and consider the same at the earliest time available on the Court's calendar.

5. This Emergency Motion is authorized under Fed. R. Bankr. P. 2002(a)(2), which permits the Court to control the form and manner in which notices of hearing may be given, and to shorten the time and limit service thereof, for good cause shown.

WHEREFORE, for the reasons stated, Metcalf 136 requests that this Court enter its Order shortening the time for hearing of and limiting notice of the Emergency Motion as set forth herein, and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

McDOWELL, RICE, SMITH & BUCHANAN

/s/ James F.B. Daniels
James F.B. Daniels, MO Bar #30003
R. Pete Smith, KS Bar #07200
A. Jeffrey Mislner, KS Bar #16383
605 W. 47th Street, Suite 350
Kansas City, MO 64112-1905
Telephone: (816) 753-5400
Facsimile: (816) 753-9996

ATTORNEYS FOR METCALF 136, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing was served this 12th day of February, 2009 to the persons requesting electronic notice.

/s/ James F.B. Daniels