

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

In re:)	
)	Chapter 11
AMERICAN TIRE DISTRIBUTORS, INC., <i>et al.</i> , ¹)	Case No. 24-12391 (CTG)
)	
Debtors.)	(Joint Administration Requested)
)	

**AMENDED² NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON OCTOBER 24, 2024 AT 11:00 A.M. EASTERN TIME³**

This proceeding will be conducted remotely via Zoom. Please refer to Judge Goldblatt's Chambers Procedures (<https://www.deb.uscourts.gov/content/judge-craig-t-goldblatt>) and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on the method of allowed participation (video or audio), Judge Goldblatt's expectations of remote participants, and the advance registration requirements. Registration is required by one hour prior to the hearing unless otherwise noticed using the eCourtAppearances tool available on the Court's website.

1. Voluntary Petitions:
 - A. American Tire Distributors, Inc. [Case No. 24-12391, [Docket No. 1](#)]
 - B. ATD New Holdings II, Inc. [Case No. 24-12392, [Docket No. 1](#)]
 - C. ATD New Holdings III, Inc. [Case No. 24-12393, [Docket No. 1](#)]
 - D. ATD New Holdings, Inc. [Case No. 24-12394, [Docket No. 1](#)]
 - E. ATD Sourcing Solutions, LLC [Case No. 24-12395, [Docket No. 1](#)]

¹ The Debtors in these chapter 11 cases, along with the last four digits of the Debtors' federal tax identification numbers, are American Tire Distributors, Inc. (4594); ATD New Holdings II, Inc. (4985); ATD New Holdings III, Inc. (0977); ATD New Holdings, Inc. (3406); ATD Sourcing Solutions, LLC (5225); ATD Technology Solutions Inc. (N/A); FLX FWD Logistics, LLC (3334); Hercules Tire International Inc. (N/A); Terry's Tire Town Holdings, LLC (7409); The Hercules Tire & Rubber Company (3365); Tire Pros Francorp, LLC (1813); Tirebuyer.com, LLC (9093); and Torqata Data and Analytics LLC (4992). The location of Debtors' principal place of business and the Debtors' service address in these chapter 11 cases is 12220 Herbert Wayne Court, Huntersville, NC 28078.

² **Amended items are indicated in bold.**

³ This agenda contains hyperlinks to filed documents pursuant to the Court's Interim Order re: Cessation of Hand Deliveries, dated March 13, 2020. Parties may access the filed documents through the hyperlink for a fee through the Court's website at www.deb.uscourts.gov.

- F. ATD Technology Solutions Inc. [Case No. 24-12396, [Docket No. 1](#)]
- G. FLX FWD Logistics, LLC [Case No. 24-12397, [Docket No. 1](#)]
- H. Hercules Tire International Inc. [Case No. 24-12398, [Docket No. 1](#)]
- I. Terry's Tire Town Holdings, LLC [Case No. 24-12399, [Docket No. 1](#)]
- J. The Hercules Tire & Rubber Company [Case No. 24-12400, [Docket No. 1](#)]
- K. Tire Pros Francorp, LLC [Case No. 24-12401, [Docket No. 1](#)]
- L. Tirebuyer.com, LLC [Case No. 24-12402, [Docket No. 1](#)]
- M. Torqata Data and Analytics LLC [Case No. 24-12403, [Docket No. 1](#)]

First Day Declaration

- 2. Declaration of Ronald J. Bienias, Chief Restructuring Officer of American Tire Distributors, Inc., in Support of the Debtors' Chapter 11 Petitions and First Day Motions [Filed 10/23/2024, [Docket No. 15](#)]

Status: The Debtors will ask the Court to admit the Declaration into evidence. To the extent the Court or any party in interest have questions regarding the Declaration or the factual bases for the first-day relief the Debtors seek, Mr. Bienias will be available on the Zoom platform.

Joint Administration Motion

- 3. Motion of Debtors for Entry of an Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief [Filed 10/23/2024, [Docket No. 2](#)]

Status: This matter will go forward.

Motion for DIP Financing

- 4. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed 10/23/2024, [Docket No. 16](#)]

Responses Received:

- a.) **Limited Objection of The Rienalt-Thomas Corporation d/b/a Discount Tire, America's Tire and Discount Tire Direct to the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing, (B) Grant Senior Secured Priming Liens and Superpriority Administrative Expense Claims, and (C) Utilize Cash**

Collateral; (II) Granting Adequate Protection to the Prepetition Secured Parties; (III) Modifying the Automatic Stay; (IV) Scheduling a Final Hearing; and (V) Granting Related Relief [Filed 10/24/24] ([Docket No. 62](#))

Related Documents:

- a. Declaration of Ronald J. Bienias in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed 10/23/2024, [Docket No. 17](#)]
- b. Declaration of Rachel Murray in Support of the Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing, and (V) Granting Related Relief [Filed 10/23/2024, [Docket No. 18](#)]

Status: This matter will go forward with respect to an interim order. The Debtors will ask the Court to admit the Declarations into evidence. To the extent the Court or any party in interest have questions regarding the Declarations or the factual bases for the first-day relief the Debtors seek, the declarants will be available on the Zoom platform.

