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Proposed Counsel for the Debtor
and Debtor in Possession

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

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In re:	: Chapter 11
	:
HERB PHILIPSON’S ARMY AND NAVY	:
STORES INC.,	:
	: Case No. 18-61376-6 (DD)
Debtor. ¹	:
	:
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**NOTICE OF COMMENCEMENT OF CHAPTER 11 CASE
AND HEARING TO CONSIDER FIRST DAY MOTIONS**

PLEASE TAKE NOTICE that, on October 8, 2018 (the “Petition Date”), Herb Philipson’s Army and Navy Stores Inc. (the “Debtor”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of New York (the “Court”);

¹ The last four digits of the Debtor’s federal tax identification number are 4814.



PLEASE TAKE FURTHER NOTICE that on the Petition Date, in addition to its chapter 11 petition, the Debtor filed the following first day motions and related pleadings (the “First Day Motions”):

1. Debtor’s Motion for Interim and Final Orders Pursuant to Sections 363(c)(1) and 503(b)(1)(A) of the Bankruptcy Code (I) Granting Administrative Expense Priority Status to Undisputed Obligations Arising From the Postpetition Delivery of Goods and Services Ordered Prepetition; and (II) Authorizing the Debtor to Pay Such Obligations in the Ordinary Course of Business [Dkt. No. 2];
2. Debtor’s Motion for Entry of an Interim and Final Order Pursuant to Sections 105, 361, 362, 363, 507 and 552 of the Bankruptcy Code, Bankruptcy Rules 2002, 4001, 6003, 6004 and 9014 (I) Authorizing the Debtor to Use Cash Collateral; (II) Granting Adequate Protection; and (III) Scheduling a Final Hearing [Dkt. No. 3];
3. Debtor’s Motion for Interim and Final Orders Pursuant to Bankruptcy Code Sections 105(a), 345, 363, 503(b)(1) and 507(a)(2) Authorizing (I) Continued Maintenance of Existing Bank Accounts; (II) Continued Use of Existing Business Forms; (III) Continued Use of Existing Cash Management System; (IV) Continued Intercompany Transactions; and (V) Waiver Of Certain Guidelines Relating To Bank Accounts [Dkt. No.4];
4. Debtor’s Motion for an Order Pursuant to Sections 342(a) and 521(a)(1) of the Bankruptcy Code, Bankruptcy Rule 1007 Authorizing the Debtor to: (I) Prepare a List of Creditors In Lieu of a Mailing Matrix; and (II) Mail Notices to Creditors [**Dkt. No. 5—Please note that this motion has been withdrawn**]
5. Debtor’s Motion for Entry of an Interim and Final Order (I) Authorizing the Debtor to Pay Certain Prepetition Obligations to Critical Vendors and (II) Granting Related Relief [Dkt. No. 6];
6. Debtor’s Motion for Interim and Final Orders Pursuant to Sections 105(a), 506, 507(a)(7), 553, 1107 and 1108 of the Bankruptcy Code Authorizing the Debtor to (I) Maintain Certain Customer Programs; and (II) Honor or Pay Related Prepetition Obligations to Its Customers [Dkt. No. 7];
7. Debtor’s Motion for an Entry of an Interim and Final Order Pursuant to Sections 105, 363(b), 507(a), 541, 1107(a) and 1108 of the Bankruptcy Code, Authorizing But Not Directing the Debtor to Pay Inter Alia, Prepetition Employee Wages [Dkt. No. 8];
8. Debtor’s Motion for an Order Pursuant to Section 521 of the Bankruptcy Code, and Bankruptcy Rules 1007 and 9006 Granting an Extension of Time to File Its

Statement of Financial Affairs and Schedules of Assets and Liabilities [Dkt. No. 9];

9. Debtor's Motion for Interim and Final Orders Pursuant to Bankruptcy Debtor's Motion for Entry of an Interim and Final Order (I) Authorizing the Debtor to Pay Certain Prepetition Claims of (A) Shippers and Lienholders and (B) 503(b)(9) Claimants; and (II) Granting Related Relief [Dkt. No. 10]
10. Debtor's Motion for an Order Pursuant to Sections 105(a), 362, 365 and 525 of the Bankruptcy Code Enforcing and Restating Automatic Stay and *Ipsa Facto* Provisions [Dkt. No. 11]; and
11. Code Sections 105(a), 506(a), 507(a)(8), 541, 1107(a), 1108 and 1129 Authorizing, But Not Directing, the Debtor to Pay Prepetition Taxes and Related Obligations [Dkt. No. 12];

PLEASE TAKE FURTHER NOTICE that a hearing to consider the First Day motions (the "First Day Hearing") has been scheduled by the Court for **October 15, 2018, at 1:00 p.m. (prevailing Eastern Time)**, with such hearing to be held before the Honorable Diane Davis, United States Bankruptcy Judge, United States Bankruptcy Court for the Northern District of New York, Alexander Pirnie United States Courthouse, 10 Broad Street, Utica, New York 13501 in accordance with the Court's schedule. The Debtor has requested that the Court consider the relief requested in the First Day Motions on a final basis, in certain cases, or on an interim basis pending a final hearing to be scheduled at a later date.

PLEASE TAKE FURTHER NOTICE that a copy of each of the Motions may be obtained by: (a) accessing the Court's website at <http://www.nynb.uscourts.gov/> (for a fee) and (b) contacting the Office of the Clerk of the Court at 10 Broad Street Utica, New York 13501. Note that a PACER password is needed to access documents on the Court's website.

Dated: New York, New York
October 10, 2018

CULLEN AND DYKMAN LLP

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