

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ENTERED ON DOCKET  
MAR 24 2010

IN RE: : CHAPTER 11  
: :  
JACOB HOLDINGS, INC., et. al., : Jointly Administered Under  
: CASE NO. 09-94015-JB  
Debtors. :

ORDER

Gloria and Gary Harrell, the owners of debtor Jacob Holdings, Inc. filed an emergency motion to "provide inventory, inventory financing or capital for inventory" to debtor Jacob Holdings, Inc. (Docket No. 34). The motion cannot be granted as filed. Section 364 of the Bankruptcy Code allows a debtor in possession or trustee to file a motion seeking authorization to obtain credit. Debtors, not debtors' principals, must bring any motion to obtain credit. Federal Rule of Bankruptcy Procedure 4001(c) provides the procedures for properly filing and serving a motion to obtain credit under Section 364. The motion filed by the Harrells does not comply with the procedures provided in Section 364 and Rule 4001(c). The motion was not properly served on creditors and does not contain the information required. Accordingly, the motion is denied without prejudice to the debtor to file a proper motion.

This case needs the prompt attention of counsel who can represent debtor properly. The United States Trustee has filed a motion to dismiss or convert these cases, which is set for hearing on **April 28, 2010**.

IT IS SO ORDERED, this 23<sup>rd</sup> day of March, 2010.

  
JOYCE BIARY  
UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF MAILING

A copy of the foregoing Order was mailed to the following:

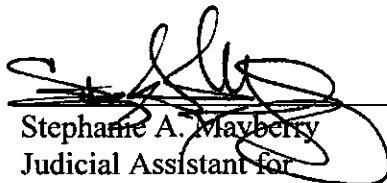
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