

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

In re:

CAFE HOLDINGS CORP., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-05837 (hb)

Case No. 18-05838 (hb)

Case No. 18-05839 (hb)

Case No. 18-05840 (hb)

(Joint Administration Requested)

**ORDER GRANTING DEBTORS' MOTION FOR EMERGENCY
HEARING ON SELECTED FIRST DAY MOTIONS**

Upon consideration of the Debtors' Motion for Emergency Hearing on the following Selected First Day Motions:

- (i) Motion for Order Designating the Debtors' Chapter 11 Cases as Complex Chapter 11 Cases Pursuant to Local Rule 2081-2;
- (ii) Motion for Order Directing the Joint Administration of the Debtors' Chapter 11 Cases;
- (iii) Motion for Order (A) Authorizing the Debtors to Pay and Honor Certain Prepetition Wages, Benefits and other Compensation Obligations; and (B) Authorizing Financial Institutions to Honor and Process Checks and Transfers Related to Such Obligations;
- (iv) Motion for an Order, Pursuant to Sections 105(a) and 521 of the Bankruptcy Code and Bankruptcy Rule 1007, for Extension of Time to File Schedules and Statements of Financial Affairs;
- (v) Motion for Order Authorizing the Debtors to (I) Prepare a Consolidated List of Creditors in Lieu of a Mailing Matrix, (II) File a Consolidated List of the

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: Cafe Holdings Corp. (7910); Cafe Enterprises, Inc. (4946); CE Sportz LLC (2009); and CES Gastonia LLC (0863). The location of the Debtors' corporate headquarters is 4324 Wade Hampton Blvd., Suite B, Taylors, South Carolina 29687.

Thirty Largest Unsecured Creditors, (III) Mail Initial Notices, and (IV) Shorten the Mailing Matrix;

- (vi) Motion for Order (I) Authorizing the (A) Continued use of Debtors' Cash Management System and (B) Use of Existing Bank Accounts and Business Forms; (II) Authorizing Payments of Prepetition Costs and Fees Associated with Customer Credit and Debit Card Transactions; (III) Waiving the Requirements of Section 345(B) of the Bankruptcy Code on an Interim Basis; and (IV) Granting Certain Related Relief;
- (vii) Motion for Order (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Services, (II) Deeming Utility Providers Adequately Assured of Payment, (III) Establishing Procedures for Determining Additional Adequate Assurance of Payment, and (IV) Granting Related Relief;
- (viii) Motion for Order (I) Authorizing the Debtors (A) to Continue Insurance Programs and Surety Bond Program Entered into Prepetition and Satisfy Prepetition Obligations Related Thereto and (B) Renew, Supplement, or Purchase New Insurance Policies and (II) Granting Related Relief;
- (ix) Motion for Order (I) Authorizing Payment of Certain Prepetition Taxes and Fees and (II) Authorizing Financial Institutions to Process and Cash Related Checks and Transfers;
- (x) Motion for Order Authorizing Debtors to Honor Prepetition Obligations to Customers and Otherwise Continue Customer Programs in the Ordinary Course of Business and Granting Related Relief;
- (xi) Motion for Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims (A) Arising Under the Perishable Agricultural Commodities Act and Similar Trust Fund Statutes, (B) of Other Lien Claimants, and (C) of Certain Critical Vendors and (II) Granting Certain Related Relief;
- (xii) Motion for an Interim and Final Order Pursuant to 11 U.S.C. §§ 105, 361, 362, 363, 364, and 507 (I) Approving Post-petition Financing, (II) Authorizing Use of Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection, (V) Modifying the Automatic Stay, and (VI) Scheduling a Final Hearing; and
- (xiii) Application for Entry of an Order Authorizing the Debtors to Employ and Retain Donlin Recano as Claims and Noticing Agent, Effective *Nunc Pro Tunc* to the Petition Date.

It is by the United States Bankruptcy Court for the District of South Carolina,

ORDERED, that the Debtor's Motion for Emergency Hearing is GRANTED; and it is further

ORDERED, that this Court shall conduct a hearing on the Debtors' First Day Motions at the Donald S. Russell United States Bankruptcy Courthouse, 201 Magnolia Street, Spartanburg, South Carolina 29306, on November 19, 2018 at 1:00 p.m. Eastern Time (the "**First Day Hearing**"); and it is further

ORDERED, that any objection, return, or response to the Motions shall be in accordance with SC LBR 9014-1 and shall be served on Movant's proposed counsel, Haynes and Boone, LLP, Attn: Ian T. Peck, 2323 Victory Avenue, Suite 700, Dallas, Texas 75219 and McNair Law Firm, P.A., Attn: Michael H. Weaver, 1221 Main Street, Suite 1800, Columbia, South Carolina 29201, and filed with the Court on or before the hearings on November 19, 2018. A copy of the objection, return, or response must be provided to the courtroom deputy at least fifteen (15) minutes prior to the First Day Hearing; and it is further

ORDERED, that the Court shall hold a second hearing on December 5, 2018 at 9:30 a.m. Eastern Time at the J. Bratton Davis U.S. Bankruptcy Courthouse, 1100 Laurel Street, Columbia, South Carolina 29201 (the "**Second Hearing**"); and it is further

ORDERED, that counsel for the Debtors shall serve a copy of this Order and the First Day Motions on (i) the Office of the United States Trustee for the District of South Carolina; (ii) the Office of the United States Attorney General for the District of South Carolina; (iii) the Internal Revenue Service; (iv) Atalaya Administrative LLC, as first lien secured party; (v) Holland and Knight, as counsel to Atalaya Administrative LLC; (vi) Benefit Street Partners; (vii) Milestone Partners; (viii) Old Mill Stream, LLC; (ix) Triangle Mezzanine Fund LLLP; (x) the holders of the


30 largest unsecured claims against the Debtors on a consolidated basis; (xi) all parties who, as of the filing of this motion, have filed a notice of appearance and request for service of papers pursuant to Bankruptcy Rule 2002; and (xii) all applicable government agencies to the extent required by the Bankruptcy Rules and the Local Rules by hand delivery, facsimile, electronic mail (receipt confirmed) or overnight delivery, and shall make their best efforts to do so by 3:00 p.m. November 16, 2018. Thereafter, the Debtors shall file a certificate of service with this Court.

AND IT IS SO ORDERED.

**FILED BY THE COURT
11/16/2018**



Entered: 11/16/2018


US Bankruptcy Judge
District of South Carolina