

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

In re:

**CBCRC LIQUIDATING CORP. *et al.*,**<sup>1</sup>

Debtors

Chapter 11

Case No. 23-10245 (KBO)  
(Jointly Administered)

**Hearing Date:**

August 25, 2023, at 10:00 a.m. (ET)

**SECOND AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON AUGUST 25, 2023, AT 10:00 A.M. (ET) BEFORE THE HONORABLE  
KAREN B. OWENS OF THE UNITED STATES BANKRUPTCY COURT FOR THE  
DISTRICT OF DELAWARE**

**HEARING INSTRUCTIONS**

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 following link.**

<https://debuscourts.zoomgov.com/meeting/register/vJIsfuGhrDwpHJfQGPRDw92ogd0wJLs8Sqc>

After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing. You must use your full name when logging into Zoom or you will not be allowed into the meeting.

<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 CBCRC Liquidating Corp. (0801), CBHC Liquidating Company (3981), and CBCCI Liquidating Inc. (1938). The Debtors' service address Corner Bakery, c/o CR3 Partners, Attn: Greg Baracato, Chief Restructuring Officer, 12255 Noel Road, Suite 2005, Dallas TX 75240.



**CONTINUED MATTERS**

1. Motion of Ecolab, Inc. for Relief from the Automatic Stay [Filed: 6/14/23] ([D.I. No. 630](#))

Response Deadline: June 29, 2023, at 4:00 p.m. (ET).

Responses Received: None

Related Documents: None

Status: By agreement of the parties, this matter has been adjourned to a further omnibus hearing set for September 19, 2023. SSCP and Ecolab are engaged in negotiations that may moot this matter.

2. Certain Matters Related to the Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtor [Filed: 5/1/23] (D.I. No. [418](#))

Response Deadline: May 22, 2023, at 4:00 p.m. (ET). The response deadline was extended to May 26, 2023, for Lakewood Galleria Partners LLC; SOT 120 S. LaSalle LLC; Trizechahn Regional Pooling LLC; Rancho Mall, LLC; Microsoft, Inc.; Door Dash, Inc. and Half Baked LLC, and Bella Terra Associates LLC.

Responses Received: Informal comments and objections to the assumption and cure notice timely received from: Enterprise Fleet Management, Inc., Door Dash, Inc, Property Works, Brothers Produce of Austin, Inc., Brothers Produce of Dallas, Inc., Google, Inc.; PJK Food Service, LLC d/b/a Keany Produce, Gourmet, Enterprises Fleet Management Inc., Brookfield Properties, Bayside SVTC, LLC, IVT Dallas Prestonwood, LLC, SOT 120 LaSalle, LLC, South Coast Plaza (d/b/a SCP Village), Bayside SVTC, LLC, IVT Dallas Prestonwood, LLC, and South Coast Plaza.

- A. Objection of NuCo2 LLC to (I) the Debtors' Proposed Cure Amount and Objection and Reservation of Rights of NuCo2 LLC to (II) the Second Omnibus Motion of the Debtors for Entry of an Order: (1) Authorizing the Rejection of Certain Unexpired Leases and the Abandonment of Certain Personal Property Nunc Pro Tunc Effective as of May 31, 2023; and (2) Granting Related Relief (Filed by NuCo2 LLC) [Filed: 5/22/23] (D.I. No. [501](#))
- B. Objection of Ecolab, Inc. to Possible Assumption and Assignment of Contracts (Filed by Ecolab, Inc.) [Filed: 5/22/23 (D.I. No. [493](#))
- C. Limited Objection of Microsoft to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors [Filed: 5/24/23] (D.I. No. [520](#))
- D. Objection of SOT 120 S LaSalle LLC to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors (Filed by SOT 120 S LaSalle LLC) [Filed: 5/22/23] (D.I. No. [495](#))

