

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

HERB PHILIPSON'S ARMY AND NAVY
STORES, INC.,¹

Debtor.

Chapter 11

Case No. 18-61376 (DD)

**AMENDED NOTICE OF HEARING ON FIRST DAY
MOTIONS AND OBJECTION DEADLINE**

PLEASE TAKE NOTICE that debtor Herb Philipson's Army and Navy Stores, Inc., the above-captioned debtor and debtor-in-possession (the "Debtor"), by and through its undersigned proposed counsel, Griffin Hamersky LLP and Cullen and Dykman LLP, will move before the Honorable Diane Davis, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Northern District of New York, Alexander Pirnie United States Courthouse, 10 Broad Street, Utica, New York 13051 (the "Hearing") on the **15th day of October, 2018, at 1:00 p.m. (prevailing Eastern Time)**, or as soon thereafter as counsel can be heard, for emergency relief pursuant to title 11 of the United States Code, (11 U.S.C. §§ 101, *et seq.*, as amended, the "Bankruptcy Code") in connection with the following motions ("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,

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



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 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];
5. 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];
6. 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];
7. 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];
8. 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]
9. 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
10. 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, IF YOU INTEND TO OPPOSE THE MOTIONS IN CONNECTION WITH THE EMERGENCY RELIEF REQUESTED IN THE MOTIONS, WRITTEN OPPOSITION MUCH BE FILED WITH THE CLERK OF THE COURT AND SERVED UPON THE MOVANT NO LATER THAN FRIDAY, OCTOBER 12, 2018 AT 3:00 P.M.(prevailing Eastern Time).

Dated: New York, New York
October 11, 2018

CULLEN DYKMAN LLP

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Proposed Counsel for the Debtor and Debtor in Possession