

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	)	Chapter 11
	)	
BUYK CORP. <sup>1</sup>	)	Case No. 22-10328 (MEW)
	)	
Debtor.	)	
	)	

**FINAL ORDER (I) AUTHORIZING DEBTOR TO PAY PREPETITION WAGES AND  
(II) AUTHORIZING BANKS AND FINANCIAL INSTITUTIONS  
TO PAY ALL CHECKS AND ELECTRONIC PAYMENT REQUESTS**

Upon the motion (the “Motion”)<sup>2</sup> [ECF No. 12] of Buyk Corp. (the “Debtor”), as debtor and debtor-in-possession in the above-captioned chapter 11 case (the “Chapter 11 Case”), for entry of a final order (the “Final Order”), pursuant to sections 105(a), 363(c)(1), 507, 1107, and 1108 of title 11 of the United States Code (the “Bankruptcy Code”), and Rules 6003 and 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), (i) authorizing the Debtor, in its sole discretion, to pay pre-petition amounts relating to the Employee Obligations, (ii) authorizing the Disbursement Banks to process and honor related transfers, all as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in the Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion

<sup>1</sup> The Debtor in this case, along with the last four digits of its federal tax identification number is Buyk Corp. (1477). The principal place of business for the Debtor is 360 West 31<sup>st</sup> Street, Floor 6, New York, NY 10001.

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



is in the best interests of the Debtor's estate, its creditors, and other parties-in-interest; and the Court having found that the Debtor's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and the Court having reviewed and considered the Motion and the First Day Declaration; and the Court having heard the statements in support of the relief requested in the Motion at a hearing before the Court on March 22, 2022 (the "First Hearing") and the final hearing on the Motion held on April 19, 2022 (the "Final Hearing" and together with the First Hearing, the "Hearings"); and the Court after the First Hearing having entered an interim order on March 24, 2022 granting the relief sought in the Motion on an interim basis (ECF No. 45); and no objections to the Motion having been filed; and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearings 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:

1. The Motion is GRANTED.
2. The Debtor is authorized, but not directed, in a reasonable exercise of its business judgment, to pay, satisfy, and continue to satisfy the Employee Wages and Employee Obligations to the extent described in the Motion, in accordance with the Debtor's pre-petition policies and practices. The Debtor shall not pay any amounts set forth in this paragraph over the Statutory Cap of \$13,650.00 to any individual Employee on account of such Employee's pre-petition Employee Obligations, and said total payment on pre-petition wages shall not exceed \$72,000. Additionally, the Debtor shall provide to the United States Trustee, within five (5) business days of payment being made, a list of all payments made, by payee and amount, pursuant to this Final Order and paragraph.

3. Each of the Disbursement Banks, at which the Debtor maintains its accounts relating to the payment of the obligations described in the Motion, is authorized to (i) receive, process, honor, and pay all checks presented for the payment of prepetition obligations and honor all fund transfer requests made by the Employees related thereto only upon the Debtor's representation that such payment or transfer is authorized by an Order of this Court; and (ii) accept and rely on all representations made by the Debtor with respect to which checks, drafts, wires, or automated clearing house transfers should be honored or dishonored in accordance with this or any other order of the Court, whether such checks, drafts, wires, or transfers are dated prior to, on, or subsequent to the Petition Date, without any duty to inquire otherwise.

4. The Debtor is authorized, but not directed, to issue new post-petition checks, or effect new electronic funds transfers, on account of prepetition obligations, and to replace any prepetition checks or electronic fund transfer requests with respect to their Pre-petition Employee obligations dishonored or denied as a consequence of the commencement of the Debtor's Chapter 11 Case.

5. Notwithstanding anything in the Motion or this Order to the contrary, any payment made by the Debtor pursuant to the authority granted herein shall be subject to any order authorizing the Debtor's access to and use of cash collateral.

6. Nothing in this Order shall impact the Debtor's rights to pay post-petition wages to the Employees in the ordinary course of business.

7. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained in the Motion nor this Order nor any payment made pursuant to this Order shall constitute, nor is it intended to constitute, (i) an admission as to the validity or priority of any claim or lien against the Debtor, (ii) a waiver of the Debtor's rights to subsequently dispute such claim

or lien, or (iii) the approval, assumption, adoption or rejection of any agreement, contract, or lease between the Debtor or any third party under section 365 of the Bankruptcy Code.

8. Nothing in this Order should be construed as approving any transfer pursuant to 11 U.S.C. § 503(c), and a separate motion will be filed for any request that could fall within 11 U.S.C. Section 503(c).

9. No payment to any employee may be made to the extent that it is a transfer in derogation of section 503(c) of the Bankruptcy Code. This Order does not implicitly or explicitly approve any bonus plan, incentive plan, severance plan or other plan covered by Section 503(c) of the Bankruptcy Code.

10. Nothing in this Order shall be construed to impair or otherwise limit the ability of the Debtor, the Official Committee of Unsecured Creditors, or other appropriate party in interest, either directly or derivatively, to seek to claw back any pre-petition amounts paid to the Debtor's insiders, including those paid in accordance with this Order.

11. Adequate notice of the Motion has been provided. Such notice satisfies the requirements of Bankruptcy Rule 6004(a).

12. Notwithstanding Bankruptcy Rules 6004(h), 7062, and 9014, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

13. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

14. The Court retains jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

Dated: New York, New York  
April 19, 2022

/s/ Michael E. Wiles  
UNITED STATES BANKRUPTCY JUDGE