


Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
March 09, 2021

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

GUMP'S HOLDINGS, LLC

☐ Affects this Debtor.

☒ Affects all Debtors.

☐ Affects Gump's Corp.

☐ Affects Gump's By Mail, Inc.

Case No.: BK-18-14683-mkn
Chapter 11

Jointly administered with:

No. BK-18-14684-mkn (In re Gump's Corp.)
No. BK-18-14685-mkn (In re Gump's By Mail, Inc.)

Confirmation Hearing:
Date: April 29, 2021
Time: 1:30 p.m.

**ORDER PURSUANT TO 11 U.S.C. § 105(d)(2)(B) AND LR 3017(b):
(I) CONDITIONALLY APPROVING DISCLOSURE STATEMENT
CONCERNING THE DEBTORS' JOINT PLAN OF LIQUIDATION;
(II) PRESCRIBING NOTICE AND SOLICITATION PROCEDURES; AND
(III) SETTING COMBINED HEARING ON FINAL APPROVAL OF
DISCLOSURE STATEMENT AND CONFIRMATION OF THE PLAN**

On March 8, 2021, Gump's Holdings, LLC, Gump's Corp, and Gump's by Mail, Inc. (collectively, "Debtors"), filed their ex parte motion (the "Motion") for conditional approval of the *Disclosure Statement Concerning The Debtors' Joint Plan of Liquidation* (as Revied) [ECF No. 586] (the "Disclosure Statement"), and expedited procedures for confirmation of *Debtors' Joint Plan of Liquidation (as Revised)* (as it may be amended, supplemented, or modified, including all exhibits and schedules annexed thereto or referenced therein, the "Plan").¹

It appearing that the relief requested is in the best interests of Debtors' estates, their creditors and all other parties in interest; and the Bankruptcy Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper in this Bankruptcy Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Bankruptcy Court having reviewed and considered any other pleadings and evidence submitted in connection with the Motion; and it appearing that no other or further notice need be provided and no hearing need be held; and the Bankruptcy Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and good and sufficient cause appearing therefor,

IT IS HEREBY FOUND THAT:

A. No notice of the Motion is required, and no hearing need be held under the Bankruptcy Code and Bankruptcy Rules as modified by LR 3017.

B. The proposed Disclosure Statement contains adequate information pursuant to LR 3017.

C. The form of the proposed Ballot substantially conforms to Official Form No. 314.

D. The period set forth below during which Debtors may solicit acceptances or rejections of the Plan is a reasonable and adequate period of time for creditors to make an informed decision to accept or reject the Plan.

¹ All capitalized, undefined terms shall have the meanings ascribed to them in the Motion.

1 E. The procedures for the solicitation and tabulation of votes to accept or reject the
2 Plan (as more fully set forth in the Motion and below) provide for a fair and equitable voting
3 process and are consistent with Section 1126.

4 F. The Confirmation Hearing Notice conforms to the requirements of the Bankruptcy
5 Code and the Local Rules.

6 G. Service of the Confirmation Hearing Notice pursuant to the procedures set forth
7 below, providing notice to all creditors having filed a proof of claim or having been scheduled as
8 holding a liquidated, noncontingent, undisputed claim, and equity security holders of the time,
9 date, and place of the hearing to consider confirmation of the Plan (the “Confirmation Hearing”)
10 and the contents of the Solicitation Packages (as defined below), complies with Bankruptcy Rules
11 2002 and 3017 and constitute sufficient notice to all interested parties.

12 **NOW, THEREFORE, IT IS ORDERED THAT:**

13 1. The Motion is GRANTED.

14 2. The proposed Disclosure Statement is approved on a conditional basis pursuant to
15 Local Rule 3017 as containing adequate information.

16 3. The form of Confirmation Hearing Notice, attached to the Motion as **Exhibit 2**, is
17 approved. Notice of the Confirmation Hearing in the form of Confirmation Hearing Notice shall
18 be deemed good and sufficient notice of the Confirmation Hearing, and no further notice need be
19 given. Service of the Confirmation Notice in the manner described in the Motion constitutes good
20 and sufficient notice of the Confirmation Hearing, the Voting Deadline, and the procedures for
21 objecting to the adequacy of the Disclosure Statement and confirmation of the Plan.

22 4. The form of Notice of Non-Voting Status, attached to the Motion as **Exhibit 3**, is
23 approved.

24 5. The form of Ballot attached to the Motion as **Exhibits 4** is approved.

25 6. March 5, 2021 is the date established as the Record Date for purposes of this Order
26 and determining which creditors and equity security holders are entitled to vote on the Plan.

