

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Cafe Holdings Corp.,¹

Debtor(s).

C/A No. 18-05837-HB

Chapter 11
(Jointly Administered)

**ORDER SETTING HEARINGS ON
PROFESSIONAL RETENTION
APPLICATIONS**

THIS MATTER comes before the Court for consideration of the Debtors' Motion for Emergency Hearing² on Professional Retention Applications ("Retention Applications"), filed on December 4, 2018.³ All of the Retention Applications request *nunc pro tunc* approval for an array of professionals, and the pleadings include hundreds of pages. The Applicants and Movants seek to give little notice or time to respond.

These cases were filed on November 15, 2018. Schedules and Statements have not yet been filed. The first meeting of creditors pursuant to 11 U.S.C. § 341 will not be held until December 14, 2018. The unsecured creditors' committee was formed on November 28, 2018,⁴ and many creditors and parties in interest just recently received notice of the case and are in the process of obtaining counsel. Despite the early date in the case, Debtors have presented various matters to this Court at a rapid pace and the Court and parties in interest have responded accordingly, scheduling expedited hearings when warranted.

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.

² ECF No. 132.

³ ECF Nos. 126-131.

⁴ ECF No. 101.

The Retention Applications indicate professional relationships formed months before the bankruptcy case was filed. The reason given for the expedited processing and short notice of these requests is that rather than focusing on these Retention Applications, the parties used their time on first day motions. The Motion fails to state the harm that will occur if the matters are not processed at the speed suggested and fails to demonstrate why parties in interest should not be afforded a reasonable time to receive adequate notice of the matters in the Retention Applications, investigate the same, and adequately respond. After considering the matter, the Court finds that the interest of sufficient notice outweighs any need for such a short response time and quick hearing on the dates requested.⁵

After consulting the Court's calendar, and considering the other events of this case, **IT IS HEREBY ORDERED THAT:**

1. the Court shall conduct a hearing on the Retention Applications (as defined in the Motion) on **December 27, 2018 at 10:30 a.m.**⁶ at the **Donald Stuart Russell Federal Courthouse, 201 Magnolia Street, Spartanburg, SC 29306-2355;**
2. any objections to the Retention Applications must be filed and served on counsel for the Debtors no later than **12:00 p.m. on December 20, 2018;** and
3. counsel for the Debtors shall serve a copy of this Order and the Retention Applications in accordance with the *Order Authorizing the Debtors to (I) Prepare a Consolidated List of Creditors in Lieu of a Mailing Matrix, (II) File*

⁵ The Debtors requested parties respond to the Retention Applications by December 14, 2018, and a hearing be held on December 18, 2018.

⁶ Should the December 27, 2018 matters fail to conclude by the end of the business day, they will continue to December 28, 2018 as needed.

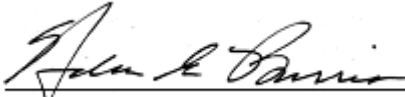
*a Consolidated List of the Thirty Largest Unsecured Creditors, (III) Mail Initial Notices, and (IV) Shorten the Mailing List*⁷ and use their best efforts to do so by hand delivery, facsimile, electronic mail (receipt confirmed) or overnight delivery by **11:00 p.m. on December 5, 2018.**

AND IT IS SO ORDERED.

**FILED BY THE COURT
12/05/2018**



Entered: 12/05/2018


US Bankruptcy Judge
District of South Carolina

⁷ ECF No. 57, entered Nov. 20, 2018.