

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

BLITZ U.S.A, Inc., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 11-13603 (CTG)

Jointly Administered

Obj. Deadline: April 3, 2023, at 4:00 p.m. (ET)  
Hearing Date: April 10, 2023, at 10:00 a.m. (ET)

**MOTION OF THE LIQUIDATING TRUSTEE FOR ENTRY OF AN ORDER  
(I) CLOSING THE CHAPTER 11 CASES, (II) DIRECTING ENTRY OF A FINAL  
DECREE, AND (III) GRANTING RELATED RELIEF**

The Blitz Liquidating Trustee<sup>2</sup> (the “Liquidating Trustee”) appointed in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), by and through the Liquidating Trustee’s undersigned counsel, hereby submits this motion (the “Motion”) for entry of an order, pursuant to sections 105(a), 350(a), and 554 of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 3022 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rules 2002-1(f) and 3022-1 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), substantially in the form of the proposed order attached hereto as **Exhibit A** (the “Proposed Order”), (i) closing the open Chapter 11 Cases of Debtors Blitz U.S.A., Inc. (Case No. 11-13603), MiamiOK LLC (Case No. 11-13604), Blitz Acquisition, LLC (Case No. 11-13606) and Blitz RE Holdings, LLC (Case No. 11-13607) (collectively, the “Remaining Chapter 11 Cases”),<sup>3</sup> (ii) directing the entry of a final

<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, include: LAM 2011 Holdings, Inc. (8742); Blitz Acquisition Holdings, Inc. (8825); Blitz Acquisition, LLC (8979); Blitz RE Holdings, LLC (8742); Blitz U.S.A., Inc. (8104); and MiamiOK LLC (2604).

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Plan (defined herein) and/or Confirmation Order (defined herein).

<sup>3</sup> On December 5, 2014, the Court entered a final decree and order closing the Chapter 11 Cases of Blitz Acquisition Holdings, Inc. (Case No. 11-13602) and LAM 2011 Holdings, Inc. (Case No. 11-13605). This Motion seeks closure of the four Remaining Chapter 11 Cases.



decree, and (iii) granting related relief. In support of this Motion, the Liquidating Trustee respectfully states as follows:

**JURISDICTION, VENUE, AND STATUTORY PREDICATES**

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, Article XIII of the Plan (defined below), and paragraph 35 of the Confirmation Order (defined below). Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. The statutory predicates for the relief sought herein are sections 105(a), 350(a), and 554 of the Bankruptcy Code, Bankruptcy Rule 3022, and Local Rules 2002-1(f) and 3022-1.

3. The Liquidating Trustee consents to the entry of a final order on this Motion to the extent that it is determined that, consistent with Article III of the United States Constitution, such consent is required for the Court to enter such a final order.

**RELEVANT BACKGROUND**

4. On November 9, 2011 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the District of Delaware (the “Court”), thereby commencing the above-captioned Chapter 11 Cases. The Chapter 11 Cases are jointly administered under Case No. 11-13603.

5. Background regarding the Chapter 11 Cases is set forth in, *inter alia*, the Disclosure Statement (defined below) and the *Declaration of Rocky Flick, President and Chief Executive Officer of Blitz U.S.A., Inc. in Support of Debtors’ Chapter 11 Petitions and First Day Motions* (the “Flick Declaration”) [Docket No. 13], which background is incorporated herein by reference. Certain information regarding the Chapter 11 Cases is available on the website of Kurtzman Carson Consultants LLC (the “Claims Agent”), the claims and noticing agent retained in these Chapter 11 Cases pursuant to an order entered by the Court on November 10, 2011 (the “Claims Agent Retention Order”).

6. As set forth in the Flick Declaration and various other pleadings filed in the Chapter 11 Cases, the Debtors filed these Chapter 11 Cases in search of a unified process and forum to

resolve personal injury litigations arising from the sale of consumer gas cans. Ultimately, due to the Debtors' inability to renew their liability insurance policies and other issues, the Debtors ceased operations as of July 31, 2012 and proceeded to sell all of their remaining operating assets pursuant to an order dated September 11, 2012 [Docket No. 758].

7. On November 12, 2013, the Debtors filed the *Debtors' and Official Committee of Unsecured Creditors' Joint Plan of Liquidation* [Docket No. 1921] (as amended, the "Plan") and an accompanying Disclosure Statement [Docket No. 1922] (as amended, the "Disclosure Statement").

