

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

CBC RESTAURANT CORP. et al.,¹

Debtors

Chapter 11

Case No. 23-10245 (KBO)

(Jointly Administered)

**Hearing Date:
March 28, 2023 at 1:00 p.m.**

**THIRD AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON MARCH 28, 2023 AT 1:00 P.M. (ET) BEFORE THE HONORABLE
KAREN B. OWENS OF THE UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF DELAWARE**

This hearing will be conducted in person. All parties, including witnesses, are expected to attend in person unless permitted to appear via Zoom. Participation at the in-person court proceeding using Zoom is allowed only in the following circumstances: (i) counsel for a party or a pro se litigant files a responsive pleading and intends to make only a limited argument; (ii) a party or a representative of a party is interested in observing the hearing; (iii) a party is proceeding in a claims allowance dispute on a pro se basis; (iv) an individual has a good faith health-related reason to participate remotely and has obtained permission from chambers to do so; or (v) other extenuating circumstances that warrant remote participation as may be determined by the Court

Please Note: All individuals participating by video must register at least two hours prior to the hearing at the provided link.

Registration Link

https://debuscourts.zoomgov.com/meeting/register/vJlscuCuqz4pGOMWnsxCR3i5XIaOc1QN_Bc

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.



PETITIONS AND RELATED PLEADINGS

1. Voluntary Petitions:

- A. CBC Restaurant Corp., Case No. [23-10245](#)
 - B. Corner Bakery Holding Company, Case No. [23-10246](#)
 - C. CBC Cardco, Inc., Case No. [23-10247](#)
2. Declaration of Jignesh Pandya, Chief Executive Officer and Chief Operating Officer of Corner Bakery, in Support of Chapter 11 Petitions and Certain First Day Emergency Motions [Filed: 2/23/23] ([D.I. No. 22](#)).

CONTINUED MATTERS

1. Motion of the Debtors for Entry of an Interim and Final Order: (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Companies; (II) Establishing Procedures for Resolving Additional Adequate Assurance Requests; and (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service [Filed: 02/27/23] ([D.I. No. 46](#))

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Official Committee of Unsecured Creditors (the "Committee") has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received:

- A. Objection of Certain Utility Companies [Georgia Power Company; San Diego Gas and Electric Company, Southern California Edison Company, Southern California Gas Company; Baltimore Gas and Electric Company; PECO Energy Company; Commonwealth Edison Company; and The Potomac Electric Power Company] (collectively, the "Objecting Utilities") to the Motion of the Debtors for Entry of an Interim and Final Order: (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Companies; (II) Establishing Procedures for Resolving Additional Adequate Assurance Requests; and (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service [Filed 3/13/23] ([D.I. No. 136](#))

Related Documents:

- A. [Signed] Interim Order (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Companies; (II) Establishing Procedures for Resolving Additional Adequate Assurance Requests; and (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service [Entered 3/6/23] ([D.I. No. 97](#))
- B. Notice of Entry of an Interim Order: (I) Approving Debtors' Proposed Form of Adequate Assurance of Payment to Utility Companies; (II) Establishing Procedures for Resolving

Additional Adequate Assurance Requests; and (III) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Service [Filed: 3/7/23] [\[D.I. No. 105\]](#)

Status: The parties have agreed to continue this matter to the omnibus hearing date on April 19, 2023 at 9:30 a.m.

RESOLVED MATTERS

1. Motion of the Debtors for Entry of Interim and Final Orders: (1) Authorizing Debtors to Pay Prepetition Employee Obligations, Prepetition Withholding Obligations, and Postpetition Employee Obligations in the Ordinary Course; and (B) Authorizing Banks to Honor Related Transfers [Filed: 2/23/23] [\(D.I. No. 7\)](#)

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received: Informal comments were provided by the Office of the United States Trustee.

Related Documents:

- A. [Signed] Interim Order: (1) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation; and (2) Granting Related Relief [Filed: 2/24/23] (D.I. No. 31)
- B. Notice of Entry of Interim Order and Final Hearing Regarding Motion of the Debtors for Entry of an Order: (1) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation; and (2) Granting Related Relief [Filed 2/27/23] (D.I. 40)
- C. Certification of Counsel Regarding Motion of the Debtors for Entry of Interim Order and Final Orders: (I) Authorizing Debtors to Pay (A) Prepetition Employee Obligations, Prepetition Withholding Obligations, and Postpetition Employee Obligations in the Ordinary Course; and (B) Authorizing Banks to Honor Related Transfers [Filed: 3/27/23] [\(D.I. No. 207\)](#)
- D. [Signed] Final Order: (1) Authorizing the Debtors to (A) Pay Prepetition Wages, Salaries, Other Compensation; and (2) Granting Related Relief [Filed: 3/27/23] [\(D.I. No. 215\)](#)

Status: The order has been entered. No hearing will be necessary.

