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18 UNITED STATES BANKRUPTCY COURT
19 CENTRAL DISTRICT OF CALIFORNIA
20 SANTA ANA DIVISION

21 In re
22 ATLAS EQUITY, INC., dba
23 PERFORMANCE TELECOM, dba
24 PERFORMANCE COMMUNICATIONS
25 SERVICES, dba ALLEN RICHARDS &
26 ASSOCIATES, a California
27 corporation,

28 Debtor.

29 Fax I.D. No. 33-0296182

Case No. SA98-27044-RA

Chapter 11

JOINT NOTICE OF MOTION AND MOTION
FOR ORDER: (1) APPROVING DISCLOSURE
STATEMENT DESCRIBING DEBTOR'S FIRST
AMENDED CHAPTER 11 PLAN;
(2) SCHEDULING VOTING DEADLINE AND
HEARING ON PLAN CONFIRMATION; AND
(3) APPROVING FORM OF BALLOT AND
NOTICE OF HEARING ON PLAN
CONFIRMATION

[11 U.S.C. § 1125(f); F.R.B.P.
3017; LOCAL BANKRUPTCY RULE 3017-1]

Disclosure Statement Hearing:

Date: August 3, 2004
Time: 11:00 a.m.
Ctym: 6C
411 West Fourth Street
Santa Ana, CA
Judge: Hon. Robert W. Alberts

DOCUMENT NUMBER-DATE

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COMMISSION
CLERK

1 PLEASE TAKE NOTICE that on August 3, 2004, at 11:00 a.m., or
2 as soon thereafter as the matter may be heard in the above-
3 referenced Court, the Honorable Robert W. Alberts presiding,
4 Atlas Equity, Inc., the above-referenced debtor and debtor in
5 possession ("Atlas") and interest holder Vincent E. Galewick
6 ("Galewick") will and hereby do move the Court pursuant to
7 Bankruptcy Code section 1125 and Bankruptcy Rule 3017 for entry
8 of an order: (i) approving their Joint Disclosure Statement (the
9 "Disclosure Statement") describing their First Amended Chapter 11
10 Plan (the "Plan"); (ii) setting the date and time for the hearing
11 on confirmation of the Plan (the "Confirmation Hearing") as soon
12 as reasonably practicable; and in connection therewith,
13 (iii) approving the form of ballot; (iv) approving the form of
14 notice of confirmation hearing (and establishing the noticing,
15 balloting, and pretrial hearing (if any) and filing deadlines in
16 connection therewith); and (v) granting such other and further
17 relief as this Court deems just and reasonable.

18 The motion is made on the grounds that the Disclosure
19 Statement contains "adequate information" to enable a
20 hypothetical reasonable investor to make an informed judgment
21 about the Plan as required under Bankruptcy Code section 1125.
22 Further, the deadlines and time periods requested are necessary
23 for the timely and orderly administration of this estate.

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CMP
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SEC
OTH

Handwritten signature/initials

1 The motion is based upon this Notice of Motion and Motion,
2 the Memorandum of Points and Authorities filed concurrently
3 herewith, the proposed Disclosure Statement and Plan, the
4 proposed form of ballot, the proposed Notice of Confirmation
5 Hearing and Related Deadlines, the entire record in this case,
6 and such evidence and argument as may be received by the Court at
7 or prior to the hearing on this matter.¹

8 PLEASE TAKE FURTHER NOTICE that if you wish to oppose
9 approval of the Disclosure Statement or otherwise respond to the
10 motion, you must file a written response with the Bankruptcy
11 Court and serve a copy of it so that it is received by the
12 undersigned not less than 11 days before the hearing. If you
13 fail to file and serve a written response within that time
14 period, the Court may treat your failure as a waiver of your
15 right to oppose approval of the Disclosure Statement. You should
16 also refer to the Local Bankruptcy Rules, and in particular Local
17 Bankruptcy Rules 3017-1 and 9013-1(a)(7), regarding additional
18 requirements for any such response.

