

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

In re:

CAFE HOLDINGS CORP., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-05837 (hb)

(Jointly Administered)

**ORDER GRANTING EMERGENCY EX PARTE RELIEF
TO COMPEL WINDSTREAM TO COMPLY WITH UTILITY ORDERS AND
SCHEDULING HEARING TO REVIEW COMPLIANCE**

This matter comes before the Court upon the motion (the “**Motion**”)² of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”), for entry of an order compelling Windstream to comply with this Court’s prior orders regarding utility service found at dockets 81 and 165, previously served on Windstream, and demanding that Windstream be ordered to immediately comply and reinstate the Debtors’ utilities services. It appearing that the relief requested is in the best interests of the Debtors’ estates, their creditors and other parties in interest and sufficient notice of the Motion having been given under the circumstances; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of this proceeding and this Motion are properly in this district under 28 U.S.C. §§ 1408 and 1409; and after due deliberation and cause appearing therefore; and the Court having determined that the legal and factual bases set forth in the Motion have established just cause for the relief requested herein; and it appearing a hearing has previously been held in this matter resulting in the Utility Orders, and therefore no further hearing is necessary before the Court again orders Windstream to comply;

IT IS HEREBY ORDERED:

1. The Motion is **GRANTED**.
2. Windstream is hereby ordered to comply with the Court’s prior Utility Orders and is directed to immediately reinstate the Debtors’ utilities, with no additional deposits or adequate assurance of payment required of the Debtors.
3. A telephonic hearing is hereby scheduled before this Court for **Monday, December 10, 2018 at 12:30 p.m.** to review Windstream’s compliance with this Order and the prior Utility Orders, and

² 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.

to consider any failure to comply or further relief that may be necessary to persuade Windstream to comply, including consideration of any damages caused by any delay in failing to comply. Information necessary to participate in the hearing may be obtained by calling (864) 765-5436 and consulting with courtroom staff between the hours of 9:30 a.m. and 11:00 a.m. on Monday, December 10. Should Windstream comply to Debtors' satisfaction prior to the scheduled hearing, Debtors may report compliance to the Court and no hearing will be held.

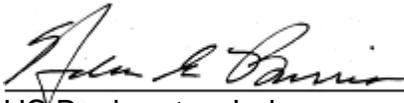
4. Notice and service of this Order is delegated to Debtors. The Order shall be served by electronic mail and facsimile (if possible), and U.S. Mail on Windstream, and Debtors shall make their best efforts to contact Windstream by telephone, on or before midnight on the date this order is signed.

5. This Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation of this Order.

AND IT IS SO ORDERED.

**FILED BY THE COURT
12/07/2018**




US Bankruptcy Judge
District of South Carolina