- E. Limited Objection of Edens Plaza SC Owner LLC to Proposed Assumption and Assignment of Potential Executory Contracts and Unexpired Leases and Reservation of Rights with Respect to Debtors' Motion Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances (Filed by Edens Plaza SC Owner LLC) [Filed: 5/22/23] (D.I. No. [498](#))
- F. Objection to Debtors' Designated Cure Amount (Filed by AmCap Northpoint II LLC) [Filed: 5/18/23] (D.I. No. [460](#))
- G. Objection of Westfield, LLC and its Landlord Affiliates to the Proposed Assumption and Assignment of Westfield Leases Pursuant to the Assumption and Assignment Procedures (Filed by Westfield, LLC and its Affiliates Montgomery Mall Owner, LLC & Mission Valley Shoppingtown, LLC) [Filed: 5/18/23] (D. I. No. [461](#))
- H. Request of Eagle Green, LP, for Allowance and Payment of Administrative Expense Claim (Filed by Eagle Green, LP) [Filed: 5/18/23] (Doc. No. [462](#))
- I. Objection Bella Terra Associates, LLC's Objection to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors (Filed by Bella Terra Associates, LLC) [Filed: 5/19/23] (D.I. No [468](#))
- J. Limited Objection of Brinker International, Inc. and its Affiliates to Cure Amounts Set Forth in Debtors' Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors Filed in Conjunction with Debtors' Sale Motion [Docket Nos. 289 And 418] (Filed by Brinker International, Inc., Maggiano's Holding Corporation, Maggiano's Texas Inc., Maggiano's of Tyson's, Inc., Maggiano's, Inc.) [Filed: 5/22/23] (D.I. No [480](#))
- K. Brixmor Operating Partnership L.P.; CNI One Cal Plaza Owner, LLC; CPF 801 Tower, LLC; Deutsche Asset & Wealth Management; Federal Realty OP LP, GMV (Mall) Owner LLC; LA Retail 1, LLC; Weitzman; and Wexford-UCSC 3737, LLC to (1) 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) Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Assignment of Executory Contracts and Unexpired Leases; and (III) Granting Related Relief and (2) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors (Filed by LA Retail 1, LLC, CPF 801 Tower, LLC, CNI One Cal Plaza Owner, LLC, Brixmor Operating Partnership L.P., Deutsche Asset & Wealth Management, Federal Realty OP LP, GMV (Mall) Owner LLC, Weitzman, Wexford-UCSC 3737, LLC) [Filed: 5/22/23] (D.I. No. [481](#))

- L. Objection and Reservation of Rights of Nationwide Theatres West Flagler, LLC to the (I) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors' Assets (Filed by Nationwide Theatres West Flagler, LLC as Successor-in-Interest to Main Street Concourse, LLC) [Filed: 5/22/23] (D.I. No. [490](#))
  - 1) Amended Objection and Reservation of Rights of Nationwide Theatres West Flagler, LLC to the (I) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors' Assets [Filed: 5/26/23] (D.I. No. [530](#))
- M. Objection of Certain Landlords to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors (Filed by Nuveen Real Estate, Regency Centers, LP) [Filed: 5/22/23] (D.I. No. [494](#))
- N. Objection and Reservation of Rights of Half Baked, LLC to the (I) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors' Assets [Filed: 5/24/23] (D. I. No. [521](#))
  - 1) Supplemental Objection and Reservation of Rights of Half Baked, LLC to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors Assets [Filed 6/1/23] (D.I. No. [556](#))
- O. Joinder of Garfield I, LLC in Supplemental Objection of Westfield, LLC and Its Landlord Affiliates to the Proposed Assumption and Assignment of Westfield Leases Pursuant to the Assumption and Assignment Procedures and Notice of Selection of Proposed Stalking Horse Purchaser (Corbak Acquisition LLC) and Filing of Proposed Stalking Horse Asset Purchase Agreement [Filed: 5/25/23] (D.I. No. [527](#))
- P. Limited Objection of Garfield I, LLC to Schedule of Cure Amounts (Filed by Garfield I, LLC) Court Docket: [Filed: 5/22/23] (D.I. No. [488](#))

Related Documents:

- A. 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 (Filed by CBC Restaurant Corp.) [Filed: 4/7/23] ([D.I. No. 289](#))

- B. Notice of Debtors' Intention to Reject Certain Executory Contracts and Unexpired Leases Pursuant to Bankruptcy Code Section 365 [Filed: 7/15/2023] ([D.I. No. 710](#))

Status: SSCP anticipates that the objections raised by Garfield I, LLC, which relate to a store that have already been closed, will be resolved by the consensual rejection of their lease effective as of 8/31/23. Further, SSCP and the relevant parties have reached or are negotiating agreements with respect to each of these matters and are finalizing agreed orders regarding assumption or preparing to reject, as applicable. These matters can be adjourned to a further omnibus hearing set for September 19, 2023, if necessary. Counsel for SSCP has been in contact with counsel for each of the objecting landlords or other parties regarding this continuance and has not received any objections concerning same.

### **RESOLVED MATTERS**

3. Certain Matters related to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtor [Filed: 5/1/23] (D.I. No. [418](#)).

Response Deadline: May 22, 2023, at 4:00 p.m. (ET). The response deadline was extended to May 26, 2023, for Lakewood Galleria Partners LLC; SOT 120 S. LaSalle LLC; Trizechahn Regional Pooling LLC; Rancho Mall, LLC; Microsoft, Inc.; Door Dash, Inc. and Half Baked LLC, and Bella Terra Associates LLC.