8. On December 18, 2013, this Court entered an order [Docket No. 2005] approving the adequacy of the Disclosure Statement and the procedures for solicitation of the Plan.

9. On December 19, 2013, the Debtors filed the first amended Plan and accompanying Disclosure Statement [Docket Nos. 2007 and 2008, respectively], which were utilized for purposes of the Debtors' solicitation process.

10. The Plan provided for the resolution of personal injury claims by channeling such claims into a personal injury trust, the Blitz Personal Injury Trust, which was funded by an Insurance Settlement Payment contributed by certain Participating Insurers and Wal-Mart Stores, Inc. ("Wal-Mart") (which was the Debtors' largest customer and had been named in many of the lawsuits asserted against the Debtors) and an assignment of the Debtors' rights under its insurance policies with any Non-Participating Insurers.

11. With respect to all other claims against the Debtors' estate, the Plan (i) appointed the BAH Plan Administrator for the purposes of reconciling claims against and administering the Chapter 11 Cases of the BAH Debtors<sup>4</sup> (which Chapter 11 Cases have since been closed, as noted above), and (ii) established the Blitz Liquidating Trust for the purpose of reconciling claims against and liquidating the assets of the Debtors in the Remaining Chapter 11 Cases. Pursuant to the

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<sup>4</sup> The BAH Debtors, as defined in the Plan, are Blitz Acquisition Holdings, Inc. and LAM 2011 Holdings, LLC.

section 5.13 of the Plan, the Blitz Liquidating Trust was to be dissolved five (5) years after the effective date of the Plan (the “Trust Dissolution Date”).

12. On January 30, 2014, the Plan was confirmed by entry of the Court’s *Findings of Fact, Conclusions of Law and Order Confirming Debtors’ and Official Committee of Unsecured Creditors’ First Amended Joint Plan of Liquidation* [Docket No. 2152] (the “Confirmation Order”). Pursuant to the Plan and Confirmation Order, the effective date of the Plan occurred on March 20, 2014 (the “Effective Date”). See Notice of Effective Date filed on March 20, 2014 [Docket No. 2224]. In order to resolve a dispute that arose at the confirmation hearing regarding custody of the Debtors’ books and records, the Confirmation Order provided that the Liquidating Trustee would serve as custodian of certain of the Debtors’ books and records (the “Books and Records”) post-confirmation, and that Wal-Mart would reimburse the Liquidating Trustee for the costs and expenses of preserving the Books and Records.

13. As set forth in previous pleadings filed over the years—particularly, the Liquidating Trustee’s motions to extend the Trust Dissolution Date filed on February 23, 2022 [Docket No. 2537], March 4, 2021 [Docket No. 2515], March 2, 2020 [Docket No. 2500], and March 19, 2019 [Docket No. 2486]—the Blitz Liquidating Trust, by and through the Liquidating Trustee, has carried out its primary purpose of liquidating and distributing the assets transferred to it under the Plan.

14. However, out of an abundance of caution, with Wal-Mart’s agreement, the Liquidating Trustee has sought and obtained extensions of the Trust Dissolution Date in order to ensure the complete distribution of the Blitz Liquidating Trust Assets and continue to preserve certain of the Books and Records for the benefit of potential plaintiffs and defendants in any potential future lawsuits involving the Debtors’ products. The most recent order extending the term of the Blitz Liquidating Trust, which was entered on March 11, 2022 [Docket No. 2539],

provided that, absent any further extensions, the term of the Blitz Liquidating Trust shall expire on or about March 20, 2023.<sup>5</sup>

15. At this time, after consulting with Wal-Mart, the Liquidating Trustee believes it is appropriate to close the Remaining Chapter 11 Cases and to not incur any further administrative costs to maintain the Books and Records. The Plan has been substantially consummated and the Chapter 11 Cases have been fully administered; there are no remaining tasks that need to be completed under the Plan for which Court oversight is still necessary. No party in interest has requested access to the Books and Records for more than three years, and the Liquidating Trustee has not required in depth access for a similar period.

16. As of the date hereof, there is approximately \$800,000.00 remaining in the Blitz Liquidating Trust. The Liquidating Trustee anticipates utilizing these funds to pay ongoing and accrued and unpaid fees and expenses incurred by the Liquidating Trust, including, for example, the fees and expenses of the Liquidating Trustee and his professionals, quarterly fees owing to the Office of the United States Trustee (with respect to which the Liquidating Trustee is presently current, but will owe additional fees for the first quarter of 2023), and the expenses associated with any final administrative tasks and the wind-down of the Blitz Liquidating Trust (including, among other things, the expenses associated with the abandonment and/or destruction of the Books and Records). The balance of the Blitz Liquidating Trust (net of fees and expenses) shall be distributed to creditors pursuant to the Plan.

