

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)
) **Case No. 08-83408**
WESTMINSTER CERAMICS, LLC)
) **Chapter 11**
)
)
Debtor)

**DEBTOR’S MOTION FOR EXTENSION OF DEADLINE TO FILE
SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS**

Westminster Ceramics, LLC, the debtor and debtor-in-possession in the above-captioned case (“Westminster” or the “Debtor”), files its Motion for Extension of Deadline to File Schedules and Statement of Financial Affairs (the “Motion”). In support of the Motion, the Debtor respectfully represents as follows:

INTRODUCTION

1. On November 14, 2008 (the “Petition Date”), the Debtor filed its voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Case”).
2. The Debtor is continuing in possession of its properties and is operating and managing its business as debtor-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.
3. Venue of the Debtor’s Case and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.
4. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
5. The Debtor is a manufacturer, importer and distributor of decorative ceramic tile and natural stone products, most of which are used for wall applications in residential and commercial properties. The Debtor supplies a diverse customer base including local, regional

and national tile distributors, various retailers, and national “home centers” such as The Home Depot and Lowes Corporation.

6. The Debtor suffered erosion in sales due to the decline in the housing and home improvement channels, demands for significant price decreases by several of its key customers and increased foreign competition. The Debtor also concurrently experienced increases in operating costs as a result of increased distributed product costs, rising fuel costs and unfavorable exchange rate variances. These factors resulted in significant losses to the Debtor, which it was unable to fully ameliorate in spite of substantial cash infusions from its investor group, sales and cost-saving initiatives.

7. Based on its results of operation in August and early September 2008, the Debtor determined that it did not have the sales, profits or financing to continue as a going concern and so informed its major lender. In September, the Debtor began to formulate and implement a liquidation plan, in consultation with its major lender, which has been providing funding for the liquidation. As part of its liquidation plan, the Debtor ceased purchasing inventory, ceased manufacturing operations at its California and Dominican plants and began to wind down operations at its local facility. The Debtor’s liquidation plan included filling certain purchase orders for its major customers before bankruptcy and then commencing the Case to liquidate its remaining assets.

8. The Debtor has initiated its chapter 11 case in order to accomplish an orderly liquidation of the Debtor’s business that will maximize the recovery to all of the Debtor’s creditors, whether secured, unsecured or with priority pursuant to the Bankruptcy Code.

RELIEF REQUESTED

9. Pursuant to Section 521 of the Bankruptcy Code and Rule 1007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), the Debtor is required to file, among other things, its (i) schedule of assets and liabilities, (ii) schedule of current income and expenditures, (iii) statement of financial affairs, and (iv) schedule of executory contracts and unexpired leases (collectively, the “Schedules and Statements”) within fifteen days after the Petition Date (the “Statutory Period”).

10. By this Motion, the Debtor respectfully requests the entry of an order extending the time for the Debtor to file its Schedules and Statements until December 5, 2008.

BASIS FOR RELIEF

11. Due to the diversity of its operations, the Debtor anticipates that it will be unable to complete its Schedules and Statements in the mere fifteen days provided under Bankruptcy Rule 1007(c). In order to prepare the Schedules and Statements, the Debtor must gather information from books, records, and documents relating to a myriad of claims, assets and contracts. The information required for the Schedules and Statements is voluminous. Collection of the necessary information requires an extensive expenditure of time and effort on the part of the Debtor and its employees. The Debtor simply has not had sufficient time to collect and assemble the requisite financial data and other information and to prepare the Schedules and Statements required by the Bankruptcy Rules.

12. Although the Debtor, with the help of its professional advisors, is mobilizing personnel to work diligently and expeditiously on the preparation of the Schedules and Statements, resources are limited. In the past months, the Debtor has undertaken extensive measures to restructure its operations and effectuate a sale of its business as a going concern, all

the while continuing to operate the business on a daily basis and preserve its value. In light of the amount of work entailed in completing the Schedules and Statements and the competing demands upon the Debtor's employees and professionals to assist in stabilizing business operations during the post-petition period, the Debtor will be unable to properly and accurately complete the Schedules and Statements within the Statutory Period.

13. Accordingly, by this Motion, pursuant to Bankruptcy Rules 1007(a)(4) and 1007(c), the Debtors request that the Court extend the Statutory Period through and including December 5, 2008.

14. The Court has authority to grant the requested extension under Bankruptcy Rule 1007(c) which provides in pertinent part that "[a]ny extension of time for the filing of the schedules and statement may be granted only on motion for cause shown and on notice to the United States Trustee and to any committee, trustee, examiner, or other party as the court may direct." Fed. R. Bankr. P. 1007(c). Due to the (a) vast amounts of information that must be assembled (b) the time necessary to compile such information, (c) the multiple places where the information is located, and (d) the amount of employee time that must be devoted to the task of completing the Schedules and Statements, the Debtor submits that good and sufficient cause for granting the requested extension of time exists. The additional time requested also should enable the Debtor to ensure that these documents are as accurate as possible.

15. The relief requested in this Motion will not prejudice any party in interest. The Debtor has filed a list setting forth names, addresses, and claim amounts of creditors holding the twenty (20) largest unsecured claims.

