

Hon. Karen A. Overstreet
Chapter: 11

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UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

West Seattle Fitness,

Debtor.

NO. 12-18818

NOTICE OF HEARINGS

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS CASE. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

PLEASE TAKE NOTICE that the Trustee’s *Motion For Order (1) Approving Sale of Assets Free and Clear of Liens Pursuant to Section 363; and (2) Authorizing the Assumption and Assignment, and Rejection, of Certain Executory Contracts Pursuant to Section 365* (the “Sale Motion”) IS SET FOR HEARING as follows:

JUDGE:	Karen A. Overstreet	TIME: 9:30 a.m.
PLACE:	700 Stewart Street Courtroom 7206 Seattle, WA 98101	DATE: March 22, 2013

NOTICE OF HEARINGS - 1

CAIRNCROSS & HEMPELMANN,
ATTORNEYS AT LAW
524 Second Avenue, Suite 500
Seattle, Washington 98104-2323
office 206 587 0700 fax 206 587 2308

1 IF YOU OPPOSE the Sale Motion, you must file your written response with the court
2 clerk at 700 Stewart Street, Suite 6301, Seattle, WA 98101, and deliver copies to the undersigned
3 NOT LATER THAN THE RESPONSE DATE, which is March 20, 2013.

4 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,
5 GRANT THE SALE MOTION WITHOUT FURTHER NOTICE, and strike the hearing.

6 The Trustee is seeking Court approval to sell the Debtor's equipment and personal
7 property located at 2629 SW Andover Street, Seattle, WA 98126 (the "Club") free and clear of
8 all liens to a buyer (West Seattle Fitness Club, LLC) who intends to continue operating the Club.
9 The Trustee also seeks Court approval to (1) assume and assign to the buyer the contracts of
10 those members on month-to-month contracts and those members on prepaid long term
11 memberships who purchased those membership AFTER the start of this bankruptcy case on
12 August 27, 2013, and (2) to reject and terminate the contracts of the remaining long term prepaid
13 members upon the sale of the Club to the buyer. The Trustee believes that the proposed sale and
14 assumption/assignment and rejection of contracts is in the best interests of the estate and its
15 creditors because (i) this is the highest and best offer received by the Trustee to date, and (ii) the
16 Club is currently unable to fund its ongoing operations and the costs of these proceedings.

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18 PLEASE TAKE FURTHER NOTICE that the Trustee's *Motion to Limit Notice of Future*
19 *Motions/Hearings* (the "Notice Motion") IS SET FOR HEARING as follows:

20 JUDGE: Karen A. Overstreet TIME: 9:30 a.m.
21 PLACE: 700 Stewart Street DATE: April 5, 2013
22 Courtroom 7206
23 Seattle, WA 98101

24 IF YOU OPPOSE the Notice Motion, you must file your written response with the court
25 clerk at 700 Stewart Street, Suite 6301, Seattle, WA 98101, and deliver copies to the undersigned
26 NOT LATER THAN THE RESPONSE DATE, which is March 29, 2013.

1 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,
2 GRANT THE NOTICE MOTION WITHOUT FURTHER NOTICE, and strike the hearing.

3 The Trustee is also seeking an Order from the Court to limit his obligation to provide all
4 members and creditors notice of future motions and hearings in this case because of the
5 significant expense of such notices, the Club's inability to fund its ongoing operations and the
6 cost of these proceedings, and the high likelihood that unsecured creditors will not receive
7 distribution from this case. The Trustee is proposing that he only be required to provide future
8 notices to: (1) all creditors appearing on the Debtor's schedules; (2) those persons filing proofs
9 of claim on or before April 5, 2013, and (3) those persons filing requests for special notice on or
10 before April 5, 2013.

11 PLEASE TAKE FURTHER NOTICE that you may view a copy of the above motions
12 by: (a) downloading a copy through the Bankruptcy Court's Public Access to Court Electronic
13 Records (PACER) system (see <http://www.pacer.gov>); (b) visiting the Bankruptcy Court's
14 clerk's office at 700 Stewart Street, Seattle, WA 98101; or (c) requesting a copy from the
15 Trustee's undersigned counsel at the address, email, or phone number set forth below.

16 DATED this 7th day of March, 2013.

17 CAIRNCROSS & HEMPELMANN, P.S.

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19 /s/ Yousef Arefi-Afshar

20 John R. Rizzardi WSBA No. 9388

21 Yousef Arefi-Afshar WSBA No. 40754

22 Attorneys for Chapter 11 Trustee Richard A. Hooper

23 Email: yarefi-afshar@cairncross.com
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