

Late Filed Priority Claims as Timely Filed (“Motion”), and would respectfully show the Court as follows:

1. The above captioned debtors (the “Debtors”) filed voluntary petitions for relief under chapter 11 of the United State Bankruptcy Code on March 28, 2013.

2. The bar date for filing proofs of claim was established as July 22, 2013.

3. On June 20, 2013, the Debtors filed a motion to approve procedures to solicit bids to sell a substantial portion of their Assets pursuant to an auction (the “Bid Procedures Motion”). The Court entered an order approving the Bid Procedures Motion on June 28, 2013 (the “Bid Procedures Order”).

4. The Debtors received three (3) qualifying bids for their Assets under the Bid Procedures Order. After extensive consultation and negotiation among the Debtors and others, the Debtors selected a bid submitted by TNCI (the “TNCI Bid”) to serve as the stalking horse bid for the auction. The TNCI Bid included, among other things, an agreement to purchase a substantial portion of the Debtors’ assets for \$9,750,000.00 plus certain assumed liabilities.

5. On July 23, 2013, the Court entered an order (the “TNCI Sale Order”) authorizing the Debtors to consummate the TNCI Sale, subject to the further litigation and/or liquidation of cure amounts.

6. On or about November 25, 2013, each Movant received an email indicating for the first time that the purchaser of the Debtors’ assets would not honor the Debtors’ obligation to pay employees for unused personal time off (“PTO”) payable pursuant to the terms of employment. The email instructed each Movant to fill out and file a proof of claim form that was contemporaneously emailed or hand delivered to each Movant. A true and correct copy of the email is attached hereto as Exhibit A and incorporated herein by reference for all purposes.

7. Pursuant to the email, each Movant filed a proof of claim for such Movant's unpaid PTO.

8. The Final Closing of the TNCI Sale occurred on January 31, 2014.

9. Each Movant filed a proof of claim for PTO accrued for the period from the date the bankruptcy cases were filed through September, 2013. These amounts are post-petition administrative claims allowable pursuant to 11 U.S.C. §503(b)(2)(A)(i). In addition, some of the Movants included in their proof of claim PTO which accrued in the 180 days prior to the filing of the case, and which are therefore priority claims pursuant to 11 U.S.C. §507(a)(4).

10. Attached hereto as Exhibit B and incorporated herein by reference for all purposes is a listing of each Movant's claim, by claim number, total amount claimed, the amount claimed as a priority claim and the amount claimed as an administrative claim.

11. Pursuant to 11 U.S.C. 501 and Rule 3003(c)(3), the Court may extend, for cause shown, the time within which proofs of claim may be filed.

12. As shown by the facts, Movants did not receive timely notice that the Debtors and TNCI would not be honoring Movants' rights to receive PTO.

13. Accordingly, the Court should allow each Movant's administrative claim for the amount of PTO accrued post-petition from the date the bankruptcy cases were filed through September, 2013, and should extend the bar date such that each Movant's claim for pre-petition PTO will be deemed to have been timely filed, and in the amounts shown in Exhibit B, attached hereto.

WHEREFORE, PREMISES CONSIDERED, Movants pray that the Court enter an order allowing each Movant's administrative claim for the amount of unpaid Personal Time Off accrued from the date the bankruptcy cases were filed through September, 2013, and extend the

bar date such that each Movant's claim for pre-petition Personal Time Off will be deemed to have been timely filed, and in the amounts shown in Exhibit B, attached hereto, and for such other and further relief, both general and special, legal and equitable, to which Movants may show themselves justly entitled.

Respectfully submitted,

C. DANIEL ROBERTS & ASSOCIATES, P.C.
1602 E. Cesar Chavez
Austin, Texas 78702
Telephone: (512) 494-8448
Facsimile: (512) 494-8712

By: /s/ C. Daniel Roberts
C. Daniel Roberts
Texas Bar No.: 16999200
droboters@cdrlaw.net

ATTORNEYS FOR CLAIMANT

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on the 5th day of August, 2014, a true and correct copy of the foregoing document was served via the Court's CM/ECF electronic notification system on the parties listed below, and all parties requesting same.