17. Thus, the Liquidating Trustee requests that the Court issue a final decree closing the Remaining Chapter 11 Cases and, among other things, authorize the Liquidating Trustee (and/or the Liquidating Trustee's employees and professionals) to abandon and/or destroy any Books and Records in the possession of the Blitz Liquidating Trust.

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<sup>5</sup> In light of the filing of this Motion, the Liquidating Trustee does not intend to file a motion to further extend the term of the Blitz Liquidating Trust. The Liquidating Trustee reserves the right to file a motion to further extend in the event this Motion is not granted.

### **RELIEF REQUESTED**

18. By this Motion, the Liquidating Trustee seeks entry of an order (i) closing the Chapter 11 Cases, (ii) directing the entry of a final decree, and (iii) granting certain related relief, including the relief described below. Particularly, the Liquidating Trustee requests that in connection with the closure of and entry of a final decree in the Chapter 11 Cases, the Court authorize, among other things, the abandonment and/or destruction of Books and Records and the termination of the Claims Agent's services.

### **BASIS FOR REQUESTED RELIEF**

#### **I. Entry of Final Decree**

19. Section 350(a) of the Bankruptcy Code provides that “[a]fter an estate is fully administered and the court has discharged the trustee, the court shall close the case.” Bankruptcy Rule 3022, which implements section 350(a) of the Bankruptcy Code, further provides that “[a]fter an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” Finally, pursuant to Local Rule 3022-1(a), “[u]pon written motion, a party in interest may seek the entry of a final decree at any time after the confirmed plan has been fully administered provided that all required fees due under 28 U.S.C. § 1930 have been paid.” Del. Bankr. L.R. 3022-1(a).

20. The term “fully administered” is not defined by either the Bankruptcy Code or the Bankruptcy Rules. Bankruptcy courts in the Third Circuit have held that “[f]ull administration occurs for purposes of § 350(a) when all property of the estate has been distributed and creditors have been paid.” *In re Guterl Special Steel Corp.*, 316 B.R. 843, 861 (Bankr. W.D. Pa. 2004). Courts have also held that a debtor's estate is fully administered when the remaining tasks to be carried out in closing the case are ministerial in nature. *Id.* at 861-62.

21. The Advisory Committee Note (1991) to Bankruptcy Rule 3022 (the “Advisory Note”) comments that “[e]ntry of a final decree closing a chapter 11 case should not be delayed solely because the payments required by the plan have not been completed.” The Advisory Note

further sets forth certain factors that the court should consider when evaluating whether a case has been fully administered. These factors are as follows:

- (1) whether the order confirming the plan has become final;
- (2) whether deposits required by the plan have been distributed;
- (3) whether the property proposed by the plan to be transferred has been transferred;
- (4) whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- (5) whether payments under the plan have commenced; and
- (6) whether all motions, contested matters and adversary proceedings have been finally resolved.

Fed. R. Bankr. P. 3022; Advisory Committee Note (1991).

22. The enumerated factors are intended to serve as a guide to assist in the determination of whether to close a case and satisfaction of all factors is not required as a prerequisite to the closure of a case. *See Walnut Assocs. v. Saidel*, 164 B.R. 487, 493 (E.D. Pa. 1994); *In re Mold Makers*, 124 B.R. 766, 768 (Bankr. N.D. Ill. 1990). In addition to the factors identified by the Advisory Committee, courts will also consider whether the plan has been substantially consummated in order to determine whether a final decree may be entered. *In re BankEast Corporation*, 132 B.R. 665, 668 (Bankr. N.H. 1991); *In re Consolidated Pioneer Mortgage Entities*, 248 B.R. 368, 379 (9th Cir. BAP 2000) (stating that entry of a final decree would be appropriate if a plan were substantially consummated). Section 1101(2) of the Bankruptcy Code defines substantial consummation as follows:

- (i) transfer of all or substantially all of the property proposed by the plan to be transferred;
- (ii) assumption by the debtor or by the successor to the debtor under the plan of the business or of the management of all or substantially all of the property dealt with by the plan; and
- (iii) commencement of distribution under the plan.

U.S.C. § 1101(2).

