

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

LEISURE INVESTMENTS HOLDINGS LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 25-10606 (LSS)

(Jointly Administered)

Hearing Date: N/A

Objection Deadline: N/A

**DEBTORS’ MOTION FOR ENTRY OF AN ORDER SHORTENING
NOTICE WITH RESPECT TO THE DEBTORS’ (I) MOTION FOR ENTRY OF
AN ORDER (A) COMPELLING THE DEBTORS’ FORMER OFFICERS AND OTHER
REQUIRED PERSONS TO TURN OVER RECORDS AND (B) GRANTING RELATED
RELIEF; AND (II) MOTION FOR ORDER PURSUANT TO SECTIONS 105(a)
AND 363(b) OF THE BANKRUPTCY CODE AUTHORIZING THE DEBTORS
TO PAY ADVANCE RETAINERS TO MEXICAN COUNSEL**

Leisure Investments Holdings LLC and certain of its affiliates (collectively, the “**Debtors**”) in the above-captioned chapter 11 cases (collectively, the “**Chapter 11 Cases**”), hereby file this motion (this “**Motion to Shorten**”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), (a) shortening the time for notice of the hearing to consider approval of the (i) *Debtors’ Motion for Entry of an Order (I) Compelling Debtors’ Former Officers and Other Required Persons to Turn Over Records and (II) Granting Related Relief* (the “**Automatic Stay Motion**”),² and (ii) *Debtors’ Motion for Order Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code Authorizing the Debtors to Pay Advance*

¹ Due to the large number of debtors in these chapter 11 cases, which are being jointly administered, a complete list of the Debtors is not provided herein. A complete list of the Debtors along with the last four digits of their tax identification numbers, where applicable, may be obtained on the website of the Debtors’ noticing and claims agent at <https://veritaglobal.net/dolphinco>, or by contacting counsel for the Debtors. For the purposes of these chapter 11 cases, the address for the Debtors is Leisure Investments Holdings LLC, c/o Riveron Management Services, LLC, 600 Brickell Avenue, Suite 2550, Miami, FL 33131.

² Capitalized terms used but not otherwise defined herein shall have the meaning given to such terms in the Motions, as applicable.



Retainers to Mexican Counsel (the “**Retainer Motion**” and, together with the Automatic Stay Motion, the “**Motions**”), filed contemporaneously herewith, so that the Motions may be heard at the hearing scheduled on April 25, 2025 at 1:00 p.m. (ET) (the “**Hearing**”); and (b) providing that any objections to the Motions may be heard at the Hearing (the “**Proposed Objection Deadline**”). In support of this Motion to Shorten, the Debtors respectfully represent as follows:

JURISDICTION AND VENUE

1. 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. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2) and, pursuant to rule 9013-1(f) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), the Debtors consent to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

3. The statutory and legal predicates for the relief requested herein are section 107(b) of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “**Bankruptcy Code**”), rules 2002(a) and 9006(c)(1) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

BACKGROUND

A. General Background

4. The Debtors operate recreational attractions focusing on dolphin and other live-animal encounters and habitats under the trade name, “The Dolphin Company.” As of 2023, approximately 2,400 animals—including 295 dolphins, 51 sea lions, 18 manatees, and 18 seals—

reside in the Debtors' facilities. The Dolphin Company operates more than thirty attractions in eight countries including the United States and Mexico. Worldwide, the Company employs more than 2,600 people and in 2023 had more than 3.5 million visitors.

5. On March 31, 2025 (the "**Commencement Date**"), certain of the Debtors filed voluntary petitions for relief pursuant to chapter 11 of the Bankruptcy Code. On April 16, 2025, Controladora Dolphin, S.A. de C.V. ("**Controladora**") also filed a voluntary petition for relief pursuant to chapter 11 of the Bankruptcy Code. The Chapter 11 Cases are being jointly administered for procedural purposes only. *See* Docket Nos. 32 & 68.

6. Additional information regarding the Debtors, including their business operations, their corporate and capital structure, and the events leading to the commencement of the Chapter 11 Cases, are set forth in detail in the *Declaration of Steven Robert Strom in Support of the Debtors' Chapter 11 Petitions and First Day Pleadings* [Docket No. 10] (the "**First Day Declaration**").³

B. The Automatic Stay Motion

7. The Debtors have filed the Automatic Stay Motion, seeking entry of an order enforcing the fundamental protection of the stay imposed by section 362 of the Bankruptcy Code and compelling compliance with the *Interim Order (I) Compelling Debtors' Former Officers and Other Required Persons to Turn Over Records and (II) Granting Related Relief* [Docket No. 38], entered in the Chapter 11 Cases on April 3, 2025, in response to actions taken by the Debtors' former Chief Executive Officer and other individuals under his control or influence that prevent the Debtors from obtaining access and control to their property, books, records, and additional information, as set forth in more detail in the Automatic Stay Motion.

³ Capitalized terms used but not defined herein shall have the meanings given to them in the First Day Declaration.

C. Retainer Motion

8. The Debtors have filed the Retainer Motion, seeking entry of an order authorizing the Debtors to pay certain advance retainers to counsel (the “**Mexican Counsel**”) handling various pending Mexican litigation proceedings on behalf of the Debtors (collectively, the “**Mexican Proceedings**”). The volume and expedited nature of the Mexican Proceedings have already required the Mexican Counsel to expend significant amounts of time and resources on the Debtors’ behalf, and it appears that such expenditures will continue to be necessary into the near future. The Debtors believe that it is neither appropriate, nor standard under local customs, to expect Mexican Counsel to maintain their intense efforts and incur the substantial expense required by the Mexican Proceedings without adequate compensation of their fees and expenses, nor is Mexican Counsel able to do so. Payment of the Retainers to Mexican Counsel, subject to approval of Mexican Counsel’s retention in the Chapter 11 Cases, will enable Mexican Counsel to continue to protect the Debtors’ interests in, and prosecute the Debtors’ rights with respect to, the Mexican Proceedings.

RELIEF REQUESTED

9. By this Motion to Shorten, the Debtors seek entry of an order (i) shortening the time for notice of the Motions so they can be heard at the Hearing; and (ii) requiring that objections to entry of the Proposed Order, if any, be filed and served on or before the Proposed Objection Deadline.

BASIS FOR RELIEF REQUESTED

10. Local Rule 9006-1(c)(i) provides that unless the Bankruptcy Rules or the Local Rules state otherwise, “all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen days prior to the hearing date.” Del. Bankr. L.R. 9006-1(c)(i).

However, pursuant to Local Rule 9006-1(e), such period may be shortened by order of the Court upon written motion “specifying the exigencies supporting shortened notice.” *See* Del. Bank. L.R. 9006-1(e). In exercising such discretion, the Court should “consider the prejudice to parties entitled to notice and weigh this against the reasons for hearing the motion on an expedited basis.” *In re Philadelphia Newspapers, LLC*, 690 F.3d 161, 172 (3d Cir. 2012) (noting the commonness of motions to shorten “[g]iven the accelerated time frame of bankruptcy proceedings”).

11. As set forth below, the Debtors submit that there is sufficient cause to justify shortening the notice period for the Hearing on the Motions.

12. As set forth in detail in the Motions, immediately prior to the filing of the Chapter 11 Cases, the Debtors’ management, including the Former CEO and other officers, were removed and replaced by independent third-party professionals. The Debtors’ new management team have been tasked with stabilizing the Debtors’ business, assessing and improving the health and welfare of the Debtors’ animals, and supporting the Debtors’ workforce during this time of transition. While the Debtors have consistently sought to work collaboratively with the Debtors’ former and current workforce where feasible, the certain of the Debtors’ current and former workforce have been reluctant to cooperate under the circumstances.

13. Due to the urgent need to obtain information to support the Debtors’ efforts to stabilize and operate the Debtors’ businesses and for Mexican Counsel’s services to protect and preserve the Debtors’ interests in the Mexican Proceedings to avoid harm to the Debtors’ estates, the Debtors believe it is appropriate for the Motions to be heard on less than (14) days’ notice in accordance with Local Rule 9006(c)-(1). Accordingly, the Debtors submit that cause exists to shorten the notice period for the Hearing.

