

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

HMI Liquidating Inc.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 17-10810 (LSS)

Re. Docket Nos. 161, 182

**ORDER AUTHORIZING THE REJECTION OF  
NON-RESIDENTIAL LEASE *NUNC PRO TUNC* TO  
THE EFFECTIVE REJECTION DATE AND ABANDONMENT  
OF ANY PERSONAL PROPERTY LOCATED AT SUCH PREMISES;  
AND (B) FIXING A BAR DATE FOR CLAIMS OF COUNTERPARTY**

This matter coming before the Court on the *Motion Pursuant to Section 365(a) of the Bankruptcy Code for an Order: (A) Authorizing the Rejection of Non-Residential Lease Nunc Pro Tunc to the Effective Rejection Date and Abandonment of any Personal Property Located at Such Premises; and (B) Fixing a Bar Date for Claims of Counterparty* (the “**Motion**”);<sup>2</sup> and the Court having reviewed the Motion; and it appearing that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 and 157, and the *Amended Standing Order of Reference* dated February 29, 2012, from the United States District Court for the District of Delaware, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and the Court may enter a final order consistent with Article III of the United States Constitution, and (c) notice of the Motion was sufficient under the circumstances and no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon the record of this chapter 11 case; and after due deliberation and sufficient cause appearing therefor,

<sup>1</sup> The last four digits of the Debtor’s federal tax identification number are 8422. The Debtor’s address is 131 Sand Creek Road, Suite B, Brentwood, CA 94513.

<sup>2</sup> Unless otherwise noted, capitalized terms used herein shall have the meanings ascribed to them in the Motion.

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The Lease is deemed rejected effective as of the Rejection Effective Date identified on Exhibit A annexed to the Motion.
3. The Debtor is hereby authorized to abandon any Remaining Personal Property at the Leased Premises as of the date of this Order.
4. The Debtor will serve this Order on the Landlord within three (3) business days after entry of this Order.
5. Thirty (30) days after the entry of this Order is hereby fixed as the Bar Date by which the Landlord must file a claim under section 502 of the Bankruptcy Code or other claims in connection with the Lease or the rejection, breach, or termination of the Lease, failing which such claim shall be forever barred.
6. The Debtor reserves all rights to contest any such rejection damage claim and to contest the characterization of the Lease, as executory or not, a “true” contract or not, and to contest whether the Lease may have terminated prior to the Rejection Effective Date, or otherwise.
7. The Debtor does not waive any claims that it may have against the Landlord, whether or not such claims are related to the Lease.
8. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

9. Notwithstanding the possible applicability of Bankruptcy Rules 6004(h), 7062, or 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

Dated: August 22, 2017  
Wilmington, Delaware



THE HONORABLE  
LAURIE SELBER SILVERSTEIN  
UNITED STATES BANKRUPTCY JUDGE