23. Here, the Remaining Chapter 11 Cases have been substantially consummated and fully administered under all of the foregoing standards. All property to be transferred under the Plan has been transferred, the Liquidating Trustee has reconciled all of the claims asserted in and administered all distributions and property associated with the Chapter 11 Cases, and there are no further disputed claims, contested matters, or any other proceedings that require the Court's consideration or oversight. Quite simply, the Remaining Chapter 11 Cases have been left open beyond the contemplated Trust Dissolution Date (which was initially set to occur in March of 2019) out of an abundance of caution merely to preserve the Debtors' Books and Records, and there is no further need to continue to proceed with such caution.

24. The Liquidating Trustee is current on all quarterly fees due to the United States Trustee under 28 U.S.C. § 1930 ("U.S. Trustee Quarterly Fees") that have come due as of the date hereof. In connection with the closing of the Remaining Chapter 11 Cases, the Liquidating Trustee will pay any U.S. Trustee Quarterly Fees due and owing for the period from January 1, 2023 through and including the entry of an order granting this Motion (if any) in the manner provided for in the Proposed Order filed herewith.

25. For the reasons stated herein, the Liquidating Trustee submits that the Plan has been substantially consummated within the meaning of section 1101(2) of the Bankruptcy Code and the Remaining Chapter 11 Cases have been fully administered within the meaning of section 350 of the Bankruptcy Code. Therefore, the Liquidating Trustee respectfully submits that the Final Decree should be entered and the Remaining Chapter 11 Cases should be closed.

## **II. Destruction or Abandonment of Books and Records**

26. Pursuant to section 554(a) of the Bankruptcy Code, "[a]fter notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate." 11 U.S.C. § 554(a). "The trustee's power to abandon property is discretionary and is bounded only by that of the court." *In re Republic Airways Holdings Inc., et al.*, 547 B.R. 578, 582 (Bankr. S.D.N.Y. 2016); *see also K.C. Machine & Tool*



*Co. v. Morgan*, 816 F.2d 238, 246 (6th Cir. 1987) (“Thus, in its discretion, the trustee may abandon property . . . where administration thereof would not benefit the estate — the creditors.”). Courts defer to the trustee’s judgment and will approve abandonment of property if the court finds the trustee made: “1) a business judgment; 2) in good faith; 3) upon some reasonable basis; and 4) within the trustee’s scope of authority.” *In re Slack*, 290 B.R. 282, 284 (Bankr. D.N.J. 2003) (citing *In re Fulton*, 162 B.R. 539, 540 (Bankr. W.D. Mo. 1993)) (quotations omitted).

27. Courts have authorized debtors to destroy or abandon books and records in other cases where such books and records were burdensome or of inconsequential value to the estate. *See, e.g., In re Adelpia Hospital Corp.*, 579 F.2d 726 (2d Cir. 1978) (permitting trustee of a debtor hospital to dispose of patients’ medical records, even though applicable regulations required hospitals to maintain, store, and service those records for at least six years); *In re Cult Awareness Network, Inc.*, 205 B.R. 575, 580 (N.D. Ill. 1997) (permitting trustee to abandon files containing information on various religious entities); *In re Xpedior Inc.*, 354 B.R. 210, 221 (Bankr. N.D. Ill. 2006) (authorizing plan trustee to destroy all books and records because, among other things, “all the Debtors’ assets [were] liquidated . . . [and] there exist[ed] no business purpose for retaining the Debtors’ books and records . . .”).

28. In light of the substantial consummation of the Plan and the complete administration of the Chapter 11 Cases, the Liquidating Trustee seeks authority to destroy and/or abandon any Books and Records that remain in the possession or control of the Liquidating Trustee or its professionals, employees, and contractors.

### **III. Termination of Claims Agent**

29. The Liquidating Trustee also seeks entry of an order relieving the Claims Agent of its remaining duties in the Chapter 11 Cases and authorizing the Claims Agent to terminate its website for the Chapter 11 Cases. Within twenty-eight (28) days following entry of an Order relieving the Claims Agent of its duties, the Claims Agent shall deliver to the Clerk an electronic copy in pdf format of all proofs of claim filed in the Chapter 11 Cases. The Liquidating Trustee seeks authorization for the claims Agent, once the electronic copy has been received by the Clerk,

to destroy all proofs of claim in its possession sixty (60) days after filing a Notice of Intent to Destroy on the Court's docket.

30. The Remaining Chapter 11 Cases have been fully administered and, therefore, these Chapter 11 Cases have substantially concluded. Thus, since the Claims Agent has already completed its responsibilities under Local Rule 2002-1(f)(ix), there are no further duties for the Claims Agent to perform. Consequently, the Liquidating Trustee submits that the termination of the remaining services of the Claims Agent as set forth in the Proposed Order submitted herewith is appropriate.