Patricia Baron Tomasco
Jennifer Francine Wertz
Jackson Walker, LLP
100 Congress Ave, Ste 1100
Austin, Texas 78701
ATTORNEYS FOR DEBTORS

U. S. Trustee
903 San Jacinto Boulevard, Suite 230
Austin, Texas 78701

From: Carla Spears
Sent: Monday, November 25, 2013 4:32 PM
To: PointOne; Bill Gebolys; jzobrist@pacwest.com; rbauerle@pacwest.com
Cc: Blaine Gilles PacWest; Debbie Tutt PacWest
Subject: Proof of Claim Forms for Submission

Team-

Each of you have received a Proof of Claim form for your unused PTO via hand delivery or email.

Please check for accuracy, sign, date and submit to the bankruptcy court at the address below:

*Homer J. Thornberry Federal Judicial Building
903 San Jacinto Blvd., Suite 322
Austin, TX 78701*

You may follow-up on the status of your Proof of Claim by calling (512) 916-5237.

If you have any questions regarding your PTO balance, accrual rate or calculation, please don't hesitate to contact me.

Thank you.

Carla Spears
Finance Department
6500 Riverplace Blvd., Bldg. II Suite 200
512.735.1263 (p) | 512.735.1210 (f)
cspears@pointone.com

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4336 / Virus Database: 3722/7205 - Release Date: 03/17/14

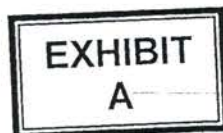


EXHIBIT B

Name	Claim No.	Claim	Priority Claim	Administrative Claim
			Oct 2012 - March 2013 180 Days Prior to Filing	April 2013 - September 2013 Filing to Close (Post)
Brian Cook	53	\$ 6,422.10	\$ 2,193.02	\$ 4,229.08
Jared Zobrist	41	\$ 4,275.00	\$ 2,400.00	\$ 1,875.00
Michael Morrison	40	\$ 5,902.93	\$ 519.50	\$ 5,383.43
Rebecca Alexander	65	\$ 3,821.11	\$ 1,512.26	\$ 2,308.85
Joshua Earl	50	\$ 709.13	\$ -	\$ 709.13
Steven Andrade	54	\$ 478.50	\$ -	\$ 478.50
Brenda Sanchez	73	\$ 1,096.36	\$ -	\$ 1,096.36
Crystal Berger	61	\$ 588.71	\$ -	\$ 588.71
Brien Dill	46	\$ 1,390.63	\$ -	\$ 1,390.63
Dawnja Stribling	42	\$ 3,932.43	\$ -	\$ 3,932.43
Robert M. (Buster) Green	56	\$ 6,241.09	\$ 1,861.38	\$ 4,379.71
Dina Hunter	48	\$ 1,393.81	\$ -	\$ 1,393.81
Jami Perez	51	\$ 3,578.71	\$ 604.09	\$ 2,974.62
Pauline Wickstrom	47	\$ 1,321.89	\$ -	\$ 1,321.89
Carla Spears	66	\$ 74.49	\$ -	\$ 74.49
Denis Parish	43	\$ 3,047.39	\$ -	\$ 3,047.39
Dave Folstrom	63	\$ 4,573.19	\$ -	\$ 4,573.19
David Linton	60	\$ 5,035.02	\$ 1,571.75	\$ 3,463.27
Sally James	64	\$ 2,652.51	\$ -	\$ 2,652.51
Andrea Spisak	57	\$ 1,821.94	\$ -	\$ 1,821.94
Kirk Beggs	68	\$ 4,919.94	\$ 268.67	\$ 4,651.27
Clint Cornitius	76	\$ 1,682.90	\$ -	\$ 1,682.90
Sam Shiffman	80	\$ 13,521.38	\$ 5,200.58	\$ 8,320.80
Karen Adair	55	\$ 2,924.18	\$ 761.15	\$ 2,163.03
Delmina Mendez-Lockette	70	\$ 1,568.51	\$ 270.43	\$ 1,298.08
Matthew Berger	45	\$ 727.50	\$ -	\$ 727.50
Eric Liedtke	67	\$ 10,442.01	\$ 3,961.02	\$ 6,480.99
TOTAL		\$ 94,143.36	\$ 21,123.87	\$ 73,019.49