2. Motion of the Debtors for Entry of Interim and Final Orders: (I) Authorizing the Debtors to (A) Honor Gift Cards and (B) Administer Existing Customer Programs in the Ordinary Course of Business; and (II) for Related Relief [Filed:3/1/2023] [\(D.I. No. 55\)](#)

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received: Informal comments were received from SSCP following the expiration of the objection deadline.

Related Documents:

- A. [Signed] Interim Order: (I) Authorizing the Debtors to (A) Honor Gift Cards and (B) Administer Existing Customer Programs in the Ordinary Course of Business; and (II) for Related Relief [Entered: 3/6/23] ([D.I. No. 98](#))
- B. Notice of Entry of Interim Order and Final Hearing Regarding Motion for Entry of an Interim and Final Order: (I) Authorizing the Debtors to (A) Honor Gift Cards and (B) Administer Existing Customer Programs in the Ordinary Course of Business; and (II) for Related Relief [Filed: 3/6/23] ([D.I. No. 107](#))
- C. Certification of Counsel Regarding Motion of the Debtors for Entry of Interim and Final Orders: (I) Authorizing the Debtors to (A) Honor Gift Cards and (B) Administer Existing Customer Programs in the Ordinary Course of Business; and (II) for Related Relief [Filed 2/27/23] ([D.I. No. 211](#))
- D. [Signed] Final Order Authorizing the Debtors to (I) Honor Gift Cards and (II) Administer Existing Customer Programs in the Ordinary Course of Business [Filed: 3/27/23] ([D.I. No. 216](#))

Status: The order has been entered. No hearing will be necessary.

- 3. Motion of the Debtors for Entry of Interim and Final Orders Authorizing the Debtors to (I) Pay Prepetition Payroll; (II) Continue Employee Benefits; (III) Pay Prepetition Employee Benefit Obligations; and (IV) Granting Related Relief Filed By CBC Restaurant Corp. [Filed 3/2/23] ([D.I. No. 62](#))

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received: None.

Related Documents:

- A. [Signed] Interim Order Authorizing the Debtors to (I) Pay Prepetition Payroll; (II) Continue Employee Benefits; (III) Pay Prepetition Employee Benefit Obligations; and (IV) Granting Related Relief [Entered: 3/7/23] ([D.I. No. 109](#)).
- B. Notice of Entry of Interim Order and Final Hearing on Motion for Authorization to (I) Pay Prepetition Payroll; (II) Continue Employee Benefits; (III) Pay Prepetition Employee Benefit Obligations; and (IV) Granting Related Relief [Filed: 3/9/23] ([D.I. No. 118](#)).

- C. Certification of Counsel Regarding Motion of the Debtors for Entry of Interim and Final Orders: (I) Authorizing the Debtors to (A) Honor Gift Cards and (B) Administer Existing Customer Programs in the Ordinary Course of Business; and (II) for Related Relief [Filed 3/27/23] ([D.I. No. 212](#))
- D. [Signed] Final Order Authorizing the Debtors to (I) Honor Gift Cards and (II) Administer Existing Customer Programs in the Ordinary Course of Business [Filed: 3/27/23] ([D.I. No. 217](#))

Status: The order has been entered. No hearing will be necessary.

- 4. Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Insurance Coverage Entered into Prepetition and Satisfy Prepetition Obligations Related thereto, (B) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (C) Honor the Terms of the Premium Financing Agreements and Pay Premiums thereunder, and (D) Enter into New Premium Financing Agreements in the Ordinary Course of Business, and (II) Granting Related Relief Filed by CBC Restaurant Corp. [Filed 3/1/23] ([D.I. No. 60](#))

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received: The revised, proposed final Order incorporates comments provided with respect to entry of the interim order; no further comments have been received.

Related Documents:

- A. [Signed] Interim Order (I) Authorizing the Debtors to (A) Continue Insurance Coverage Entered into Prepetition and Satisfy Prepetition Obligations Related thereto, (B) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (C) Honor the Terms of the Premium Financing Agreements and Pay Premiums thereunder, and (D) Enter into New Premium Financing Agreements in the Ordinary Course of Business, and (II) Granting Related Relief Filed by CBC Restaurant Corp. [Entered 3/17/23] ([D.I. No. 153](#))
- B. Notice of Entry of Interim Order (I) Authorizing the Debtors to (A) Continue Insurance Coverage Entered Into Prepetition and Satisfy Prepetition Obligations Related Thereto, (B) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (C) Honor the Terms of Any Premium Financing Agreements and Pay Premiums Thereunder, and (D) Enter Into New Premium Financing Agreements in the Ordinary Course of Business, and (II) Granting Related Relief [Filed: 3/21/23] ([D.I. No. 165](#))
- C. Certification of Counsel Regarding Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Insurance Coverage Entered into Prepetition and Satisfy Prepetition Obligations Related Thereto, (B) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (C) Honor the Terms of the Premium Financing Agreements and Pay Premiums Thereunder, and (D) Enter into New Premium Financing Agreements in the Ordinary Course of Business, and (II) Granting Related Relief [Filed: 3/26/23] ([D.I. No. 206](#))

