

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

In re:

CBC RESTAURANT CORP., et al.,¹

Debtors.

Chapter 11

Case No. 23-10245 (KBO)

(Jointly Administered)

RE: D.I. 140, 168

Hearing Date:

March 28, 2023 at 1:00 p.m.(ET)

**DEBTORS' RESPONSE TO OBJECTION OF SSCP RESTAURANT INVESTORS LLC
TO DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) EXTENDING TIME TO
FILE SCHEDULES OF ASSETS AND LIABILITIES, SCHEDULES OF CURRENT
INCOME AND EXPENDITURES, SCHEDULES OF EXECUTORY CONTRACTS AND
UNEXPIRED LEASES, AND STATEMENTS OF FINANCIAL AFFAIRS AND (II)
GRANTING RELATED RELIEF**

CBC Restaurant Corp. and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, "Corner Bakery" or the "Debtors"),² respectfully state the following in support of this response to the objection (the "Objection") of SSCP Restaurant Investors LLC ("SSCP") to the relief requested by the Debtors in *Debtors' Motion for Entry of an Order (I) Extending Time to File Schedules of Assets and Liabilities, Schedules of*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include CBC Restaurant Corp. (0801), Corner Bakery Holding Company (3981), and CBC Cardco, Inc. (1938). The Debtors' service address is 121 Friends Lane, Suite 301, Newtown PA 18940.

² Detailed descriptions of the Debtors and their business and the facts and circumstances supporting this Motion and the Debtors' chapter 11 cases are set forth in detail in the *Declaration of Jignesh Pandya, Chief Executive Officer and Chief Operating Officer of CBC Restaurant Corp. in Support of Chapter 11 Petitions and First Day Motions* (the "First Day Declaration"), filed on February 23, 2023 at D.I. 22.



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Current Income and Expenditures, Schedules of Executory Contracts and Unexpired Leases, and Statement of Financial Affairs and (II) Granting Related Relief [Docket No. 140] (the “Motion”).

1. SSCP asserts that the Debtors cannot articulate a valid justification of an extension of time to file their schedules, aside from factors present in virtually every case—numerous creditors, complex operations, *etc.*—that, SSCP asserts, are insufficient to support the relief requested. This loses sight of the fact that in view of these factors, which SSCP acknowledges are present here, Debtors are routinely granted an extension of time to file their schedules of assets and liabilities, schedules of current income and expenditures, schedules of executory contracts and unexpired leases, and statements of financial affairs. There is nothing extraordinary or unusual about the request.

2. Moreover, as the Debtors articulated in the Motion, and SSCP ignores, the Debtors commenced these cases with virtually no advance planning. A substantial amount of work that would ordinarily be done by the Debtors and their professionals prior to the Petition Date—such as preparing “first-day” motions for the chapter 11 filings, negotiating cash collateral usage and financing with their lender, preparing the business to transition into chapter 11, negotiating with their significant creditor constituencies, and preparing creditor matrixes—did not occur until after the Petition Date. Simultaneously, as discussed at length during the scheduling conference before this Court on March 23, 2023, the Debtors are being subjected to relentless document production requests from SSCP, compounded by the recent filing of a motion to appoint a Chapter 11 trustee and attendant discovery requests, while SSCP is obstructing its efforts to improve its operations and its responsiveness by, among other things, objecting to its employment of a CRO with operational experience and the ability to quickly put into place a team to can help Corner Bakery improve its response time and reporting. These circumstances, which are not present in typical

cases, provide all the more support for the Debtors' routine request for an extension of time to file its schedules.

WHEREFORE, Corner Bakery respectfully requests that the Court enter an order overruling the Objection and granting the Debtors the relief requested in the Motion, and such other relief as the Court deems appropriate under the circumstances.

Dated: March 23, 2023
Wilmington, Delaware

/s/ Mette H. Kurth

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