

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

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	:	Chapter 11
In re	:	
	:	Case No. 17-10179 (KG)
INSIGHTRA MEDICAL, INC.,	:	
	:	(Joint Administration Requested)
Debtors.	:	
	-----X	
	:	Chapter 11
In re	:	
	:	Case No. 17-10178 (KG)
MODULARE, INC.	:	
	:	(Joint Administration Requested)
Debtors.	:	
	-----X	

**MOTION OF THE DEBTORS FOR ORDER DIRECTING
JOINT ADMINISTRATION OF CHAPTER 11 CASES PURSUANT TO
RULE 1015(b) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Insightra Medical, Inc. (“Insightra”) and Modulare, Inc. (“Modulare” and collectively, the “Debtors”), as debtors and debtors in possession in the above-referenced chapter 11 cases, submit this motion (the “Motion”) for entry of an order, pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), directing the joint administration of these cases for procedural purposes only. In support of the Motion, the Debtors submit the *Declaration of Oliver Pokk in Support of the Debtors’ Chapter 11 Petitions and Requests for First Day Relief* (the “First Day Declaration”), filed contemporaneously herewith and fully incorporated herein by reference, and respectfully represent as follows:

BACKGROUND

1. On the date hereof (the "Petition Date"), the Debtors each filed with this Court a voluntary petition under chapter 11 of the Bankruptcy Code. The Debtors are authorized to continue to operate their businesses and manage their properties as debtors in possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

2. No committee or trustee has been appointed in these chapter 11 cases.

JURISDICTION AND VENUE

3. The United States Bankruptcy Court for the District of Delaware (the "Court") has jurisdiction over this matter 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 February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are section 105(a) of the Bankruptcy Code, Bankruptcy Rule 1015(b) and Local Rule 1015-1.

RELIEF REQUESTED

5. By this Motion, the Debtors request, pursuant to Rule 1015(b) of the Bankruptcy Rules and Rule 1015-1 of the Local Rules, entry of the proposed order substantially in the form attached hereto as Exhibit A, directing (i) the joint administration of the Debtors' chapter 11 cases for procedural purposes only and (ii) parties in interest to use the consolidated caption referenced herein for any pleading relating to any of the jointly-administered cases.

BASIS FOR RELIEF REQUESTED

6. Bankruptcy Rule 1015(b) provides, in relevant part, that “[i]f ... two or more petitions are pending in the same court by or against ... a debtor and an affiliate, the court may order a joint administration of the estates.” Fed. R. Bankr. P. 1015(b). The Debtors are “affiliates” as defined under § 101(2) of the Bankruptcy Code. Accordingly, this Court is authorized to consolidate these cases for procedural purposes.

7. In addition, Local Rule 1015-1 provides in relevant part as follows:

An order of joint administration may be entered, without notice and an opportunity for hearing, upon the filing of a motion for joint administration ... supported by an affidavit, declaration or verification, which establishes that the joint administration of two or more cases pending in this Court under title 11 is warranted and will ease the administrative burden for the Court and the parties.

Del. Bankr. L.R. 1015-1.

8. Pursuant to Local Rule 1015-1, the Debtors have filed the First Day Declaration contemporaneously herewith. The First Day Declaration establishes that the joint administration of the Debtors’ respective estates is warranted and will ease the administrative burden for the Court and the parties.

9. Because joint administration of these cases will remove the need to prepare, replicate, file and serve duplicative notices, applications and orders, the Debtors and their estates will save substantial time and expense. Further, joint administration will relieve the Court of entering duplicative orders and maintaining duplicative files and dockets. The United States Trustee for the District of Delaware (the “U.S. Trustee”) and other parties in interest will similarly benefit from joint administration of these chapter 11 cases by sparing them the time and effort of reviewing duplicative pleadings and papers;

provided, however, that all schedules of assets and liabilities, statements of financial affairs, and proofs of claims will be captioned and filed in each of the Debtors' respective, separate cases, as appropriate.

10. As such, joint administration will promote the economical and efficient administration of the Debtors' estates to the benefit of the Debtors, creditors, the U.S. Trustee, and the Court. Furthermore, Joint administration will not adversely affect creditors' rights because this Motion requests only the administrative consolidation of the estates and is purely procedure in nature.

11. Accordingly, the Debtors respectfully request that the caption of their cases be modified as follows:

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

	X	
	:	
In re	:	Chapter 11
	:	
INSIGHTRA MEDICAL, INC., <u>et al.</u> ¹	:	Case No. 17- 10179 (KG)
	:	
Debtors.	:	(Jointly Administered)
	X	

¹ The Debtors in these chapter 11 cases are Insigntra Medical, Inc. and Modulare, Inc. The last four digits of Insigntra's taxpayer identification number are (8576). Modulare does not have a taxpayer identification number. The Debtors' business address is 9891 Irvine Center Drive, Suite 222, Irvine, CA 92618.

12. The Debtors also seek the Court's direction that a notation substantially similar to the following be made in the chapter 11 case of Modulare, Inc.:

The Bankruptcy Court has entered an Order in accordance with Federal Rule of Bankruptcy Procedure 1015(b) that provides for joint administration of the chapter 11 cases of Insigntra Medical, Inc. and its affiliates. The docket in

Case No. 17-10179 (KG) should be consulted for all matters affecting the this case.

13. Based on the foregoing, the Debtors submit that the relief requested is necessary, appropriate and in the best interests of their estates and creditors and that the Motion should be granted in all respects.

14. No previous request for relief sought in this Motion has been made to this Court or any other Court.

NOTICE

15. Notice of this Motion has been provided to (i) the U.S. Trustee, (ii) the Debtors' 20 largest unsecured creditors (on a consolidated basis), (iii) the Debtors' secured lender, (iv) all parties requesting service of pleadings in these cases pursuant to Bankruptcy Rule 2002 and (v) all other parties affected by this Motion. As this Motion is seeking first-day relief, notice of this Motion and any order entered hereon will be served on all parties required by Del. Bankr. L.R. 9013-1(m). The Debtors respectfully submit that no other or further notice of this Motion need be provided.

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WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other and further relief as the Court may deem just and proper,

Dated: January 27, 2017
Wilmington, Delaware

BAYARD, P.A.

/s/ Justin R. Alberto

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