

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)

**NOTICE OF DEBTOR'S PROPOSED AGENDA OF MATTERS SCHEDULED ON
OCTOBER 15, 2018 AT 1:00 P.M.**

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, submits the following agenda in connection with the Motions returnable 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)**, ("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].

No Objections Filed. Consensual proposed order to be submitted to the Court.

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



2. Debtor's Motion for Entry of Interim and Final Orders 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].

Interim Relief:

- (i) **Stipulation and Agreed Interim 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. 25].**

Objections Filed:

- (i) **Limited Objection of Hiawatha Plaza Associates, LLC to 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. 48].**
- (ii) **Second Avenue Capital Partners, LLC's Preliminary Objection to Debtor's Motion for Authority to Use Cash Collateral and Demand for Adequate Protection [Dkts. No. 51 and No. 52].**

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].

No Objections Filed. Consensual proposed order to be submitted to the Court.

4. Debtor's Motion for Interim and Final Orders (I) Authorizing the Debtor to Pay Certain Prepetition Obligations to Critical Vendors and (II) Granting Related Relief [Dkt. No. 6].

Status: Debtor withdraws Motion without prejudice.

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].

No Objections Filed. Consensual proposed order to be submitted to the Court.

6. Debtor's Motion Interim and Final Orders 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].

Interim Relief:

- (i) **Stipulation and Agreed Interim 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. 25].**

No Objections Filed. Consensual proposed order to be submitted to the Court.

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].

No Objections Filed. Consensual proposed order to be submitted to the Court.

8. Debtor's Motion for Interim and Final Orders (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].

No Objections Filed. Consensual proposed order to be submitted to the Court.

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].

Objections Filed:

- (i) **Objection by Hiawatha Plaza Associates, LLC to 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. 49].**
10. Debtor's Motion for Interim and Final Orders Pursuant to Bankruptcy 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].

No Objections Filed. Consensual proposed order to be submitted to the Court.

Dated: New York, New York
October 12, 2018

CULLEN DYKMAN LLP

By: /s/ Maureen T. Bass
Maureen T. Bass, Esq.
44 Wall Street
New York, New York 10005
Telephone: (212) 732-2000
E-mail: mbass@cullenanddykman.com

GRIFFIN HAMERSKY LLP

Scott A. Griffin, Esq.
(pro hac admission pending)
Michael D. Hamersky, Esq.
(pro hac admission pending)
420 Lexington Avenue, Suite 400
New York, New York 10170
Telephone: (646) 998-5580
Facsimile: (646) 998-8284

Proposed Counsel for the Debtor and Debtor in Possession