19 WHEREFORE, Atlas and Galewick respectfully request that the
20 Court enter an order: (i) approving the Disclosure Statement;
21 (ii) setting the date and time for the Confirmation Hearing as
22 soon as reasonably practicable; and in connection therewith,
23 (iii) approving the form of ballot; (iv) approving the form of
24 notice of confirmation hearing (and establishing the noticing,
25

26 ¹ Not all parties have been served with the Memorandum of Points
27 and Authorities, the proposed Disclosure Statement and Plan, the
28 proposed form of ballot, and the proposed Notice of Confirmation
Hearing and Related Deadlines. If you wish to obtain a copy of
any of the foregoing documents, please contact counsel for
Vincent E. Galewick at the address listed above.

1 balloting, and pretrial hearing (if any) and filing deadlines in
2 connection therewith); and (v) granting such other and further
3 relief as this Court deems just and reasonable.

4 Dated: June 25, 2004

SPACH, CAPALDI & WAGGAMAN, LLP

5
6 By: 

7 MADISON S. SPACH, JR.
8 [Proposed] Attorneys for
9 Debtor in Possession, Atlas
Equity, Inc.

10 Dated: June 25, 2004

ALLEN MATKINS LECK GAMBLE &
MALLORY LLP

11
12
13 By: 

14 E. KENNETH HENNESAY, JR.
15 Attorneys for Interest Holder
16 Vincent E. Galewick

NOTICE OF PROCEDURES FOR MOTIONS BEFORE JUDGE ALBERTS

1. The form Certificate Re Notice on the reverse side of this Notice **must** be completed by Movant's attorney (or, if Movant is not represented by an attorney, by Movant), appended to and filed with the Proof of Service for the Motion.

2. With the Certificate **Re** Notice and Proof of Service, Movant is to submit to the Clerk of Court completed Notice Of Entry forms and postage-paid, addressed envelopes necessary to enable the Court Clerk's office to give notice of entry of the Order respecting the Motion in accordance with Federal Rule of Bankruptcy Procedure 9022 and Local Bankruptcy Rule 9021-1(1)(a)(v).

3. The Notice Of Entry forms to be presented to the Clerk's Office with the Certificate Re Notice and Proof of Service are to be entitled "Notice Of Entry Of Order Re (insert name of motion here)". Where applicable, please include the following information on the Notice Of Entry forms: names of Debtor(s), Movant, Respondent, Plaintiff, Defendant, bankruptcy case number, adversary number and date of hearing. Please attach a complete service list and complete set of addressed, postage-paid mailing envelopes to the Notice Of Entry forms. Please submit an original and enough copies of the Notice of Entry Forms for each entity entitled to notice of entry.

4. Unless otherwise announced by the Court at the hearing, the Court will prepare the orders respecting all motions determined by Judge Alberts.

5. In all stay relief motions involving foreclosure of real estate, Movant, IN THE MOTION PAPERS, is to provide the relevant county recorder's recorded document number for the deed of trust or mortgage sought to be foreclosed.

6. In all stay relief motions involving foreclosure of tangible personal property, Movant, IN THE MOTION PAPERS, is to provide the legal description (e.g. vehicle identification number or vessel registration number), if any, of such property.

7. For all motions requiring notice to the debtor, the trustee, and all creditors, movant is encouraged to attach to the proof of service a current copy of the master matrix as the service list for the motion. A copy of the master matrix is available either through pacer or at the Intake Desk on the 2nd floor of the Bankruptcy Court located at 411 W. Fourth Street, Santa Ana, CA.

8. Copies of this Notice must be served with the Motion.

9. Motions to which no written, timely opposition has been served and filed may be included by the Court on default calendars, which are announced, called and granted at the beginning of each calendar call, in advance of contested motions scheduled for the same time, if the relief requested in such motions is relief to which the Court determines the Movant is clearly entitled under applicable law.

**FAILURE TO COMPLY WITH THE FOREGOING MAY RESULT IN CONTINUANCE
OF THE HEARING OR DENIAL OF THE MOTION**