

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

HRI HOLDING CORP., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 19-12415 (MFW)  
(Jointly Administered)

**Hearing Date: June 2, 2022 at 11:30 a.m. (ET)**  
**Objection Deadline: May 19, 2022 at 4:00 p.m. (ET)**

**PLAN ADMINISTRATOR'S FOURTH MOTION FOR ENTRY OF AN ORDER  
EXTENDING THE CLAIMS OBJECTION DEADLINE**

Anthony M. Saccullo, in his capacity as the Plan Administrator of HRI Holding Corp. and its affiliated debtors in the above-captioned chapter 11 bankruptcy proceeding (the "Plan Administrator"), through his undersigned counsel, pursuant to the *Joint Chapter 11 Plan of HRI Holding Corp. and its Debtor Affiliates* [D.I. 702] (the "Plan") and the *Findings of Fact, Conclusions of Law, and Order (I) Confirming Joint Chapter 11 Plan of HRI Holding Corp. and its Debtor Affiliates and (II) Approving the Disclosure Statement on a Final Basis* entered on November 5, 2020 [D.I. 816] (the "Confirmation Order"), hereby files this motion (the "Motion") seeking entry of an order extending by 60 days, or such longer period as may be established by the Court, the time that the Plan Administrator may object to claims in these chapter 11 cases, without

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: HRI Holding Corp. (4677), Houlihan's Restaurants, Inc. (8489), HDJG Corp. (3479), Red Steer, Inc. (2214), Sam Wilson's/Kansas, Inc. (5739), Darryl's of St. Louis County, Inc. (7177), Darryl's of Overland Park, Inc. (3015), Houlihan's of Ohio, Inc. (6410), HRI O'Fallon, Inc. (4539), Algonquin Houlihan's Restaurant, L.L.C. (0449), Geneva Houlihan's Restaurant, L.L.C. (3156), Hanley Station Houlihan's Restaurant, LLC (8058), Houlihan's Texas Holdings, Inc. (5485), Houlihan's Restaurants of Texas, Inc. (4948), JGIL Mill OP LLC (0741), JGIL Millburn, LLC (6071), JGIL Millburn Op LLC (N/A), JGIL, LLC (5485), JGIL Holding Corp. (N/A), JGIL Omaha, LLC (5485), HOP NJ NY, LLC (1106), HOP Farmingdale LLC (7273), HOP Cherry Hill LLC (5012), HOP Paramus LLC (5154), HOP Lawrenceville LLC (5239), HOP Brick LLC (4416), HOP Secaucus LLC (5946), HOP Heights LLC (6017), HOP Bayonne LLC (7185), HOP Fairfield LLC (8068), HOP Ramsey LLC (8657), HOP Bridgewater LLC (1005), HOP Parsippany LLC (1520), HOP Westbury LLC (2352), HOP Weehawken LLC (2571), HOP New Brunswick LLC (2637), HOP Holmdel LLC (2638), HOP Woodbridge LLC (8965), and Houlihan's of Chesterfield, Inc. (5073). The Debtors' mailing address is HRI Holdings Corp., c/o Saccullo Business Consulting, LLC, 27 Crimson King Drive, Bear, Delaware 19701.



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prejudice to the rights of the Plan Administrator to seek further extensions of such claim objection deadline. In support of this Motion, the Plan Administrator respectfully represents as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested herein is Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rule(s)”).

**BACKGROUND**<sup>2</sup>

3. On November 14, 2019, (the “Petition Date”), the Debtors filed with the Court voluntary petitions under chapter 11 of the Bankruptcy Code. The Debtors continued to operate their businesses and manage their assets as Debtors-in-Possession pursuant to section 1107(a) and 1108 of the Bankruptcy Code.

4. On November 5, 2020, the Court entered the Confirmation Order. Among other things, the Confirmation Order approved the appointment of the Plan Administrator effective as of the Effective Date of the Plan. *See* Confirmation Order at ¶ 14. The Effective Date of the Plan was November 13, 2020.

