

**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)

Requested Objection Deadline:

April 13, 2023, at 4:00 p.m. (ET)

Requested Hearing Date:

April 19, 2023, at 9:30 a.m. (ET)

Re: Dkt. No. 289

MOTION TO SET EXPEDITED HEARING AND SHORTEN NOTICE PERIOD WITH RESPECT TO DEBTORS' MOTION FOR ENTRY OF ORDERS: (I)(A) APPROVING BIDDING PROCEDURES FOR THE SALE OF ALL OR SUBSTANTIALLY ALL OF THE DEBTORS' ASSETS; (B) AUTHORIZING THE DEBTORS TO ENTER INTO A STALKING HORSE AGREEMENT; (C) SCHEDULING AN AUCTION AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF; (D) APPROVING ASSUMPTION AND ASSIGNMENT PROCEDURES; AND (E) SCHEDULING A SALE HEARING AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF; (II)(A) APPROVING THE SALE OF THE DEBTORS' ASSETS FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS AND ENCUMBRANCES AND (B) APPROVING THE ASSUMPTION AND ASSIGNMENT OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND (III) GRANTING RELATED RELIEF

CBC Restaurant Corp. ("CBC") and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, "Corner Bakery" or the "Debtors"),² hereby seek entry of an order in substantially the form attached hereto as **Exhibit A**

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.



expediting the hearing and shortening the notice period with respect to the *Debtors' Motion for Entry of Orders: (I)(A) Approving Bidding Procedures for the Sale of All or Substantially All of the Debtors' Assets; (B) Authorizing the Debtors to Enter Into a Stalking Horse Agreement; (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof; (D) Approving Assumption and Assignment Procedures; and (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases; and (III) Granting Related Relief* [Dkt. No. 289] (the "Bidding Procedures Motion") which was filed at approximately 11:00 p.m. on April 7, 2023, promptly after receiving all comments thereto from SSCP and the Committee. The Debtors served the Bidding Procedures Motion by overnight on the following day, April 8, 2023. In support thereof, the Debtors respectfully state as follows:

1. Pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), a motion may be scheduled on less notice than required by the Bankruptcy Rules or the Local Rules upon order of the Court and upon written motion (served on all interested parties) specifying the exigencies justifying shortened notice. The Local Rules further provide that the Court will rule on such a motion promptly without need for a hearing.

2. The next omnibus hearing in these cases is scheduled for April 19, 2023, at 9:30 a.m. (ET). The Debtors submit that exigent circumstances exist which justify scheduling an expedited hearing and shortening the notice period for such hearing.

3. The Bidding Procedures Motion seeks the entry of two orders: (a) an order establishing bidding procedures to be used in connection with the sale of substantially all of the Debtors' assets (the "Bidding Procedures Order"); and (b) an order authorizing and approving the sale of the Debtors' assets to the successful bidder. The Debtors are requesting an expedited hearing only with respect to the Bidding Procedures Order.

4. The Debtors request an expedited hearing and shortened notice period on the Bidding Procedures Motion to avoid a default under the *Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief* [Dkt. No. 288] (the "Interim Financing Order"). Specifically, pursuant to Paragraph 27.a.(iv) of the Interim Financing Order, it is an event of default if the Bankruptcy Court does not enter an order approving the Bidding Procedures Motion no later than April 19, 2023.

5. Undersigned counsel hereby avers that a reasonable effort has been made to notify the following interested parties of the relief requested in the DIP Procedures Motion: (a) Debtor's prepetition lender, SSCP; (b) the Office of the United States Trustee for the District of Delaware (the "U.S. Trustee"); and (c) the Official Committee of Unsecured Creditors (the "Committee"). SSCP, the Committee, and the U.S. Trustee all reviewed and commented on the terms of the Interim Financing Order, and none of these parties opposed the requirement therein that this Court enter an Order approving the Bidding Procedures Motion by April 19, 2023.

WHEREFORE, the Debtors respectfully request that the Court enter an order granting the relief requested herein and: (a) setting an expedited hearing on the Bidding Procedures Motion; (b) shortening the applicable notice period such that any written responses and objections may be

filed by April 13, 2023, at 4:00 p.m. (ET); and (c) granting such other relief as the Court deems appropriate under the circumstances.

Dated: April 9, 2023
Wilmington, Delaware

/s/ Mette H. Kurth

Mette H. Kurth (DE Bar No. 6491)

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*Proposed Counsel for the Debtors and Debtors
in Possession*

EXHIBIT A

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 (KB)

(Jointly Administered)

Re: Dkt. No. [●]

ORDER EXPEDITING HEARING AND SHORTENING OBJECTION PERIOD WITH RESPECT TO DEBTORS' MOTION FOR ENTRY OF ORDERS: (I)(A) APPROVING BIDDING PROCEDURES FOR THE SALE OF ALL OR SUBSTANTIALLY ALL OF THE DEBTORS' ASSETS; (B) AUTHORIZING THE DEBTORS TO ENTER INTO A STALKING HORSE AGREEMENT; (C) SCHEDULING AN AUCTION AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF; (D) APPROVING ASSUMPTION AND ASSIGNMENT PROCEDURES; AND (E) SCHEDULING A SALE HEARING AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF; (II)(A) APPROVING THE SALE OF THE DEBTORS' ASSETS FREE AND CLEAR OF LIENS, CLAIMS, INTERESTS AND ENCUMBRANCES AND (B) APPROVING THE ASSUMPTION AND ASSIGNMENT OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND (III) GRANTING RELATED RELIEF

The Court having considered the *Motion to Set Expedited Hearing and Shorten Notice Period with Respect to Debtors' Motion for Entry of Orders: (I)(A) Approving Bidding Procedures for the Sale of All or Substantially All of the Debtors' Assets; (B) Authorizing the Debtors to Enter Into a Stalking Horse Agreement; (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof; (D) Approving Assumption and Assignment Procedures; and (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and*

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Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases; and (III) Granting Related Relief (the "Motion to Shorten"); the Court having reviewed all pleadings related thereto; and the Court having determined that there exists just cause for the relief granted therein;

IT IS HEREBY ORDERED THAT:

1. The Motion to Shorten is **GRANTED**;
2. The Court shall convene a hearing to consider the Bidding Procedures Motion and all objections and responses thereto on [●] at [●] (ET) (the "Hearing Date"); and
3. Any written responses and to the Bidding Procedures Motion may be may be filed by April 13, 2023, at 4:00 p.m. (ET).