

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

HMI Liquidating Inc.,¹

Debtor.

Chapter 11

Case No. 17-10810 (LSS)

Re: Docket Nos. 251 and 252

**CERTIFICATION OF COUNSEL REGARDING PROPOSED FORM OF ORDER
GRANTING DEBTOR'S MOTION FOR AN ORDER FURTHER EXTENDING THE
EXCLUSIVE PERIODS DURING WHICH DEBTOR MAY FILE AND SOLICIT
ACCEPTANCES OF A PLAN PURSUANT TO 11 U.S.C. § 1121(d)**

The undersigned certifies as follows:

1. On June 8, 2018, the above-captioned debtor (the "Debtor") filed the *Debtor's Motion for an Order Further Extending the Exclusive Periods During Which Debtor May File and Solicit Acceptances Of A Plan Pursuant to 11 U.S.C. § 1121(d)* [D.I. 251] (the "Motion").

2. On June 14, 2018, the United States Trustee (the "U.S. Trustee") filed the Objection of the United States Trustee to the Debtor's Motion for an *Order Further Extending the Exclusive Periods During Which the Debtor May File and Solicit Acceptances Of A Plan Pursuant to 11 U.S.C. § 1121(d) and Cross-Motion for Convert the Chapter 11 Case to A Chapter 7 Case* [D.I. 252] (the "U.S. Trustee Objection").

3. The Debtor and the U.S. Trustee have resolved the issues listed in the U.S. Trustee's Objection.

4. Attached hereto as Exhibit A is a revised proposed form of Order (the "Proposed Order") incorporating comments from the U.S. Trustee.

¹ The last four digits of the Debtor's federal tax identification number are 8422.

5. Attached hereto as **Exhibit B** is a blackline marked to show changes from the proposed form of order filed with the Motion and the Proposed Order.

6. The U.S. Trustee has reviewed the Proposed Order and consents to entry of the Proposed Order by the Court.

7. Accordingly, the Debtor respectfully submits that the Court may consider and enter the Proposed Order attached hereto as **Exhibit A** at the Court's earliest convenience, without the need for any further notice or hearing.

Dated: July 17, 2018
Wilmington, Delaware

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

/s/ Steven K. Kortanek

Steven K. Kortanek (Del. Bar No. 3106)

Patrick A. Jackson (Del. Bar No. 4976)

Joseph N. Argentina, Jr. (Del. Bar No. 5453)

222 Delaware Ave., Suite 1410

Wilmington, DE 19801-1621

Telephone: (302) 467-4200

Facsimile: (302) 467-4201

Steven.Kortanek@dbr.com

Patrick.Jackson@dbr.com

Joseph.Argentina@dbr.com

Counsel for the Debtor and Debtor in Possession

Exhibit A

Proposed Final Order

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

HMI Liquidating Inc.,¹

Debtor.

Chapter 11

Case No. 17-10810 (LSS)

Re. Docket Nos 251 and 252

**ORDER GRANTING DEBTOR’S MOTION FOR AN ORDER FURTHER EXTENDING
THE EXCLUSIVE PERIODS DURING WHICH DEBTOR MAY FILE AND SOLICIT
ACCEPTANCES OF A PLAN PURSUANT TO 11 U.S.C. § 1121(d)**

Upon the Debtor’s Motion for an Order Extending the Exclusive Periods During Which Debtor May File and Solicit Acceptances of a Plan Pursuant to 11 U.S.C. § 1121(d) (the “Motion”, D.I. 251);² and the 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 requested relief therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided under the circumstances, and it appearing that no other or further notice need be provided; and the parties having resolved the U.S. Trustee’s response to the motion (D.I. 252); and the Court having determined that the relief sought in the Motion is in the best interests of the Debtor, its creditors and all parties-in-interest; 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 all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is hereby ordered that:

¹ The last four digits of the Debtor’s federal tax identification number are 8422.

² Capitalized terms not herein defined shall have the same meaning ascribed to them in the Motion.

1. The Motion is granted as set forth herein.
2. The Plan Period is hereby extended through and including August 7, 2018, and the Solicitation Period is hereby extended through and including October 5, 2018.
3. Nothing herein shall be construed to limit the Debtor's right to seek further extensions of time under 11 U.S.C. § 1121.
4. The Debtor shall file and serve all of the monthly operating reports due for May 2017 through April 2018 and pay all fees pursuant to 28 U.S.C. § 1930(a)(6) based on such reports no later than July 27, 2018. Thereafter the Debtor shall file and serve the monthly operating reports for May 2018, June 2018 and July 2018 on or before August 31, 2018. If any of the foregoing steps are not taken and the deadlines not met, the U.S. Trustee may file a certification to that effect, whereupon the Court may take such action as the Court deems appropriate, including conversion of the case to a chapter 7 case.
5. The Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation of this Order.

Dated: July ___, 2018

THE HONORABLE
LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE

Exhibit B

Blackline

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:

HMI Liquidating Inc.,¹

Debtor.

Chapter 11

Case No. 17-10810 (LSS)

Re. Docket Nos. ~~251~~ 251 and 252

**ORDER GRANTING DEBTOR'S MOTION FOR AN ORDER FURTHER EXTENDING
THE EXCLUSIVE PERIODS DURING WHICH DEBTOR MAY FILE AND SOLICIT
ACCEPTANCES OF A PLAN PURSUANT TO 11 U.S.C. § 1121(d)**

Upon the Debtor's Motion for an Order Extending the Exclusive Periods During Which Debtor May File and Solicit Acceptances of a Plan Pursuant to 11 U.S.C. § 1121(d) (the "Motion", D.I. 251);² and the 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 requested relief therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided under the circumstances, and it appearing that no other or further notice need be provided; and the parties having resolved the U.S. Trustee's response to the motion (D.I. 252); and the Court having determined that the relief sought in the Motion is in the best interests of the Debtor, its creditors and all parties-in-interest; 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 all of the proceedings had before the Court and after due

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² Capitalized terms not herein defined shall have the same meaning ascribed to them in the Motion.

deliberation and sufficient cause appearing therefor, it is hereby ordered that:

1. The Motion is granted as set forth herein.

2. The Plan Period is hereby extended through and including August 7, 2018, and the Solicitation Period is hereby extended through and including October 5, 2018.

3. Nothing herein shall be construed to limit the Debtor's right to seek further extensions of time under 11 U.S.C. § 1121.

4. The Debtor shall file and serve all of the monthly operating reports due for May 2017 through April 2018 and pay all fees pursuant to 28 U.S.C. § 1930(a)(6) based on such reports no later than July 27, 2018. Thereafter the Debtor shall file and serve the monthly operating reports for May 2018, June 2018 and July 2018 on or before August 31, 2018. If any of the foregoing steps are not taken and the deadlines not met, the U.S. Trustee may file a certification to that effect, whereupon the Court may take such action as the Court deems appropriate, including conversion of the case to a chapter 7 case.

5. ~~4.~~The Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation of this Order.

Dated: July ____, 2018

THE HONORABLE
LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE

Summary report:	
Litéra® Change-Pro TDC 10.0.0.20 Document comparison done on 7/16/2018 3:55:48 PM	
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<u>Move To</u>	0
<u>Table Insert</u>	1
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	14