27 7. Debtors are authorized and directed to distribute the Solicitation Packages by no
28 later than March 15, 2021 (the “Solicitation Date”), as follows:

1 a. To the holders of claims and equity interests entitled to the vote on the Plan,
 2 Debtors shall distribute Solicitation Packages which contain (i) the Confirmation Hearing
 3 Notice, substantially in the form attached to the Motion as **Exhibit 2**; (ii) a Ballot; and
 4 (iii) a link to an electronic copy of the Disclosure Statement (together with the Plan
 5 attached thereto), and instructions on how to obtain a mailed copy of the Disclosure
 6 Statement and Plan .

7 b. To the holders of claims and equity interests who are either unimpaired, and
 8 therefore deemed to accept the Plan, or who are not to receive anything under the Plan and,
 9 therefore, are deemed to reject the Plan, and not entitled to vote, and to counterparties to
 10 Executory Contracts or Unexpired Leases not assumed or rejected as of the Record Date,
 11 Debtors shall distribute Solicitation Packages which contain (i) the Confirmation Hearing
 12 Notice; and (ii) the Notice of Non-Voting Status, substantially in the form attached as
 13 **Exhibit 3** to the Motion.

14 8. Such distribution shall constitute full compliance with Bankruptcy Rule 3017(d).
 15 All or any portion of the Solicitation Packages, in addition to the foregoing, may be delivered in
 16 electronic form on removable media, such as a USB drive.

17 9. With respect to addresses from which notices of commencement of the Chapter 11
 18 Cases have been returned by the United States Postal Service as undeliverable, Debtors are excused
 19 from distributing Solicitation Packages to persons or entities listed at such addresses unless
 20 Debtors receive written notice of accurate addresses for such entities, or accurate forwarding
 21 addresses from the United States Postal Service, before the Solicitation Date, and the failure to
 22 distribute Solicitation Packages to such entities will not constitute inadequate notice of the
 23 Confirmation Hearing, the Voting Deadline (as defined below), or violation of Bankruptcy Rule
 24 3017(d).

25 10. All Ballots must be properly executed, completed, and delivered to Donlin Recano
 26 & Company, in accordance with the instructions set forth in the Ballot so as to be actually received
 27 by no later than 5:00 p.m. (Eastern Time) on April 15, 2021 (the "Voting Deadline").
 28

1 11. The combined hearing on final approval of the conditionally approved Disclosure
2 Statement and confirmation of the Plan will be held on April 29, 2021, at 1:30 p.m. (Pacific Time);
3 *provided, however*, that the Confirmation Hearing may be adjourned from time to time by the
4 Bankruptcy Court or Debtors without further notice to parties other than an announcement in
5 Bankruptcy Court at the Confirmation Hearing or any adjourned subsequent Confirmation
6 Hearing, and the Plan may be modified pursuant to the Section 1127 prior to, during, or as a result
7 of the Confirmation Hearing, pursuant to the terms of the Plan.

8 12. Pursuant to LR 3017(c), creditors and parties in interest are advised that they may
9 object to the conditionally approved Disclosure Statement, notwithstanding the entry of this
10 Disclosure Statement Order, by the deadline set forth below.

11 13. Any response or objections to final approval of the Disclosure Statement and/or
12 confirmation of the Plan (an “Objection”) must: (i) be in writing; (ii) conform to the applicable
13 Bankruptcy Rules and Local Rules; and (iii) be filed with the Bankruptcy Court and served on
14 Debtors no later than April 15, 2021 at 5:00 p.m. Pacific Time. Objections not timely filed and
15 served in the manner set forth herein shall be deemed waived, not be considered, and shall be
16 overruled.

17 14. Any reply to an Objection must be filed with the Bankruptcy Court by no later than
18 April 22, 2021 at 5:00 p.m. Pacific Time.

19 15. The Ballot summary must be filed at least one (1) business day before the
20 Confirmation Hearing.

21 16. Debtors are authorized to take or refrain from taking any action necessary or
22 appropriate to implement the terms of and the relief granted in this Order without seeking further
23 order of the Bankruptcy Court.

24 17. Debtors are authorized to make non-substantive changes to the Disclosure
25 Statement, the Plan, and related documents including corrections to the Ballot without further order
26 of the Bankruptcy Court, including, without limitation, changes to correct typographical and
27 grammatical errors and to make conforming changes among the Disclosure Statement, the Plan,
28 and any other materials in the Solicitation Package prior to their distribution.

IT IS SO ORDERED.

Prepared and submitted by:

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By: /s/ William M. Noall

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