

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

In re: §
§
USA DRY VAN LOGISTICS, L.L.C. §
§
Debtor. §
§

CHAPTER 11
CASE NO. 10-20102

In re: §
§
GOLAGALE HOLDINGS, L.L.C. §
§
Debtor. §
§

CHAPTER 11
CASE NO. 10-20103

In re: §
§
USA LOG. CARRIERS, L.L.C. §
§
Debtor. §
§

CHAPTER 11
CASE NO. 10-20107

In re: §
§
USA LOGISTICS CARRIERS, L.L.C. §
§
Debtor. §
§

CHAPTER 11
CASE NO. 10-20108

In re: §
§
NORTH AMERICAN TRAILER
RENTALS, L.L.C. §
§
Debtor. §
§

CHAPTER 11
CASE NO. 10-20105

In re: §
§
LA&G INVESTMENT CO, L.L.C. §
§
Debtor. §
§

CHAPTER 11
CASE NO. 10-20104

In re:	§	
	§	CHAPTER 11
SOUTH TEXAS PETROLEUM,	§	
L.L.C.	§	CASE NO. 10-20106
	§	
Debtor.	§	
	§	

**EMERGENCY MOTION FOR AN ORDER DIRECTING
JOINT ADMINISTRATION OF BANKRUPTCY CASES**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

AN EMERGENCY TELEPHONIC HEARING IS REQUESTED FOR FEBRUARY 3, 2010 at 10:00 A.M. CST. INSTRUCTIONS FOR A TELEPHONIC HEARING ARE ENCLOSED WITH THIS GROUP OF MOTIONS.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

USA Dry Van Logistics, LLC (“USA Dry Van”); Golagale Holdings, LLC (“Golagale”); USA Log. Carriers, LLC; USA Logistics Carriers, LLC; North American Trailer Rentals, LLC; LA & G Investment Co, LLC; and South Texas Petroleum, LLC (collectively, the "Debtors"), the Debtors in the above-captioned cases (the "Cases"), hereby file this *Motion for an Order Directing Joint Administration of Bankruptcy Cases* (the "Motion"). In support of the Motion, the Debtors respectfully represent as follows:

I. JURISDICTION, VENUE AND BACKGROUND

1. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409(a).

2. On February 2, 2010 (the "Petition Date"), the Debtors filed voluntary petitions for relief under Chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (as amended, the "Bankruptcy Code").

3. The Debtors continue to manage and operate their businesses as debtors-in-possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code. No creditors' committee has been appointed in these Cases by the United States Trustee. Further, no trustee or examiner has been requested or appointed.

4. The statutory predicates for the relief requested herein are Rules 1015(b) of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and Local Rule 1015 of the Local Court Rules of the United States Bankruptcy Court for the Southern District of Texas.

5. A further description of the background of the Debtors, and the events leading up to the filing of the voluntary petitions by the Debtors is set out in other pleadings.

II. RELIEF REQUESTED

6. By this Motion, the Debtors request an order directing that the above-captioned Cases be consolidated for procedural purposes and jointly administered under the USA Dry Van Logistics case number and caption.

III. BASIS FOR RELIEF

7. Bankruptcy Rule 1015(b) provides that, if two or more petitions are pending in the same court by or against a debtor and an affiliate, the court may order joint administration of the estates of the debtor and such affiliates. *See* Fed. R. Bankr. P. 1015(b).

8. Each Debtor is an affiliate of USA Dry Van and all Debtors are owned directly or indirectly by Sergio F. Lagos and Aurelio "Jim" Aleman, and were controlled by them prepetition. As such, the Debtors are affiliates as that term is defined in Section 101(2) of the Bankruptcy Code and as used in Bankruptcy Rule 1015(b). *See* Organizational Chart attached hereto as Exhibit "A."