**IV. Filing of Final Report Pursuant to Local Rule 3022-1(c)**

31. Consistent with Local Rule 3022-1(c), the Liquidating Trustee will file a final report and account at least fourteen (14) days before the hearing on this Motion.

**NOTICE**

32. Notice of the filing of this Motion has been provided to (i) the United States Trustee and (ii) all parties who have requested notice under Bankruptcy Rule 2002 and Local Rule 9013-1. In light of the nature of the relief requested, the Liquidating Trustee submits that no further notice of this Motion is required.

*[Remainder of page intentionally left blank]*

**CONCLUSION**

For the foregoing reasons, the Liquidating Trustee respectfully requests that the Court enter an order, in substantially the form of the Proposed Order attached hereto as **Exhibit A**, closing the Chapter 11 Cases, directing entry of a final decree, and granting such other and further relief as set forth in the Proposed Order and as the Court deems necessary and proper.

Dated: March 6, 2023  
Wilmington, Delaware

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Kevin J. Mangan

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*Counsel to the Blitz Liquidating Trustee on  
behalf of the Blitz Liquidating Trust*

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

In re:

BLITZ U.S.A, Inc., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 11-13603 (CTG)

Jointly Administered

**Obj. Deadline: April 3, 2023, at 4:00 p.m. (ET)**

**Hearing Date: April 10, 2023, at 10:00 a.m. (ET)**

**NOTICE OF MOTION OF THE LIQUIDATING TRUSTEE FOR ENTRY OF AN  
ORDER (I) CLOSING THE CHAPTER 11 CASES, (II) DIRECTING ENTRY OF  
A FINAL DECREE, AND (III) GRANTING RELATED RELIEF**

**PLEASE TAKE NOTICE** that on March 6, 2023, the Blitz Liquidating Trustee (the “Liquidating Trustee”) appointed in the above-captioned chapter 11 cases, by and through the Liquidating Trustee’s undersigned counsel, filed the *Motion of the Liquidating Trustee for Entry of an Order (I) Closing the Chapter 11 Cases, (II) Directing Entry of a Final Decree, and (III) Granting Related Relief* (the “Motion”).

**PLEASE TAKE FURTHER NOTICE** that if you wish to object to the Motion, you must file the objection on or before **April 3, 2023, at 4:00 p.m. (prevailing Eastern Time)** (the “Objection Deadline”). At the same time, you must serve a copy of such objection on the undersigned counsel so as to be received by the Objection Deadline.

**PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE MOTION WILL BE HELD ON APRIL 10, 2023, AT 10:00 A.M. (PREVAILING EASTERN TIME), BEFORE THE HONORABLE CRAIG T. GOLDBLATT, UNITED STATES BANKRUPTCY JUDGE**

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<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, include: LAM 2011 Holdings, Inc. (8742); Blitz Acquisition Holdings, Inc. (8825); Blitz Acquisition, LLC (8979); Blitz RE Holdings, LLC (8742); Blitz U.S.A., Inc. (8104); and MiamiOK LLC (2604).

FOR THE DISTRICT OF DELAWARE, IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE, 3RD FLOOR, COURTROOM #7, 824 NORTH  
MARKET STREET, WILMINGTON, DELAWARE 19801. ONLY OBJECTIONS MADE IN  
WRITING AND TIMELY FILED AND RECEIVED WILL BE CONSIDERED BY THE  
BANKRUPTCY COURT AT SUCH HEARING.

**PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTIONS TO THE  
MOTION ARE TIMELY FILED AND RECEIVED IN ACCORDANCE WITH THE  
ABOVE PROCEDURES, AN ORDER MAY BE ENTERED GRANTING THE RELIEF  
REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.**

Dated: March 6, 2023  
Wilmington, Delaware

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Kevin J. Mangan

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*Counsel to the Blitz Liquidating Trustee on  
behalf of the Blitz Liquidating Trust*

**EXHIBIT A**

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

In re:

BLITZ U.S.A, Inc., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 11-13603 (CTG)

