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14 Creditors of B&B Liquidating, LLC

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16 UNITED STATES BANKRUPTCY COURT
17 CENTRAL DISTRICT OF CALIFORNIA
18 LOS ANGELES DIVISION

19 In re:
20 B&B Liquidating, LLC,
21
22 Debtor and Debtor in Possession.

Case No. 2:18-bk-11744-NB
Chapter 11

**NOTICE OF HEARING ON JOINT MOTION
OF THE DEBTOR AND THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS TO DISMISS CHAPTER 11
CASE SUBJECT TO A RESERVATION OF
RIGHTS TO ENFORCE PREVIOUSLY
AGREED-UPON CARVE OUT FOR
UNSECURED CREDITORS, OR, IN THE
ALTERNATIVE, SUSPEND ALL
PROCEEDINGS OR CONVERT CHAPTER
11 CASE TO A CASE UNDER CHAPTER 7**

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Hearing

Date: November 6, 2018
Time: 2:00 p.m.
Place: Courtroom 1545
255 E. Temple Street
Los Angeles, CA 90012

**TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY
JUDGE, THE DEBTOR, THE UNITED STATES TRUSTEE, ALL CREDITORS AND
PARTIES-IN-INTEREST HEREIN, AND THEIR RESPECTIVE COUNSEL:**

PLEASE TAKE NOTICE that on November 6, 2018 at 2:00 p.m., or as soon thereafter as the matter may be heard, a hearing will be conducted before the Honorable Neil W. Bason, United States Bankruptcy Judge, in Courtroom 1545 of the United States Bankruptcy Court located at the Edward R. Roybal Federal Building and Courthouse, 255 E. Temple Street, Los Angeles, California, 90012, to consider the *Joint Motion of the Debtor and the Official Committee of Unsecured Creditors to Dismiss Chapter 11 Case Subject to a Reservation of Rights to Enforce Previously Agreed-Upon Carve Out for Unsecured Creditors, or, in the Alternative, Suspend All Proceedings or Convert Chapter 11 Case to a Case Under Chapter 7* [Docket No. 227] (the “Dismissal Motion”) filed jointly by Debtor and Debtor in Possession B&B Liquidating, LLC, f/k/a B&B Bachrach, LLC, (the “Debtor”) and the Official Committee of Unsecured Creditors (the “Committee” together with the Debtor, “Movants”) appointed in the above captioned chapter 11 case (the “Chapter 11 Case”).

PLEASE TAKE FURTHER NOTICE that, as set forth in the Motion, Movants seek entry of an order, pursuant to sections 305(a) and 1112(b) of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 1017(f) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules” and each a “Bankruptcy Rule”) dismissing the Chapter 11 Case subject to the creditor's reservation of rights to enforce the agreement between the Committee and Siena Lending Group, LLC (“Siena”) and administer any proceeds related thereto pursuant the financing stipulation approved by the Court. In the alternative, Movants request that the Court stay all proceedings and administratively close the case, or, as a further alternative, convert this Chapter 11 Case to a case under chapter 7 of the Bankruptcy Code.

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1 As further set forth in the Motion, the Debtor has all but completed its intended liquidation and
2 now holds a minimal amount of inventory at a single retail location. On account of the significant
3 secured debt obligation owed to Siena following this liquidation, Siena has opted to seek relief from the
4 automatic stay and foreclose on the Debtor's remaining assets, including intellectual property and other
5 intangible assets. After obtaining relief from stay, Siena has proceeded to foreclose on the Debtor's
6 assets and noticed a foreclosure sale. Unfortunately, this has left the Debtor with the prospect of
7 insufficient assets to support a plan of liquidation in the Chapter 11 Case. Therefore, dismissal of the
8 Chapter 11 Case is warranted at this time, though Movants request that any dismissal preserve the rights
9 of creditors under the post-petition financing arrangement agreed to with Siena during the course of the
10 Chapter 11 Case.

11 **PLEASE TAKE FURTHER NOTICE** that a copy of the Dismissal Motion and documents
12 filed in support thereof may be obtained free of charge by accessing the case website administered by
13 noticing agent Donlin Recano & Company, Inc. at <https://www.donlinrecano.com/Clients/bbl/index>, or
14 for a fee by accessing PACER through the Court's website at www.cacb.uscourts.gov. A copy may
15 also be obtained by contacting Debtor's counsel Greenberg Glusker Fields Claman and Machtinger
16 LLP, Attn: Keith Patrick Banner, Esq., at 310-201-7469 or kbanner@greenbergglusker.com.

17 **PLEASE TAKE FURTHER NOTICE** that Local Bankruptcy Rule 9013-1(c)(2) requires that
18 any response to the Dismissal Motion be filed with the Bankruptcy Court and served upon counsel for
19 the Movants at the addresses appearing in the upper-left hand corner of the caption page to this Notice
20 at least fourteen (14) days before the hearing hereon. Pursuant to Local Bankruptcy Rule 9013-1(h),
21 the failure to timely file and serve a written opposition may be deemed by the court to be consent to the
22 granting of the relief requested in the Dismissal Motion.

23 DATED: October 12, 2018

24 GREENBERG GLUSKER FIELDS CLAMAN &
25 MACHTINGER LLP

26 By: /s/Brian L. Davidoff

27 BRIAN L. DAVIDOFF
28 KEITH PATRICK BANNER
General Bankruptcy Counsel for
Debtor and Debtor in Possession

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 1900 Avenue of the Stars, 21st Fl. Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF HEARING ON JOINT MOTION OF THE DEBTOR AND THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO DISMISS CHAPTER 11 CASE SUBJECT TO A RESERVATION OF RIGHTS TO ENFORCE PREVIOUSLY AGREED-UPON CARVE OUT FOR UNSECURED CREDITORS, OR, IN THE ALTERNATIVE, SUSPEND ALL PROCEEDINGS OR CONVERT CHAPTER 11 CASE TO A CASE UNDER CHAPTER 7** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) October 12 2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below

- Charla L Brown charla.brown@cpa.texas.gov
- Shirley Cho scho@pszjlaw.com
- Brian L Davidoff bdavidoff@greenbergglusker.com, calendar@greenbergglusker.com;jking@greenbergglusker.com
- John P Dillman houston_bankruptcy@publicans.com
- Jeffrey W Dulberg jdulberg@pszjlaw.com
- Brian D Huben hubenb@ballardspahr.com, carolod@ballardspahr.com
- William W Huckins whuckins@allenmatkins.com, clynch@allenmatkins.com
- Courtney J Hull bk-chull@oag.texas.gov, sherri.simpson@oag.texas.gov
- Lillian Jordan ENOTICES@DONLINRECANO.COM, RMAPA@DONLINRECANO.COM
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- Ronald M Tucker rtucker@simon.com, cmartin@simon.com;psummers@simon.com;Bankruptcy@simon.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov
- Elizabeth Weller dallas.bankruptcy@publicans.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) October 12, 2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

See Noticing Agent's Separate Certificate of Service

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) October 12, 2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Neil W. Bason
U.S. Bankruptcy Court, Central District
255 E. Temple Street, Suite 1552 / Courtroom 1545
Los Angeles, CA 90012

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 12, 2018	Sherry Harper	/s/ Sherry Harper
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.