Responses Received: Informal comments and objections to the assumption and cure notice were timely received from: Pacific Castle Colima, LP., Pacific Castle Newport, LLC, Pacific Castle Investments I, LLC, and Pacific Castle Long Beach, L.P.; Master K. Investment, LLC, DS Fountain Valley LP, Greenway – Restaurant Complex Partners, L.P., McKnight Park Central LLC, MacArthur Park, LP; Laguna Niguel Investors No. 1; Rancho Mall, LLC; Irvine Market Place II, LLC; POTA JV, LLC; The Irvine Company; The Irvine Company, LLC; Irvine Market Place II, LLC; 1301 East Gladstone Street Investors LLC; Wilson NPB, LLC; Butera Center Management, Inc.; 800 NSF Holdings, LLC; GF-ARB C, Ltd.; Goodman/Friedman LLC; Town Square Ventures, LP; **Pender L.L.C.**; and Loomis U.S. Inc.

- A. Limited Objection of Dallas College to Schedule of Cure Amounts (Filed by Dallas College) [Filed: 5/17/23] (D.I. No. [456](#))
- B. Objection and Reservation of Rights of MacArthur Park, LP to the (I) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors' Assets (Filed by MacArthur Park, LP) [Filed: 5/19/23] (D.I. No. [466](#))
- C. Objection and Reservation of Rights of John D. and Catherine T. MacArthur Foundation to the (I) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors' Assets (Filed by John D. and Catherine T. MacArthur Foundation) [Filed: 5/19/23] (D.I. No. [467](#))

- D. Objection and Reservation of Rights of Greenway-Restaurant Complex Partners, L.P. to the (I) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors' Assets (Filed by Greenway-Restaurant Complex Partners, L.P.) [Filed: 5/19/23] (D.I. No [471](#))
- E. Objection of DS Fountain Valley LP to (1) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (2) Motion for Entry of Orders (I)(A) Approving Bidding Procedures for Sale of All or Substantially All of the Debtors' Assets; (B) Authorizing the Debtors to Enter Into Stalking Horse Agreement; (C) Scheduling an Auction and Approving the Form and Manner and Notice Thereto; (D) Approving the 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 Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances; and (III) Granting Related Relief; and Joinder and Reservations of Rights (Filed by DS Fountain Valley LP) [Filed: 5/22/23] (D.I. No. [483](#))
- F. Limited Objection of Wells-Washington L.L.C. to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors (Filed by Wells-Washington L.L.C.) [Filed: 5/22/23] (D.I. No [485](#))
- G. Objection to Debtors' Proposed Cure Amount (Filed by Orchard Lake Forest CA LP) [Filed: 5/2/23] (D.I. No. [484](#))
- H. Limited Objection of Pender, L.L.C. to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors (Filed by Pender, L.L.C.) [Filed: 5/22/23] (D.I. No. [487](#))
- I. Objection and Reservation of Rights of Parcel D Property LLC to the (I) Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors and (II) Proposed Sale of Substantially All of the Debtors' Assets (Filed by Parcel D Property LLC) [Filed: 5/22/23] (D.I. No. [491](#))
- J. Limited Objection of LPF Geneva Commons, LLC to the Debtors' Motion for Entry of Orders: (1)(A) Approving Bidding Procedures of the Sale of All or Substantially All of the Debtors' Assets; (B) Authorizing the Debtors to Enter Into Stalking Horse Agreement; (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof; (D) Approving the 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 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 [Filed: 5/31/23] (D.I. No. [550](#))

- K. Response of Peachtree Square Holdings, LLC to Debtor's Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases (Filed by Peachtree Square Holdings, LLC) [Filed: 5/18/23] (D.I. No. [459](#))
- L. **Objection to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors (Filed by Lakewood Galleria) [Filed: 5/25/23] (D.I. No. [525](#))**
- M. **Limited Objection of 1301 East Gladstone Street Investors LLC to Notice of Possible Assumption and Assignment with Respect to Executory Contracts and Unexpired Leases of the Debtors [Filed: 5/26/23] (D.I. No. [531](#))**
- N. **Cure Objection and Reservation of Rights of 360 NM Holdings, LLC to Schedule of Cure Amounts (Filed by 360 NM Holdings, LLC) [Filed: 5/22/23] (D.I. No. [499](#))**

Related Documents:

- A. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Dallas College [Store #94] [Entered: 8/17/23] (D.I. No. [798](#))
- B. [SIGNED] Agreed Order Authorizing the Assumption and Assignment of Unexpired Lease with MacArthur Park, LP [Store 173] [Entered: 8/18/23] (D.I. No. [801](#))
- C. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With John D. and Catherine T. MacArthur Foundation [Store 74] [Entered: 8/11/23] (D.I. No. [778](#))
- D. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Greenway-Restaurant Complex Partners, L.P. [Store 258] [Entered: 8/11/23] (D.I. No. [779](#))
- E. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With DS Fountain Valley LP [Store #228] [Entered: 8/17/23] (D.I. No. [799](#))
- F. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Wells-Washington L.L.C. [Store 167] [Entered: 8/11/23] (D.I. No. [776](#))
- G. Notice of Withdrawal of Objection to Debtors' Proposed Cure Amount (Filed by Orchard Lake Forest CA LP) [Filed: 8/7/23] (D.I. No. [759](#))
  - 1) Certification of Counsel Regarding Agreed Upon Order on Assumption and Assignment of Unexpired Lease with Orchard Lake Forest CA LP [Store 230] [Filed: 8/10/23] (D.I. No. [772](#))