Jointly Administered

Re: Docket No. \_\_\_\_

**ORDER (I) CLOSING THE CHAPTER 11 CASES, (II) DIRECTING ENTRY OF A  
FINAL DECREE, AND (III) GRANTING RELATED RELIEF**

Upon consideration of the motion (the “Motion”)<sup>2</sup> of the Liquidating Trustee for entry of an order, pursuant to sections 105(a), 350(a), and 554 of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 3022 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rules 2002-1(f) and 3022-1 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), (i) closing the open Chapter 11 Cases of Debtors Blitz U.S.A., Inc. (Case No. 11-13603), MiamiOK LLC (Case No. 11-13604), Blitz Acquisition, LLC (Case No. 11-13606) and Blitz RE Holdings, LLC (Case No. 11-13607) (collectively, the “Remaining Chapter 11 Cases”), (ii) directing the entry of a final decree, and (iii) granting related relief; and it appearing that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and (c) notice of the Motion was due and proper under the circumstances; the Court having considered the Motion and any responses to the Motion; it appearing that the relief requested in the Motion is appropriate; and upon the record herein 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.

<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, include: LAM 2011 Holdings, Inc. (8742); Blitz Acquisition Holdings, Inc. (8825); Blitz Acquisition, LLC (8979); Blitz RE Holdings, LLC (8742); Blitz U.S.A., Inc. (8104); and MiamiOK LLC (2604).

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

2. The Remaining Chapter 11 Cases of Blitz U.S.A., Inc. (Case No. 11-13603), MiamiOK LLC (Case No. 11-13604), Blitz Acquisition, LLC (Case No. 11-13606) and Blitz RE Holdings, LLC (Case No. 11-13607) are hereby **CLOSED** effective immediately as of the entry of this Order.

3. The Clerk of the Court shall issue a Final Decree closing the Chapter 11 Cases.

4. Upon the entry of this Order, the Liquidating Trustee shall: (i) submit post-confirmation quarterly report(s) for the Remaining Chapter 11 Cases for the reporting period ending as of the date of this Order, and (ii) pay all quarterly fees due to the United States Trustee under 28 U.S.C. § 1930 (“U.S. Trustee Quarterly Fees”) that have come due as of the date hereof. The U.S. Trustee reserves the right to move to reopen the Remaining Chapter 11 Cases in the event that such post-confirmation quarterly reports are not submitted and all U.S. Trustee Quarterly Fees are not paid on a timely basis.

5. Following the completion of the services identified in paragraphs 6 and 7 below, the Claims Agent (Kurtzman Carson Consultants LLC) shall have no further obligations to this Court or any party in interest with respect to the claims and noticing services in these Chapter 11 Cases.

6. Within twenty-eight (28) days following entry of this Order, the Claims Agent shall deliver to the Clerk an electronic copy in pdf format of all proofs of claim filed in the Chapter 11 Cases. Once the electronic copy has been received by the Clerk, the Claims Agent may destroy all proofs of claim in its possession sixty (60) days after filing a Notice of Intent to Destroy on the Court’s docket. The Claims Agent may also terminate its website related to the Chapter 11 Cases upon entry of this Order.

7. The Claims Agent will collect any mail regarding the Chapter 11 Cases that is received after the entry of this Order and, as soon as reasonably practicable, forward such mail to the Liquidating Trustee, provided that the Claims Agent shall be reasonably compensated and reimbursed for its reasonable and documented expenses in connection with any such mail forwarding services provided by the Claims Agent after the of entry of this Order. Notwithstanding



the foregoing, neither the Liquidating Trustee nor the Claims Agent shall be required to retain, respond to, or otherwise address any mail received after the entry of this Order, and the Liquidating Trustee shall have the right to terminate the mail-forward services described herein at any time in the Liquidating Trustee's sole discretion.

8. The Liquidating Trustee is authorized, but not required, to immediately abandon and/or destroy any Books and Records in the possession of the Blitz Liquidating Trust (and its respective agents, employees, contractors, and professionals) in the Liquidating Trustee's sole discretion.

9. The Liquidating Trustee and his agents are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order. Without limitation, the Liquidating Trustee and his agents are authorized to file required tax returns, make final distribution(s), address unclaimed distributions, and carry out other ministerial tasks as may be required under the Plan and related documents. At the conclusion of such actions, the Liquidating Trustee is discharged and released from any obligations in the Chapter 11 Cases without further notice to or intervention of the Court.

10. Notwithstanding anything in the Bankruptcy Code, Bankruptcy Rules, or Local Rules to the contrary, this Order shall be immediately effective upon its entry, there shall be no stay of execution or effectiveness of this Order, and this Order shall be a final order.

11. This Court shall retain sole and exclusive jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and/or enforcement of this Order.