9. The joint administration of the Debtors' chapter 11 Cases will permit the Clerk of the Court to use a single general docket for the Debtors and each of the affiliated Cases and to combine notices to creditors and other parties in interest. The Debtors anticipate that numerous notices, applications, motions, other pleadings, hearings, and orders in these Cases will affect the Debtors' estates. Joint administration will save time and money and avoid duplicative and potentially confusing filings, by permitting counsel for all parties in interest to (a) use a single caption on the numerous documents that will be served and filed herein and (b) file the papers in one case rather than for each of the affiliated Debtors. Joint administration will also protect parties in interest by ensuring that parties in interest in each of the affiliated Debtors' respective Chapter 11 Cases will be apprised of the various matters before the Court in all of these Cases.

10. In addition, the Debtors request that the official caption to be used by all parties in all pleadings in the jointly administered Cases be as follows:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

In re:	§	Chapter 11
	§	
USA DRY VAN LOGISTICS, L.L.C. ¹, et al.	§	Case No.
	§	
Debtor.	§	Jointly Administered

1. Golagale Holdings, L.L.C.; USA Logistics Carriers, L.L.C.; USA Log. Carriers, L.L.C.; USA Dry Van Logistics, L.L.C.; North American Trailer Rentals, L.L.C.; South Texas Petroleum, L.L.C.; and LA & G Investment Co, L.L.C.. The corporate address for all debtors is 3010 West military, McAllen, Texas 78503. Joint administration under the above style and case number has been ordered by the United States Bankruptcy Court on February 3, 2010. The use of the term "Debtor" shall refer to all debtors.

11. The Debtors submit that use of this simplified caption, naming only USA Dry Van without reference to the subsidiaries of USA Dry Van will eliminate cumbersome and confusing procedures and ensure a uniformity of pleading identification.

12. The Debtors also request that creditors be instructed to file any proofs of claim in the appropriate Debtor case to which the claim relates, with the appropriate style and not to use the style of the jointly administered Cases.

13. The rights of the respective creditors of the Debtors and each of their affiliates will not be adversely affected by joint administration of these chapter 11 Cases because the relief sought by this Motion is purely procedural and is in no way intended to affect substantive rights. Each creditor and other party in interest will maintain whatever rights it has against the particular estate in which it allegedly has a claim or right. Indeed, the rights of all creditors will be enhanced by the reduction in costs resulting from joint administration. The Court also will be relieved of the burden of entering duplicative orders and keeping duplicative files. Finally, supervision of the administrative aspects of the Chapter 11 Cases by the Office of the United States Trustee will be simplified.

14. There are no administrative or scheduling orders previously entered that would require modification upon the entry of an order on this Motion.

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

IV. NOTICE

16. The Debtors have caused a copy of this Motion to be served upon (i) the proposed Limited Service List, which includes certain prepetition lenders, known counsel and the consolidated list of the top twenty (20) largest unsecured creditors selected from all seven Debtors; (ii) the United States Trustee (iii) the Internal Revenue Service, (iv) the United States Attorney; and (v) those persons who have formally appeared in these Cases and requested service pursuant to Bankruptcy Rule 2002; and (vi) all other applicable government agencies to the extent required by the Bankruptcy Rules and the Bankruptcy Local Rules. The Debtors submit that no other or further notice need be provided.

WHEREFORE, the Debtors respectfully request that the Court enter an order directing joint administration of the above-captioned Cases and granting such other and further relief as is just and proper.

Dated: _____, 2010

RESPECTFULLY SUBMITTED,

LANGLEY & BANACK, INC.

745 East Mulberry, Suite 900

San Antonio, Texas 78212

(210) 736-6600 [telephone]

(210) 735-6889 [facsimile]

By: _____

R. GLEN AYERS, JR.

State Bar No. 01467500

DAVID S. GRAGG

State Bar No. 08253300

ALLEN M. DeBARD

State Bar No. 24065132

ATTORNEYS FOR THE DEBTOR
AND DEBTOR-IN-POSSESSION

CERTIFICATE OF SERVICE

I hereby certify that on the 2 day of February, 2010, the above and foregoing document was served by the U.S. first class mail, postage prepaid on the parties listed on the Service List attached hereto.



R. GLEN AYERS, JR.