

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

In re:

AMERICAN TIRE DISTRIBUTORS, INC.,
et al.,¹

Debtors.

Chapter 11

Case No. 24-12391 (CTG)

(Joint Administration Requested)

**Ref. Docket Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11,
12, 15, 16, 17, 18**

Hearing Date: October 24, 2024 at 11:00 a.m. (ET)

NOTICE OF HEARING ON FIRST DAY MOTIONS

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/ecourtappearances>) 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.

PLEASE TAKE NOTICE that on October 22 and 23, 2024 (as applicable, the “Petition Date”), the above-captioned debtors and debtors in possession (collectively, the “Debtors”) each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with the Clerk of the United States Bankruptcy Court for the District of Delaware. The Debtors are continuing to operate their businesses and manage their affairs as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

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.

PLEASE TAKE FURTHER NOTICE that together with their chapter 11 petitions, the Debtors also filed the following applications and motions set forth below (collectively, the “First Day Motions”). The Debtors intend to seek approval of certain of the First Day Motions at a hearing by Zoom video conference (the “First Day Hearing”) before the Honorable Craig T. Goldblatt at the United States Bankruptcy Court for the District of Delaware (the “Court”), located at 824 North Market Street, 3rd Floor, Courtroom No. 7, Wilmington, Delaware 19801, on **October 24, 2024 at 11:00 a.m. (prevailing Eastern Time).**

First Day Declaration

1. 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](#)]

Administrative Motions

2. 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](#)]
3. 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](#)]
4. Application of Debtors for Appointment of Donlin, Recano & Company, Inc. as Claims and Noticing Agent [Filed 10/23/2024, [Docket No. 4](#)]

First Day Motions Pertaining to Operations

5. 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](#)]
6. 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](#)]

7. 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](#)]
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](#)]
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](#)]
10. 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](#)]
11. 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](#)]
12. 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](#)]

Debtor in Possession Financing Motion

13. 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 10/23/2024, [Docket No. 16](#)]
 - 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](#)]

Motions for Scheduling

- 14. 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](#)]

PLEASE TAKE FURTHER NOTICE that copies of the First Day Motions may be obtained for a fee through the Court's website at <https://www.deb.uscourts.gov>, referencing Case No. 24-12391 (CTG), or for free by accessing the Debtors' restructuring website at <https://www.donlinrecano.com/Clients/atd/Index>.

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PLEASE TAKE FURTHER NOTICE that any and all objections to the First Day

Motions may be made at the First Day Hearing.

Dated: October 23, 2024
Wilmington, Delaware

/s/ Laura Davis Jones

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