D. [Signed] Final Order (I) Authorizing the Debtors to (A) Continue Insurance Coverage Entered into Prepetition and Satisfy Prepetition Obligations Related Thereto, (B) Renew, Amend, Supplement, Extend, or Purchase Insurance Policies, (C) Honor the Terms of Any Premium Financing Agreements and Pay Premiums Thereunder, and (D) Enter into New Premium Financing Agreements in the Ordinary Course of Business, and (II) Granting Related Relief [Filed: 3/26/23] ([D.I. No. 214](#))

Status: The order has been entered. No hearing will be necessary.

MATTERS FOR WHICH COC'S OR CNO'S HAVE BEEN SUBMITTED

1. Motion of the Debtors for Entry of Interim and Final Orders: (I) Authorizing the Debtors to (A) Continue to Maintain Their Existing Cash Management System, Bank Accounts, and Business Forms, and (B) Honor Certain Prepetition Obligations Related Thereto; and (II) Granting Related Relief [Filed: 02/23/23] ([D.I. No. 8](#))

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received: Informal comments were received from the Office of the United States Trustee following submission of the CNO.

Related Documents:

A. [Signed] Interim Order: (I) Authorizing the Debtors to (A) Continue to Maintain Their Existing Cash Management System, Bank Accounts, and Business Forms, and (B) Honor Certain Prepetition Obligations Related Thereto; and (II) Granting Related Relief [Entered 2/24/23] ([D.I. No. 30](#))

B. Notice of Entry of Interim Order and Final Hearing Regarding Motion of the Debtors for Entry of Interim and Final Orders: (I) Authorizing the Debtors to (A) Continue to Maintain Their Existing Cash Management System, Bank Accounts, and Business Forms, and (B) Honor Certain Prepetition Obligations Related Thereto; and (2) Granting Related Relief [Filed 2/27/23] ([D.I. No. 41](#))

C. Certificate of No Objection [Filed 3/27/23] ([D.I. No. 209](#))

D. [PROPOSED] Final Order: (I) Authorizing the Debtors to (A) Continue to Maintain Their Existing Cash Management System, Bank Accounts, and Business Forms, and (B) Honor Certain Prepetition Obligations Related Thereto; and (II) Granting Related Relief [Filed: 3/27/23] (D.I. No. N/A)

Status: The order has been submitted under Certificate of No Objection; however, in view of the additional comments provided by the U.S. Trustee following the filing of the CNO, the Debtors have requested that the Court not enter the proposed Order at this time.

MOTIONS GOING FORWARD

1. Motion of the Debtors for Entry of an Interim Order: (A) Authorizing the Debtors' Use of Cash Collateral; (B) Scheduling a Final Hearing; and (C) For Related Relief [Filed: 02/23/23] ([D.I. No. 18](#))

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received: None.

Related Documents:

- A. Interim Order (A) Authorizing the Debtors' Use of Cash Collateral; (B) Scheduling a Final Hearing; and (C) Granting Related Relief [Entered: 2/24/23] ([D.I. No. 36](#))
- B. Notice of Entry of Interim Order and Continued Hearing re Motion of the Debtors for Entry of an Interim Order: (A) Authorizing the Debtors' Use of Cash Collateral; (B) Scheduling a Final Hearing; and (C) for Related Relief [Filed: 2/27/23] ([D.I. No. 42](#))
- C. Stipulation and Agreed Bridge Order: (A) Extending Debtor's Authorized Use of Cash Collateral; and (B) Granting Related Relief [Filed: 3/3/23] ([D.I. No. 89](#)).
 1. Certification of Counsel Regarding Corrected Stipulation and Agreed Bridge Order: (A) Extending Debtors' Authorized Use of Cash Collateral; and (B) Granting Related Relief [Filed: 3/15/23] ([D.I. No. 145](#))
 2. Stipulation and Agreed Bridge Order: (A) Extending Debtor's Authorized Use of Cash Collateral; and (B) Granting Related Relief [Filed: 3/15/23] ([D.I. No. 146](#))
- D. Second Stipulation and Agreed Bridge Order: (A) Extending Debtors' Authorized Use of Cash Collateral; and (B) Granting Related Relief [Filed: 3/22/23] ([D.I. No. 192](#))

Status: This matter is going forward.

