

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re	:	Chapter 11
	:	
UNITED ROAD TOWING, INC. et al.,	:	Case No. 17-10249 (LSS)
	:	
Debtors.¹	:	Jointly Administered
	:	
	:	Docket Ref. No. 6

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**ORDER AUTHORIZING (I) PAYMENT OF PREPETITION OBLIGATIONS
INCURRED IN THE ORDINARY COURSE OF BUSINESS IN CONNECTION
WITH LIABILITY, PROPERTY, AND OTHER INSURANCE PROGRAMS,
INCLUDING PAYMENT OF POLICY PREMIUMS AND (II) CONTINUATION OF
INSURANCE PREMIUM FINANCING PROGRAMS**

Upon the motion (the "Motion") of United Road Towing, Inc. and its affiliated debtors and debtors in possession in the above-captioned cases (each a "Debtor," and collectively, the "Debtors"), requesting entry of an order, pursuant to sections 105(a) and 363(b) of title 11 of the United States Code (the "Bankruptcy Code"), authorizing, but not directing, the Debtors to (i) continue and, to the extent necessary, renew, liability, property and other insurance programs and pay all policy premiums arising thereunder or in connection therewith, including all such prepetition obligations arising in the ordinary course of business, and (ii) continue the Debtors' insurance premium financing programs, all as more fully set forth in the Motion; and it appearing

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: United Road Towing, Inc. (6962); URT Holdings, Inc. (8341); City Towing, Inc. (2118); URS West, Inc. (3518); Bill & Wag's Towing (3518); Export Enterprises of Massachusetts, Inc. (5689); Pat's Towing, Inc. (6964); Keystone Towing, Inc. (6356); Ross Baker Towing, Inc. (9742); URT Texas, Inc. (3716); Mart Caudle Corporation (1912); Signature Towing, Inc. (3054); WHW Transport, Inc. (3055); URS Southeast, Inc. (7289); URS Northeast, Inc. (7290); URS Southwest, Inc. (7284); Fast Towing, Inc. (5898); E&R Towing and Garage, Inc. (8500); Sunrise Towing, Inc. (7160); Ken Lehman Enterprises, Inc. (1970); United Road Towing of South Florida, Inc. (9186); Rapid Recovery Incorporated (1659); United Road Towing Services, Inc. (2206); Arri Brothers, Inc. (7962); Rancho Del Oro Companies, Inc. (3924); CSCBD, Inc. (2448); URS Leasing, Inc. (9072); UR VMS LLC (4904); UR Vehicle Management Solutions, Inc. (0402). The Debtors' mailing address is c/o United Road Towing, Inc., 9550 Bormet Drive., Suite 301, Mokena, Illinois 60448.

that jurisdiction is proper pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated as of February 29, 2012, as is venue pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having heard the evidence and statements of counsel regarding the Motion and having determined that the legal and factual bases set forth in the Motion and attested to in the First Day Declaration establish just cause for the relief granted herein; and it appearing that the relief requested is in the best interests of the Debtors' estates, their creditors, and other parties-in-interest; and it appearing that such relief is necessary to avoid immediate and irreparable harm meaning that the requirements of Bankruptcy Rule 6003 have been satisfied; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that:

1. The Motion is GRANTED as set forth herein.
2. The Debtors are authorized to maintain the Insurance Programs² without interruption, on the same basis, and in accordance with the same practices and procedures as were in effect prior to the commencement of the Chapter 11 Cases.
3. The Debtors are authorized, but not required, to pay, in their sole discretion, all premiums, claims, deductibles, excess, retrospective adjustments, administrative fees, and all other Insurance Obligations including those Insurance Obligations that were due and payable or related to the period prior to the commencement of these Chapter 11 Cases; *provided, however,*

² The term "Insurance Programs" shall include all insurance policies issued to or providing coverage to the Debtors (or any predecessor) at any time whether current or expired and all agreements related thereto whether or not listed on Exhibit B to the Motion.

that the Debtors shall not pay prepetition Insurance Obligations in an amount that exceeds \$6,500,000 without further order of the Court.

4. The Debtors are authorized to (a) continue, in the ordinary course of business, their insurance premium financing program, and file a new motion if and when relief is needed and (b) pay their regular monthly installment payments under the PFAs as the same become due in the ordinary course of business.

5. The automatic stay, to the extent applicable, shall be modified to permit (i) the Debtors' employees to proceed with any workers' compensation claims covered by the Insurance Programs ("Workers' Compensation Claims") and (ii) the Insurance Carriers³ to handle, administer, defend, settle and/or pay Workers' Compensation Claims.

6. The Debtors' banks are authorized to process, honor and pay, to the extent of funds on deposit, any and all prepetition checks, wire transfer requests or intercompany transfer requests issued by the Debtors in respect of any Insurance Obligations, whether prepetition or post-petition.

7. Nothing in this Order or the Motion shall be construed as prejudicing the rights of the Debtors to dispute or contest the amount of or basis for any claims against the Debtors in connection with or relating to any Insurance Program.

8. Nothing in the Motion or this Order shall alter or amend, nor is intended to alter or amend, the terms and conditions of the Insurance Programs including, but not limited to, with respect to any Workers' Compensation Claims, any direct action claims against any Insurance Carriers under applicable non-bankruptcy law or any claim where the claimant has received an order from the Bankruptcy Court granting the claimant relief from the automatic stay: (i) the

³ The term "Insurance Carriers" shall include all insurance companies that issued Insurance Programs and any third party administrators.

obligation or right, if any, of any Insurance Carriers to handle, administer, settle, defend and/or pay any insured claim, (ii) the obligation, if any, of any Insurance Carriers to pay any amounts within a deductible and the right, if any, of any Insurance Carriers to seek reimbursement from the Debtors therefor, (iii) the obligation, if any, of the Debtors to reimburse any Insurance Carriers for payments within a deductible and (iv) the right, if any, of Insurance Carriers to draw on and apply any letters of credit provided by or on behalf of the Debtors to the extent that the Debtors fail to reimburse the applicable Insurance Carrier for such deductibles.

9. To the extent any Insurance Program or related agreement is deemed an executory contract within the meaning of section 365 of the Bankruptcy Code, neither this Order nor any payments made in accordance with this Order shall constitute the postpetition assumption of those Insurance Programs or related agreements under section 365 of the Bankruptcy Code.

10. The Debtors are authorized to take all actions necessary to implement the relief granted in this Order.

11. Notice of the Motion as provided therein shall be deemed good and sufficient notice, and the requirements of Bankruptcy Rule 6004(a) is satisfied by such notice or otherwise deemed waived.

12. Notwithstanding any applicability of Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

13. The requirements set forth in Bankruptcy Rule 6003(b) are satisfied because the relief in the Motion is necessary to avoid immediate and irreparable harm.

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14. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: Feb. 7, 2017
Wilmington, Delaware


LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE