

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
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In re: Chapter 11  
Psystar Corporation, Case No:  
Debtor.  
\_\_\_\_\_ /

AMENDED DEBTORS EMERGENCY MOTION FOR AN ORDER AUTHORIZING  
THE DEBTORS CONTINUED USE OF BUSINESS FORMS AND RECORDS

(EMERGENCY HEARING REQUESTED)

Basis for Emergency Relief

The above-captioned debtors and debtors in possession )collectively, the “Debtor requests an emergency hearing in this matter on or before May 26, 2009. By this motion, the Debtors seek the entry of an order authorizing the use of existing business forms. The Debtor s request that this Motion be considered on an emergency basis as the relief requested herein is critical to the Debtor s continued operations. The Debtors respectfully request that the Court waive the provisions of Rule 9075-1(B) of the Local Rules, which require an affirmative statement that the Debtors made a bona fide effort to resolve the issues raised in this emergency motion, as the relief requested herein is urgent in nature and does not lend itself to resolution in advance of a hearing.

Psystar Corporation )the Debtors (, by and through undersigned counsel, file this Motion for an Order Authorizing the continued Use of the Debtor s Existing Business Forms and in support of this Motion, state as follows:

JURISDICTION

1. This Court has jurisdiction over this Motion under 28 U.S.C. 157 and 1334. Venue is proper under 28 U.S.C. 1408 and 1409.
2. This is a core proceeding as defined in 28 U.S.C. 157(b)(2)(A), and )M(.
3. The statutory predicates in support of the relief requested herein are 105 of title 11 of the United States Code )the Bankruptcy Code ( and Local Rule 9075.

BACKGROUND

4. On May 21, 2008, the Debtor commenced this case by filing voluntary petitions for relief

under chapter 11 of the Bankruptcy Code (the Petition Date ). The Debtor is operating its business and managing its affairs as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

5. No trustee, examiner, or statutory committee has been appointed in this case.

6. Debtor manufactures and distributes computers tailored to customer choosing. As a part of its devotion to supporting customer choice, Debtor supports a wide range of operating systems including Microsoft Windows XP and XP 64-bit, Windows Vista and Vista 64-bit, Linux 32 and 64-bit kernels(, and the Mac OS. PSYSTAR generally refers to this custom tailored line of computers as Open Computers. Open Computers are personal computers that, in the case of the Mac OS, work like a Macintosh including the latest Macintosh operation system OS X.5 )a.k.a. Leopard(. PSYSTAR Open Computers, again in the case of the Mac OS, run the OS X like that of a Macintosh from APPLE albeit on a computer hardware system offered at a considerably lower price and with considerably higher performance.

7. Due to the weakened economy, Debtor has had no alternative but to commence these Chapter 11 proceedings. Debtor sales have been greatly affected by the decrease in consumer spending. The financial crisis has also caused creditors to tighten up their terms and become more demanding for immediate payment. Debtor' s vendors due to their own financial problems are not being able to supply all necessary items to allow Debtor to produce their product, thus, forcing Debtor to pay higher prices for parts in order to fulfill customer orders in a timely manner and to assure satisfaction with the product. These factors seriously contribute to the Debtor not being able to turn a significant profit in each sale.

8. Debtor has continued doing business in this manner with diminutive profit in hopes of a turn around in our present economy but find that the long term roots of this crisis can only be overcome by directly implementing the restructuring of Debtor s business plan and can only do so with the requested Chapter 11 protection. Debtor plans on emerging from this Chapter 11 with a strong and effective plan to make an increasingly higher profit and still provide the consumer with the product that they have grown to enjoy and trust. Debtor possesses valuable intellectual property which will be implemented in a well thought out and more profitable business plan. By doing so, Debtor plans to make payment of all debts and also, continue

to provide support for its customers.

**RELIEF REQUESTED**

9. By this Motion, the Debtors seek authorization to continue using existing business forms. The Debtors seek to ensure the efficient transition to these Chapter 11 proceedings to avoid any disruptions and distractions that could occur.

10. To minimize the disruption to the Debtor's operations during the pendency of this Chapter 11 case, and, in particular, during the early stages of this proceeding, the Debtor respectfully request an order authorizing the continued use of existing business forms.

**BASIS FOR RELIEF REQUESTED**

11. As set forth below, the Debtor seeks the entry of an order authorizing the Debtors continued use of existing business forms during this Chapter 11 case. The Debtor submit that relief is in the best interests of the Debtor, its estate and creditors and other parties in interest.

12. The Debtor uses various business forms in connection with their businesses including, without limitation, invoices, order forms, stationery, check stock, deposit slips, brochures, packaging and flyers.

13. The Forms do not include the terms DIP, debtor-in-possession or other reference to the fact that the Debtor is in a Chapter 11 proceeding. The Debtor would incur delay and expense if required to change its existing business forms.

14. It is critical that the Debtor avoids any disruption in its business operations.

15. As any disruption to the Debtor's ordinary business affairs at this time could have a severe adverse impact on the Debtor's ability to achieve its goals in these proceedings.

16. As such, by this Motion, the Debtor seek authority to use their existing business forms.

**WHEREFORE**, the Debtors request the entry of an order granting this Motion, authorizing maintenance and use of existing business forms, as requested herein, and granting such other and further relief that the Court may deem just and proper.

**CERTIFICATE OF ADMISSION**

I hereby certify that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served on all ECF registered users herein via CM/ECF, and by regular first class United States mail on all other interested parties on May 22nd, 2009.

Respectfully,

/s/ Lazaro Lopez

**LAZARO J. LOPEZ**

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