2. 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 [Filed: 3/17/23] ([D.I. No. 140](#))

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee has been extended to March 24, 2023 at 12:00 p.m. (ET).

Responses Received:

- A. 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 [Filed: 3/21/23] ([D.I. No. 168](#)).

- B. 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 [Filed: 3/23/23] ([D.I. No. 199](#)).

Status: This matter is going forward.

3. First Omnibus Motion of the Debtors for Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property (with Certain Rejections and Abandonments Effective Nunc Pro Tunc as of the Petition Date); and (3) Granting Related Relief [Filed: 02/28/23] ([D.I. No. 52](#))

Response Deadline: March 21, 2023 at 4:00 p.m. The objection deadline for the Committee those parties who provided informal comments has been extended to March 24, 2023 at 5:00 p.m. (ET).

Responses Received: Informal comments have been received from Creditor Regency Centers, LP; Towson UE LLC; Eagle Gren, LP; and Maggiano's of Tyson's Inc. & Brinker International, Inc.; Deutsche Asset & Wealth Management; Brixmor; FR Hastings Ranch, LLC; Federal Realty OP LP; GMV (MALL) Owner LLC; Eagle Green, LP; Towson UE LLC; SWC Arbrook/157, Ltd.; Wexford-UCSC 3737, LLC; and LA Retail 1, LLC

- A. Limited Objection of SSCP Restaurant Investors LLC to First Omnibus Motion of the Debtors for Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property (with Certain Rejections and Abandonments Effective Nunc Pro Tunc as of the Petition Date); and (2) Granting Related Relief [Filed: 3/20/23] ([D.I. No. 163](#))
- B. Reservation of Rights of Certain Landlords in Connection With First Omnibus Motion of the Debtors For Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property (With Certain Rejections and Abandonments Effective Nunc Pro Tunc as of the Petition Date); and (2) Granting Related Relief [Filed: 3/23/23] ([D.I. No. 201](#))
- C. Limited Objection of Eagle Green, LP and Towson UE LLC to First Omnibus Motion of the Debtors for Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property (With Certain Rejections and Abandonment Effective Nunc Pro Tunc as of the Petition Date); and (2) Granting Related Relief [Filed: 3/24/23].([D.I. No. 204](#))
- D. Joinder of Brinker International, Inc. and Its Affiliates to Limited Objection of Eagle Green, LP and Towson UE to Debtors' First Omnibus Motion for Entry of and Order: (I) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain

Personal Property with Certain Rejections and Abandonments Effective Nunc Pro Tunc as of the Petition Date; and (II) Granting Related Relief [Filed: 3/27/23]. ([D.I. No. 210](#))

- E. **Joinder of Realty Management Associates, LLC and its Affiliates to limited Objection of Eagle Green, LP and Towson UE, and Brinker International, Inc. to Debtors' First Omnibus Motion for Entry of An Order: (I) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property with Certain Rejections and Abandonments Effective Nun Pro Tunc as of the Petition Date; and (II) Granting Related Relief [Filed: 3/27/23] ([D.I. No. 222](#))**

Related Documents:

- A. Notice of First Omnibus Motion of the Debtors for Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property (with Certain Rejections and Abandonments Effective Nunc Pro Tunc as of the Petition Date); and (2) Granting Related Relief [Filed: 3/14/2023] ([D.I. No. 141](#))
- B. Debtors' Response to Limited Objection of SSCP Restaurant Investors LLC to First Omnibus Motion of the Debtors for Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property (with Certain Rejections and Abandonments Effective Nunc Pro Tunc as of the Petition Date); and (2) Granting Related Relief [Filed: 3/23/23] ([D.I. No. 198](#))
- C. Declaration of Brandon Stewart, Lease Administration Supervisor for Corner Bakery, in Support of First Omnibus Motion of the Debtors for Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and Abandonment of Certain Personal Property (With Certain Rejections And Abandonments Effective Nunc Pro Tunc as of the Petition Date); and (2) Granting Related Relief ([D.I. No. 141-1](#))

Status: This matter is going forward.

Dated: March 27, 2023

Wilmington, Delaware

/s/ Mette H. Kurth

Mette H. Kurth (DE Bar No. 6491)

CULHANE MEADOWS, PLLC

3411 Silverside Road

Baynard Building, Suite 104-13

Wilmington, Delaware 19810

Telephone: (302) 289-8839 Ext. 100

Email: mkurth@cm.law

Proposed Counsel for Debtors and Debtors in Possession