

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re: § Chapter 11
§
A’GACI, L.L.C., § Case No. 18-50049-rbk-11
§
Debtor. §

**AGENDA
OF MATTERS SCHEDULED FOR HEARING
January 25, 2018**

Matters Set for 2:00 p.m.

UNCONTESTED MATTERS

A. CASH COLLATERAL MOTION

Debtor’s Emergency Motion for an Order Authorizing Use of Cash Collateral and Granting Adequate Protection [Docket No. 4]

Response Deadline: Prior to hearing

Status: **Going forward with interim relief.** At the request of the Office of the United States Trustee, the Debtor agreed to proceed with the requested relief on an interim basis only and request that the Court set a final hearing on this matter on February 6, 2018 at 1:30 p.m.

Related Matters:

1. Attorney Checklist Concerning Motions and Orders Pertaining to Use of Cash Collateral and Post-Petition Financing [Docket No. 4]
2. Bank of America, N.A.’s Objection to Debtor’s Emergency Motion for an Order Authorizing Use of Cash Collateral and Granting Adequate Protection [Docket No. 35]
3. Interim Order Authorizing Use of Cash Collateral and Granting Adequate Protection [Docket No. 53]
4. Debtor’s Witness and Exhibit List for January 25, 2018 Hearing [Docket No. 87]

B. UTILITIES MOTION

Debtor’s Emergency Motion for an Order Under 11 U.S.C. §§ 105(a) and 366 (I) Prohibiting Utility Companies From Altering or Discontinuing Service on



Account of Prepetition Invoices, (II) Approving Deposit Account as Adequate Assurance of Payment, and (III) Establishing Procedures for Resolving Requests by Utility Companies for Additional Adequate Assurance of Payment [Docket No. 13]

Response Deadline: Prior to hearing

Status: **Order deemed final based on lack of objection.** No further consideration is required from the Court. Pursuant to paragraph 6 of the Utilities Order (defined below), as a result of no objections to the Utilities Order being timely filed in accordance with the terms of the Utilities Order, the Utilities Order became immediately effective as a final order without the need for further notice or hearing.

Related Matters:

1. Order Granting Debtor's Emergency Motion for an Order Under 11 U.S.C. §§ 105(a) and 366 (I) Prohibiting Utility Companies From Altering or Discontinuing Service on Account of Prepetition Invoices, (II) Approving Deposit Account as Adequate Assurance of Payment, and (III) Establishing Procedures for Resolving Requests by Utility Companies for Additional Adequate Assurance of Payment [Docket No. 51] (the "Utilities Order")
2. Debtor's Witness and Exhibit List for January 25, 2018 Hearing [Docket No. 87]

M. GOB SALE MOTION

Debtor's Emergency Motion for Entry of Interim and Final Orders (i) Authorizing the Debtor to Assume the Consulting Agreement; (ii) Approving the Sale Guidelines; (iii) Approving the Sale of Store Closure Assets Free and Clear of All Liens, Claims and Encumbrances; (iv) Waiving Compliance with Applicable State Laws and Approving Dispute Resolution Procedures; (v) Approving Procedures to Conduct Sales in Additional Closing Stores; and (vi) Granting Related Relief [Docket No. 17]

Response Deadline: Prior to hearing

Status: **Going forward.** Counsel for the Tax Authorities (defined below) and counsel for the Texas Ad Valorem Taxing Jurisdictions (defined below) have agreed to address the issues set forth in their respective objections at the hearing to consider the Debtor's Emergency Motion for an Order Authorizing Use of Cash Collateral and Granting Adequate Protection [Docket No. 4] on a final basis.

Related Matters:

1. Interim Order Granting the Debtor's Emergency Motion for Entry of Interim and Final Orders (i) Authorizing the Debtor to Assume the Consulting Agreement; (ii) Approving the Sale Guidelines; (iii) Approving the Sale of Store Closure Assets Free and Clear of All Liens, Claims and Encumbrances; (iv) Waiving Compliance with Applicable State Laws and Approving Dispute Resolution Procedures; (v) Approving Procedures to Conduct Sales in Additional Closing Stores; and (vi) Granting Related Relief [Docket No. 56]

2. Objection to Interim Order Granting the Debtor's Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtor to Assume the Consulting Agreement; (II) Approving Procedures for Store Closing Sales; (III) Approving the Sale of Store Closure Assets Free and Clear of All Liens, Claims and Encumbrances; (IV) Waiving Compliance with Applicable State Laws and Approving Dispute Resolution Procedures; (V) Approving Procedures to Conduct Sales in Additional Closing Stores; and (VI) Granting Related Relief [Docket No. 94] (the "Texas Ad Valorem Taxing Jurisdictions Objection") filed by Lee Gordon on behalf of Williamson County, Bell County Tax Appraisal District, Midland Central Appraisal District, and Hays County ("Texas Ad Valorem Taxing Jurisdictions")

3. Bexar County, Cypress Fairbanks ISD, Dallas County, City of Eagle Pass, Eagle Pass ISD, City of El Paso, Fort Bend County, Harris County and Tarrant County's Objection to the Debtor's Interim Order, Pursuant to Bankruptcy Code Sections 105(A), 363 and 365 and Bankruptcy Rules 2002, 6004 and 6006, for Entry of Interim Order Granting the Debtor's Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtor to Assume the Consulting Agreement; (II) Approving Procedures for Store Closing Sales; (III) Approving the Sale of Store Closure Assets Free and Clear of All Liens, Claims and Encumbrances; (IV) Waiving Compliance with Applicable State Laws and Approving Dispute Resolution Procedures; (V) Approving Procedures to Conduct Sales in Additional Closing Stores; and (VI) Granting Related Relief [Docket No. 97] (the "Tax Authorities Objection") filed by Donald P. Stecker on behalf of City of El Paso, Eagle Pass ISD, City of Eagle Pass, Bexar County, Cypress-Fairbanks ISD, Dallas County, Fort Bend County, Harris County, Tarrant County (the "Tax Authorities")

4. Declaration of MacKenzie Shea in Support of Debtor's Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtor to Assume the Consulting Agreement; (II) Approving the Sale Guidelines; (III) Approving the Sale of Store Closure Assets Free and Clear of All Liens, Claims and Encumbrances; (IV) Waiving Compliance with Applicable State Laws and Approving Dispute Resolution Procedures; (V) Approving Procedures to Conduct

Sales in Additional Closing Stores; and (VI) Granting Related Relief [Docket No. 99]

5. Notice of Withdrawal of Bexar County, Cypress Fairbanks ISD, Dallas County, City of Eagle Pass, Eagle Pass ISD, City of El Paso, Fort Bend County, Harris County and Tarrant County's Objection to the Debtor's Interim Order, Pursuant to Bankruptcy Code Sections 105(A), 363 and 365 and Bankruptcy Rules 2002, 6004 and 6006, for Entry of Interim Order Granting the Debtor's Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Debtor to Assume the Consulting Agreement; (II) Approving Procedures for Store Closing Sales; (III) Approving the Sale of Store Closure Assets Free and Clear of All Liens, Claims and Encumbrances; (IV) Waiving Compliance with Applicable State Laws and Approving Dispute Resolution Procedures; (V) Approving Procedures to Conduct Sales in Additional Closing Stores; and (VI) Granting Related Relief [Docket No. 100] (the "Withdrawal Notice")

6. Debtor's Witness and Exhibit List for January 25, 2018 Hearing [Docket No. 87]

RESPECTFULLY SUBMITTED this 24th day of January, 2018.

HAYNES AND BOONE, LLP

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