Claims Agent Retention

5. Application of Debtors for Appointment of Donlin, Recano & Company, Inc. as Claims and Noticing Agent [Filed 10/23/2024, [Docket No. 4](#)]

Status: This matter will go forward.

First Day Motions Pertaining to Operations

6. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Continue to (A) Operate Their Cash Management System, (B) Honor Certain Prepetition Obligations Related Thereto, (C) Maintain Existing Business Forms, and (D) Perform Intercompany Transactions, and (II) Granting Related Relief [Filed 10/23/2024, [Docket No. 11](#)]

Status: This matter will go forward with respect to an interim order.

7. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation, and Reimbursable Expenses and (B) Continue Employee Benefits Programs and (II) Granting Related Relief [Filed 10/23/2024, [Docket No. 10](#)]

Status: This matter will go forward with respect to an interim order.

8. Motion of Debtors for Entry of Interim and Final Orders: (I) Authorizing the Payment of Certain Prepetition and Postpetition Taxes and Fees and (II) Granting Related Relief [Filed 10/23/2024, [Docket No. 6](#)]

Status: This matter will go forward with respect to an interim order.

9. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Maintain Insurance Coverage Entered into Prepetition and Pay Related Prepetition Obligations and (B) Renew, Supplement, Modify, or Purchase Insurance Coverage, (II) Approving Continuation of the Surety Bond Program, and (III) Granting Related Relief [Filed 10/23/2024, [Docket No. 8](#)]

Status: This matter will go forward with respect to an interim order.

10. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain and Administer Their Existing Customer Programs and (B) Honor Certain Prepetition Obligations Related Thereto, and (II) Granting Related Relief [Filed 10/23/2024, [Docket No. 12](#)]

Status: This matter will go forward with respect to an interim order.

11. Motion of Debtors for Entry of Interim and Final Orders: (I) Approving the Debtors' Proposed Adequate Assurance of Payment for Future Utility Services; (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services; (III) Approving the Debtors' Proposed Procedures for Resolving Adequate Assurance Requests; and (IV) Granting Related Relief [Filed 10/23/2024, [Docket No. 7](#)]

Status: This matter will go forward with respect to an interim order.

12. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to Pay Prepetition Claims of Certain Critical Vendors, 503(b)(9) Claimants, Lien Claimants, and Foreign Vendors, (II) Confirming Administrative Expense Priority of Outstanding Orders, and (III) Granting Related Relief [Filed 10/23/2024, [Docket No. 9](#)]

Status: This matter will go forward with respect to an interim order.

13. Motion of Debtors for Entry of Interim and Final Orders (I) Approving Notification and Hearing Procedures for Certain Transfers of and Declarations of Worthlessness with Respect to Common Stock and (II) Granting Related Relief [Filed 10/23/2024, [Docket No. 5](#)]

Status: This matter will go forward with respect to an interim order.

Administrative Relief

14. Motion of Debtors for Entry of Interim and Final Orders: (I) Authorizing the Debtors to (A) File a Consolidated List of Creditors in Lieu of Submitting a Separate Mailing Matrix for Each Debtor, (B) File a Consolidated List of the Debtors' Thirty Largest Unsecured

Creditors, (C) Serve Certain Parties in Interest by Email, (D) Approve the Form and Manner of Service of the Notice of Commencement, (E) Redact or Withhold Certain Confidential Information of Customers, and (F) Redact Certain Personally Identifiable Information of Individuals; (II) Modifying the Requirement to File a List of Equity Security Holders; and (III) Granting Related Relief [Filed 10/23/2024, [Docket No. 3](#)]

Status: This matter will go forward with respect to an interim order.

Motions for Scheduling

15. Motion of Debtors Seeking Entry of an Order (I) Extending Time to File Schedules of Assets and Liabilities, Schedules of Current Income and Expenditures, Schedules of Executory Contracts and Unexpired Leases, and Statements of Financial Affairs, and Rule 2015.3 Financial Reports and (II) Granting Related Relief [Filed 10/23/2024, [Docket No. 14](#)]

Status: The Debtors will request scheduling of this matter for a later hearing.

Dated: **October 24, 2024**
Wilmington, Delaware

/s/ Laura Davis Jones

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