14. Parties in interest will not be prejudiced by the shortened notice period because many of the parties entitled to notice of the Motions are already aware of the issues presented by the Motions and, in the case of the Debtors' prepetition and DIP Lenders, support the requested relief. Moreover, the Debtors have been attempting to contact the parties effected by the relief since the commencement of the Chapter 11 Cases, and such parties are on notice that the Debtors intend to seek the relief requested.

15. To compensate for the reduced notice period, the Debtors will serve the Motions by email (where available) or overnight delivery on the following parties: (a) the U.S. Trustee; (b) the Debtors' 20 largest unsecured creditors (excluding insiders); (c) counsel to the Prepetition First Lien Noteholders and DIP Lenders; (d) counsel to the DIP Agent; (e) counsel to the Prepetition Second Lien Noteholders; (f) counsel to the Prepetition First Lien Collateral Agent and the Prepetition Second Lien Collateral Agent; (g) counsel to the Former CEO; and (h) all parties that have filed a notice of appearance and request for service of papers pursuant to Bankruptcy Rule 2002 (collectively, the "**Notice Parties**").

16. In light of the foregoing, the Debtors submit that consideration of the Motions on shortened notice, as requested herein, is justified under the circumstances of the Chapter 11 Cases, and is in the best interests of the Debtors, their estates, their creditors, and other parties in interest.

LOCAL RULE 9006-1(e) CERTIFICATION

17. In accordance with Local Rule 9006-1(e), prior to filing this Motion to Shorten, counsel to the Debtors notified counsel to the U.S. Trustee of the relief requested herein, who takes no position as to the relief sought herein.

NOTICE

18. Notice of this Motion will be provided to the Notice Parties, as set forth above. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

CONCLUSION

WHEREFORE, the Debtors respectfully request that this Court enter the Proposed Order, substantially in the form annexed hereto as **Exhibit A**, granting the relief requested herein and granting such other and further relief as is just and proper.

Dated: April 21, 2025

/s/ Allison S. Mielke

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Proposed Counsel to the Debtors and Debtors in Possession

EXHIBIT A

Proposed Order

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

In re:

LEISURE INVESTMENTS HOLDINGS LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 25-10606 (LSS)

(Jointly Administered)

Docket Ref. No. ____

**ORDER SHORTENING NOTICE WITH RESPECT TO THE DEBTORS’
(I) MOTION FOR ENTRY OF AN ORDER (A) COMPELLING THE DEBTORS’
FORMER OFFICERS AND OTHER REQUIRED PERSONS TO TURN OVER
RECORDS AND (B) GRANTING RELATED RELIEF; AND (II) MOTION
FOR ORDER PURSUANT TO SECTIONS 105(a) AND 363(b) OF THE
BANKRUPTCY CODE AUTHORIZING THE DEBTORS TO
PAY ADVANCE RETAINERS TO MEXICAN COUNSEL**

Upon consideration of the motion [Docket No. ____] (the “**Motion to Shorten**”)² of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) for entry of an order (this “**Order**”) providing that the applicable notice period for the Motions be shortened pursuant to Local Rule 9006-1(e); and the Court having jurisdiction to consider the matters raised in the Motion to Shorten pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and the Court having authority to hear the matters raised in the Motion to Shorten pursuant to 28 U.S.C. § 157; and the Court having venue pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Motion to Shorten and the requested relief being a core proceeding that the

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² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion to Shorten.

Court can determine pursuant to 28 U.S.C. § 157(b)(2); and the Court having reviewed and considered the Motion to Shorten; and the Court having found that the relief requested in the Motion to Shorten is in the best interests of the Debtors and their estates; and upon the record herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion to Shorten is granted as set forth herein.
2. The Motions will be heard on April 25, 2024 at 1:00 p.m. (ET) and any response or objection to such relief shall be heard at the Hearing.
3. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.