- i. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Orchard Lake Forest CA LP [Store 230] [Entered: 8/11/23] (D.I. No. [777](#))
- H. Order: (1) Authorizing the Rejection of Certain Unexpired Leases of Nonresidential Real Estate and the Abandonment of Certain Personal Property Effective Nunc Pro Tunc to June 30, 2023; and (2) Granting Related Relief (Parcel D Property LLC and Pacific Castle Colima, LP., Pacific Castle Newport, LLC, Pacific Castle Investments I, LLC, and Pacific Castle Long Beach, L.P) [Signed: 7/6/23] ([D.I. No. 690](#))
- I. [SIGNED] Order: (1) Authorizing the Rejection of Certain Executory Contracts and Unexpired Leases Pursuant to Bankruptcy Code Section 365 (LPF Geneva Commons, LLC, Laguna Niguel Investors No. 1, and Peachtree Square Holdings, LLC) [Entered: 8/3/23] (D.I. No. [752](#))
- J. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Wilson NPB, LLC [Store #96] [Entered: 8/10/23] (D.I. No. [769](#))
- K. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Butera Center Management, Inc. [Store #189] [Entered: 8/10/23] (D.I. No. [770](#))
- L. **[SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Lakewood Galleria, Lakewood CA, LLC [Store #224] [Entered: 8/24/23] (D.I. No. [821](#))**
- M. **[SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With 1301 East Gladstone Street Investors LLC [Store #238] [Entered: 8/24/23] (D.I. No. [820](#))**
- N. **[SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With 360 NM Holdings, LLC [Entered: 8/24/23] (D.I. No. [819](#))**
- O. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With 800 NSF Holdings, LLC [Store #227] [Entered: 8/10/23] (D.I. No. [771](#))
- P. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Temporary Occupancy Agreement With GF-ARB C, Ltd. [Store 268] [Entered: 8/16/23] (D.I. No. [790](#))
- Q. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Goodman/Friedman LLC [Store #170] [Entered: 8/17/23] (D.I. No. [796](#))

- R. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Town Square Ventures, LP [Store #109] [Entered: 8/22/23] (D.I. No. [807](#))
- S. [SIGNED] Order (Agreed) Authorizing the Assumption and Assignment of Unexpired Lease With Pender, L.L.C. [Store #283] [Entered: 8/23/23] (D.I. No. [813](#))

**Status:** Agreed Orders allowing certain leases to be assumed and assigned to SSCP (or its designee) have been entered at D.I. Nos. 769, 770, 771, 776, 777, 778, 779, 790, 796, 798, 799, 801, 807, 813, **819, 820, and 821**. The remaining matters noted above have been resolved by entry of orders rejecting certain leases and/or contracts (D.I. Nos. 690 and 752).

### **MATTERS GOING FORWARD**

- 4. SSCP Restaurant Investors, LLC's Motion in Aid of the Sale Order as to the Assumption and Assignment of Two Unexpired Leases with Irvine Company [Filed: 8/11/23] ([D.I. No. 780](#))

Response Deadline: August 18, 2023 at 4:00 p.m. (ET)

Responses Received:

- A. Objection to SSCP Restaurant Investors, LLC's Motion in Aid of the Sale Order as to the Assumption and Assignment of Two Unexpired Leases with Irvine Company [Filed: 8/18/23] ([D.I. No. 802](#))
- B. SSCP Restaurant Investors, LLC's Reply to Objection to SSCP Restaurant Investors, LLC's Motion in Aid of the Sale Order as to the Assumption and Assignment of Two Unexpired Leases with Irvine Company [Filed: 8/19/2023] (D.I. No. [808](#)).
- C. Statement of Stipulated Fact Regarding SSCP Restaurant Investors, LLC's Motion in Aid of the Sale Order as to the Assumption and Assignment of Two Unexpired Leases with the Irvine Company [Filed: 8/24/2023] (D.I. No. [817](#)).

Related Documents: None

**Status:** This matter is going forward on oral argument. The parties negotiated a statement of stipulated fact that obviates the need for live witness testimony.

*[Remainder of Page Intentionally Left Blank]*

Dated: August 24, 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

*Counsel for Debtors and Debtors in Possession*