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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

COMMISSION  
CLERK

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In re:

W.G.I. COMMUNICATIONS, INC.,

Case No. 03-05415-8B1  
Chapter 11

Debtor.

**DEBTOR'S EMERGENCY MOTION TO DISMISS CHAPTER 11  
BANKRUPTCY CASE AND SHORTEN NOTICE PERIOD**  
(Expedited Consideration Requested)

W.G.I. Communications, Inc. (the "Debtor"), by counsel, hereby moves pursuant to 11 U.S.C. §§ 1112(b) and 349 to dismiss the Debtor's Chapter 11 case on an emergency basis and pursuant to Fed R. Bankr P. 9006(c) shorten the twenty day notice period required for such Motion under Fed R. Bankr P. 2002(a)(4). As grounds therefore, the Debtor alleges as follows:

1. The Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on March 18, 2003 (the "Petition Date").

2. The Debtor is continues in possession of its property and operating and managing its business as a Debtor in Possession, pursuant to §§1107 and 1108 of the Bankruptcy Code.

3. The Debtor's business involves the sale of prepaid local phone service (the "Business"), which relies on the Debtor's ability to use certain phone lines owned by Verizon Florida, Inc. ("Verizon").

AUS \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
GCL \_\_\_\_\_  
OPC \_\_\_\_\_  
MMS \_\_\_\_\_  
SEC I  
OTH None

*Hong-original*

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4. Based in large part on recent changes in the Debtor's industry, the Debtor is unable to maintain its operations and profitably conduct its Business. In particular the Debtor has become unable to generate sufficient cash flow to maintain the Business and pay its expenses, including those attributed to Verizon's services are a crucial part of the Debtor's Business.

5. By this Motion, the Debtor seeks the entry of an order dismissing the Debtor's Chapter 11 bankruptcy case for "cause" in accordance with 11 U.S.C. §1112(b) of the Bankruptcy Code.

6. The Debtor is seeking a dismissal of its Chapter 11 case because, among other things: (i) there is a continuing loss to or diminution of the estate and an absence of a reasonable likelihood of rehabilitation; and (ii) the Debtor will not be able to effectuate a viable plan of reorganization.

7. There are little, if any, assets of the Debtor that could be liquidated and distributed for the benefit of creditors in this case. Moreover, Verizon is the Debtor's largest pre-petition and largest post-petition creditor. Verizon has indicated its consent for the relief requested herein. Accordingly, there is no creditor or party in interest that would be prejudiced by this Court granting the Debtor's requested relief and it appears that creditors would receive little, if any, distribution in the event the case was converted to a Chapter 7 proceeding.

8. Contemporaneously with this Motion, the Debtor has filed *Debtor's Emergency Motion pursuant to 11 USC §§ 362(d)(2) and 365(d)(4) and Federal Rule of Bankruptcy Procedure 6006 and 9014 to Reject and Terminate Executory Contract*

(Docket No. 40) (the "Termination Motion"). In the Termination Motion, the Debtor seeks the Court's authorization to reject and terminate that certain Agreement dated May 10, 2001 between the Debtor<sup>1</sup> and Verizon Florida, Inc.

9. In connection with the Termination Motion and this Motion, and pursuant to §349 of the Bankruptcy Code, the Debtor seeks this Court's entry of an order containing such provisions as necessary to effectuate the rejection and termination the Agreement and for the orderly wind down of the Debtor's business, including approval of the Debtor's notification to customers and regulatory agencies of the termination of the Agreement, the cessation of the Debtor's Business, and the dismissal of the Debtor's case.

#### **BASIS FOR EMERGENCY RELIEF**

10. Pursuant to *Fed R. Bankr. P.* 2002(a)(4), interested parties are required to be provided at least twenty (20) days notice by mail of the hearing on the dismissal of a bankruptcy case. However, the Debtor submits that cause exists under *Fed. R. Bankr. P.* 9006(c) such that this Court, in its discretion, can and should order that time period reduced, in this case.

11. Specifically, such cause exists under *Fed. R. Bankr P.* 9006(c) for the reasons stated above. Specifically the Debtor is unable to carry on its business in a profitable manner, and the Debtor's continued operation, even during a limited time period, will only harm the Debtor's estate and its creditors (including its largest creditor,

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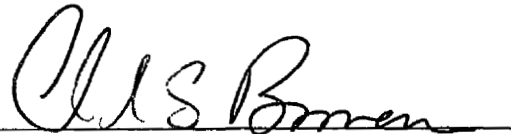
<sup>1</sup> The Agreement actually recites that it is between "W.G.I. Communications, Inc., d/b/a Boomerang Communications, Inc. and Verizon Florida, Inc., f/k/a GTE Florida Incorporated." As previously noted by this Court, Boomerang Communications, Inc. is a separate legal entity that is wholly owned by the Debtor and not a fictitious name of the Debtor.

Verizon). Upon information and belief, counsel for Verizon consents to the dismissal of this case and the relief sought in this Motion. Furthermore, there are few, if any, other creditors of the estate, and there are few assets of the Debtor's estate that would be available for distribution to creditors in the event this case was converted to a case under Chapter 7.

12. Accordingly, the Debtor requests this Court enter an order pursuant to *Fed. R. Bankr. P.* 9006(c) shortening the notice period required under *Fed. R. Bankr. P.* 2002(a)(4) to coincide with the notice period for the hearing on the previously filed Termination Motion currently scheduled for hearing on **August 19, 2003 at 1:30 p.m.**

**WHEREFORE**, based upon the foregoing, the Debtor, W.G.I. Communications, Inc. respectfully requests this Court enter an order (i) dismissing this Chapter 11 case, (ii) providing for a shortened notice period that coincides with the notice period provided under the Debtor's Termination Motion, and (iii) for such further relief as is just and equitable.

DATED this 14<sup>TH</sup> day of August, 2003.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing *Debtor's Emergency Motion to Dismiss Chapter 11 Bankruptcy Case and Shorten Notice Period* has been furnished by facsimile (where available) and U.S. Mail to all parties listed below, and to those on the attached matrix, on this 14<sup>TH</sup> day of August, 2003.

**Office of the United States Trustee**  
501 East Polk Street  
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Tampa, Florida 33602  
Facsimile 228-2303

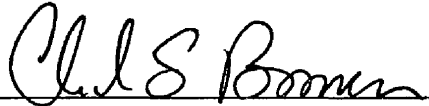
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Chad S. Bowen, Esq.

Label Matrix for USBC  
Middle District of Florida  
Case 8:03-bk-05415-TEB  
Thu Aug 14 11:34:07 EDT 2003

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The Flyer  
Belinda Tuggle  
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Tampa, Fl. 34607

Your Choice Cellular  
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