

FILED

It is SO ORDERED.

Dated: July 3, 2019
Utica, New York

2019 JUL -3 PM 2:31

CLERK OF THE
BANKRUPTCY COURT
N.D. OF NY
UTICA

Diane Davis
U.S. Bankruptcy Judge

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 (DD)
Debtor. ¹	:	
	:	
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**ORDER SHORTENING THE NOTICE
PERIOD WITH RESPECT TO DEBTOR'S EMERGENCY
MOTION FOR: (I) ENTRY OF AN ORDER (A) APPROVING
BIDDING PROCEDURES FOR THE SALE OF SUBSTANTIALLY
ALL OF THE DEBTOR'S ASSETS, (B) SCHEDULING AN AUCTION
AND A SALE HEARING RELATED THERETO, AND (C) APPROVING
THE FORM OF NOTICE OF THE AUCTION AND SALE HEARING;
AND (II) ENTRY OF AN ORDER (A) APPROVING SUCH SALE FREE
AND CLEAR OF LIENS, CLAIMS, ENCUMBRANCES AND OTHER
INTERESTS, (B) AUTHORIZING THE ASSUMPTION AND ASSIGNMENT
OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES
IN CONNECTION WITH THE SALE, AND (C) GRANTING RELATED RELIEF**

Upon the Motion² of the Debtor, for entry of an order, pursuant to Bankruptcy Rule 9006(c)

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

² Capitalized terms used herein, but not otherwise defined, shall have the meanings ascribed to them in the Motion.

and Local Rule 9013-5, shortening the time for notice of the hearing to consider the *Debtor's Emergency Motion For: (I) Entry of an Order (A) Approving Bidding Procedures For The Sale of Substantially all Of the Debtor's Assets, (B) Scheduling an Auction and a Sale Hearing Related Thereto, and (C) Approving the Form of Notice of the Auction and Sale Hearing; And (II) an Order (A) Approving Such Sale Free and Clear of Liens, Claims, Encumbrances and Other Interests, (B) Authorizing the Assumption and Assignment of Certain Executory Contracts And Unexpired Leases in Connection with the Sale, and (C) Granting Related Relief* (the "Sale Motion"); and the Court having found that it has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of Debtor's' estate, its creditors, and other parties in interest; and it appearing that no other or further notice is necessary except as provided herein; and the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation thereon and sufficient cause appearing therefor, it is hereby:

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is **GRANTED IN PART**, to the extent provided herein.
2. The hearing to consider Approval of the Bidding Procedures portion of the Sale Motion shall be held before the Honorable Diane Davis, United States Bankruptcy Judge, on July 9, 2019 at 1:00 p.m. (Prevailing Eastern Time) at the United States Bankruptcy Court, Alexander Pirnie Courthouse and Federal Building, 10 Broad Street, Room 236, Utica, New York 13501.
3. The Debtor shall serve a copy of this Order within one day of entry thereof, by electronic mail, facsimile, or overnight mail, on the Notice Parties (as defined herein).

4. Any and all objections to that portion of the Sale Motion must be in writing and conform to the . . .

Bankruptcy Rules and the Local Rules, and shall be filed with proof of service, with the Clerk of the Court and served on (i) counsel to the Debtor, Griffin Hamersky LLP, Attn: Scott A. Griffin, Esq. and Michael D. Hamersky, Esq., 420 Lexington Avenue, Suite 400 New York, New York 10170; (ii) counsel to the Creditors' Committee, Lowenstein Sandler LLP, Attn: Eric Chafetz, Esq. and Jeffrey Cohen, Esq., 1251 Avenue of the Americas, New York, New York 10020; (iii) the U.S. Trustee, Attn: Guy Van Baalen, Esq. and Erin Champion, Esq., 10 Broad Street, Room 105 Utica, New York 13501; (iv) counsel to Crossroads, Locke Lord LLP, Attn: Ira S. Greene, Esq. and Michael B. Kind, Esq., Brookfield Place, 200 Vesey Street, 20th Floor, New York, New York 10281; and (v) counsel to the Philipsons, Hodgson Russ, LLP, Attn: Richard L. Weisz, Esq., 677 Broadway, Suite 301, Albany, New York 12207 (collectively the "Notice Parties") by July 8, 2019 at 12:00 p.m. (Prevailing Eastern Time) (the "Objection Deadline").

5. This Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation of this Order.

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