16. The meeting of creditors has not been scheduled. The extension of time requested herein should not adversely impact the creditor meeting. The Debtor's attorney will serve a copy of the Schedules to the United States Trustee assigned to supervise this case upon filing.

17. The Debtor therefore requests that the Court grant an extension through December 5, 2008 for Debtor to file its Schedules and Statements.

NOTICE

18. No trustee, examiner or creditors' committee has been appointed in the Debtor's Case.

19. The Debtor proposes to serve notice of the filing of this Motion and any hearing to consider the relief requested herein via facsimile or email to: (i) the Office of the United States Trustee for the Northern District of Georgia; (ii) the attorneys prepetition secured lender; and (iii) the Debtor's twenty (20) largest creditors. In light of the nature of the relief requested, the Debtor submits that no other or further notice need be provided.

20. No previous request for the relief sought herein has been made by the Debtor to this or any other court.

WHEREFORE, the Debtor requests an extension of time through December 5, 2008 in which to file the Schedules and Statements in its chapter 11 case.

Dated: November 14, 2008
Atlanta, Georgia

/s/ Vivieon E. Kelley
Ezra H. Cohen (GA State Bar No. 173800)
Vivieon E. Kelley (GA State Bar No. 143033)
TROUTMAN SANDERS LLP
600 Peachtree Street, N.E. - Suite 5200
Atlanta, Georgia 30308-2216
Telephone No.: (404) 885-3000

Proposed Counsel to the Debtor
and Debtor in Possession

CERTIFICATE OF SERVICE

This is to certify that I have this day served the Debtor's Motion for Extension of Deadline to File Schedules and Statements by placing a true and correct copy of same in the United States first class mail to the following parties:

Office of the U.S. Trustee
362 Richard B. Russell Bldg.
75 Spring Street, SW
Atlanta, GA 30303

Brown Industries, Inc.
Attn: Richard Klein
P.O. Box 101104
Atlanta, GA 30392

Citizens Bank
c/o Donald F. Baty, Jr., Esq.
Michelle E. Taigman, Esq.
Honigman Miller Schwartz and Cohn LLP
2290 First National Building
660 Woodward
Detroit, MI 48226

T.J. Dermot Dunphy
PO Box 303
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Bisque Realty Partners LLC
Attn: Mark A. Maurice
380 N. Old Woodward #314
Birmingham MI 48009

Swede, Inc.
Attn: Donna Hacker
528 Devil's Lane
Naples FL 34103

Questech Metals
Attn: Paul Laderoute
92 Park Street
Rutland, VT 05701

Avenir Group, Inc.
Attn: Alonzo L. McDonald
380 N. Old Woodward #314
Birmingham MI 48009

Clifford Jr., Donald K.
109 Cross River Road
Chappaqua NY 10549

A & S Marble & Granite Imports
Attn: Sami
5351 Royal Woods Pkwy Tucker, GA
30084

Allen Meisels
27 Roland Drive
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Earth Stone Worldwide
Attn: Lokesh Arora
E-99 Greater Kailash-II
New Delhi-110048 India

Carolina Container Co.
Attn: Joanna Suits
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Faber Stone
Attn: Philip Clement
6851 N. Paramount Blvd.
Long Beach, CA 90805

Marble World
Attn: Jesus Gonzales V
Vasconcelos Ote. No. 2-C San Pedro Garza
Garcia, N.L.
Mexico 66250

DeKalb County Tax Commissioner
P.O. Box 100004
Decatur, GA 30031

Gemini Tile
Attn: Luciano
Via Scaglia Est 144
41100 Modena Italy

Henry S. Keller
34 Hillcrest Avenue
Summit NJ 07901

Harold Tanner
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New York NY 10022

Summit Investors of Vero LP
Attn: Paul Becker
6001 North Highway A1A
PMB 8289
Indian River Shores FL 32963

Robert W. Murdoch
150 Parminter Road
Saltspring, BC V8K 1E9
Canada

Corestaff Services
P.O. Box 60876
Charlotte, NC 28260

This 14th day of November 2008.

/s/ Vivieon E. Kelley
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)	Case No. 08-83408
WESTMINSTER CERAMICS, LLC)	
)	Chapter 11
)	
<u>Debtor</u>)	

**ORDER EXTENDING DEADLINE TO FILE SCHEDULES
AND STATEMENT OF FINANCIAL AFFAIRS**

This matter having come before the Court on the Debtor's Motion to Extend Deadline to File Schedules and Statement of Financial Affairs filed on November 14, 2008. In the Motion, the Debtor requested entry of an order extending the deadline for filing its Schedules and Statements through and including December 5, 2008. The meeting of creditors in this case has not been scheduled. After reviewing the Motion and the representations contained therein, it appears that extending the deadline for the Debtor to file its Schedules and Statements will not have an adverse impact on creditors or case administration.

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED. Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.
2. Pursuant to Bankruptcy Rule 1007(a)(4), the time within which the Debtor must file its Schedules and Statements is extended through and including December 5, 2008.
3. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

END OF DOCUMENT

Prepared and presented by:

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Proposed Counsel to the Debtor
and Debtor in Possession

DISTRIBUTION LIST

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