

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re: : Chapter 11
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THE WET SEAL, LLC, *et al.*, : Case No. 17-10229 (CSS)
: :
Debtors.¹ : (Jointly Administered)
: :
: Ref. Docket No. 7
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**ORDER AUTHORIZING PAYMENT OF CERTAIN PREPETITION
SHIPPING, DELIVERY AND CUSTOMS CHARGES**

Upon the motion (the "Motion")² of the Debtors for entry of an order, pursuant to sections 105(a) and 363(b) of the Bankruptcy Code and Bankruptcy Rules 6003 and 6004 (i) authorizing, but not directing, the Debtors to pay the Transporter Claims, (ii) authorizing the Banks to receive, process, honor, and pay all checks and electronic funds transfers related thereto, and (iii) granting related relief; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 1334 and 157, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated February 29, 2012; and it appearing that the Motion is a core matter pursuant to 28 U.S.C. § 157(b)(2) and that this Court may enter a final order consistent with Article III of the United States Constitution; and it appearing that venue of these Chapter 11 Cases and of the Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that due and adequate notice of the Motion has been given under the circumstances, and that no other or further notice need be given; and it appearing that the relief requested in the Motion is in the best interests of the Debtors' estates,

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: The Wet Seal, LLC (2741); The Wet Seal Gift Card, LLC (3286); Mador Financing, LLC (1377). The Debtors' corporate headquarters is located at 7555 Irvine Center Drive, Irvine, California 92618.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion or in the First Day Declaration, as applicable.

their creditors, and other parties in interest; and after due deliberation, and good and sufficient cause appearing therefor, it is hereby

ORDERED THAT:

1. The Motion is GRANTED, as set forth herein.
2. The Debtors are authorized, but not directed, to pay the Transporter Claims in the ordinary course of the Debtors' business up to an aggregate amount of \$650,000 relating to undisputed prepetition claims that the Debtors, in their business judgment, determine are necessary and appropriate.
3. The Banks are authorized, at the Debtors' request, to receive, honor, process, and pay any and all checks and electronic transfers related to the Transporter Claims, whether presented before or after the Petition Date, provided that there are sufficient good funds standing to the Debtors' credit in the applicable accounts to cover such payments.
4. The Debtors shall be and hereby are authorized to issue in their sole discretion new postpetition checks or effect new postpetition fund transfers to pay the Transporter Claims to replace any prepetition check or fund transfer requests that may be dishonored or rejected.
5. Nothing in the Motion or this Order shall impair the Debtors' or any other party's ability to contest, without prejudice, in each party's sole discretion, the validity and amounts of the Transporter Claims.
6. Nothing in the Motion or this Order provides or shall be deemed to provide that any lien (contractual, common law, statutory, or otherwise) securing a claim that is paid pursuant to this Order constitutes a valid enforceable lien, and the Debtors reserve all rights to contest the extent, validity, perfection, or possible avoidance of any such liens, and to recoup

for the Debtors' estates any amounts paid on account of the Transporter Claims to the extent the validity or perfection of such liens are later successfully contested or such liens are later avoided.

7. Nothing herein shall be deemed to constitute the postpetition assumption of any executory contract between the Debtors and any holder of a Transporter Claim.

8. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

9. Bankruptcy Rule 6003(b) has been satisfied because the relief requested in the Motion is necessary to avoid immediate and irreparable harm to the Debtors. The requirements of Bankruptcy Rule 6004(a) are waived.

10. Notwithstanding any provision in the Bankruptcy Rules to the contrary: (i) this Order shall be effective immediately and enforceable upon its entry; (ii) the Debtors are not subject to any stay in the implementation, enforcement, or realization of the relief granted in this order; and (iii) the Debtors are authorized and empowered, and may in their discretion and without further delay, take any action necessary or appropriate to implement this Order.

11. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: February 3, 2017
Wilmington, Delaware



CHRISTOPHER S. SONTCHI
UNITED STATES BANKRUPTCY JUDGE