5. Pursuant to Article IV, Section F and Article VII, Section B of the Plan, the Plan Administrator was vested with standing and authority to object to claims. Pursuant to Article VII, Section E of the Plan, and paragraph 19 of the Confirmation Order, objections to claims must be filed on or before the day that is 180 days after the Effective Date, which is May 12, 2021 (the “Claims

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan or Confirmation Order.

Objection Deadline”). The Plan and Confirmation Order, however, specifically provide that this period can be extended by order of the Court upon a motion filed by the Plan Administrator.

6. On or about May 11, 2021, the Plan Administrator filed its motion for entry of order extending the claims objection date to September 9, 2021 [D.I. 858]. The order for the motion granting entry of order extending the claims objection was entered on June 3, 2021.

7. On or about August 19, 2021, the Plan Administrator filed its second motion for entry of Order extending the claims objection date to January 7, 2022 [D.I. 869]. The order for the second motion granting entry of order extending the claims objection was entered on September 8, 2021.

8. On or about December 8, 2021, the Plan Administrator filed its third motion for entry of Order extending the claims objection date to May 7, 2022 [D.I. 888]. The order for the third motion granting entry of order extending the claims objection date was entered on January 3, 2022.

### **RELIEF REQUESTED**

9. By this Motion, the Plan Administrator seeks an order extending the Claims Objection Deadline by 60 days through and including **July 6, 2022** or such longer period as may be established by the Court, without prejudice to the rights of the Plan Administrator to seek further extensions of such claim objection deadline.

### **BASIS FOR RELIEF**

10. Bankruptcy Rule 9006(b)(1) permits the Court, in its discretion, to extend the Claims Objection Deadline for cause, with or without motion or notice. Bankruptcy Rule 9006(b)(1) provides:

...[W]hen an act is required or allowed to be done at or within a specified period . . . by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged

if the request therefore is made before expiration of the period prescribed or as extended by a previous order . . .

Fed. R. Bankr. P. 9006(b)(1).

11. The Plan Administrator's request to extend the Claims Objection Deadline is made before the current expiration date, and cause exists to extend the deadline. Although "cause" is not defined, it has been noted that "courts should be liberal in granting extensions of time sought before the period to act has elapsed, as long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions has not been abused . . ." 10 COLLIER ON BANKRUPTCY P 9006.06 (15<sup>th</sup> Edition 2015).

12. The Plan Administrator and the professionals in his employ have been conducting the claims reconciliation process. The Plan Administrator has nearly completed a review of claims and expects to submit omnibus claims objections in the second quarter of 2022. This additional time is needed to prepare the omnibus objections and complete the process.

13. As the time to file claim objections is now coming due, the Plan Administrator has determined that the deadline to file objections to claims, if any, must be extended.

14. Accordingly, the Plan Administrator respectfully requests the entry of an order extending the Claims Objection Deadline to permit time for the claims reconciliation process to continue as needed in order for the Plan Administrator to prepare and file any claim objections that will benefit the Debtors' estates.

#### **Notice**

15. Notice of this Motion has been provided to: (i) the Office of the United States Trustee, J. Caleb Boggs Federal Building, 844 King Street, Suite 2207, Lockbox 35, Wilmington, DE 19801, Attn: Jane M. Leamy, Esq., and (ii) any party that has requested notice pursuant to Bankruptcy Rule 2002.

WHEREFORE, for the reasons set forth herein, the Plan Administrator respectfully requests that the Court enter an order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and granting such other and further relief as the Court deems appropriate.

Dated: May 5, 2022

GELLERT SCALI BUSENKELL & BROWN, LLC

/s/ Ronald S. Gellert

Ronald S. Gellert (DE 4259)

Michael Busenkell (DE 3933)

Bradley P. Lehman (DE 5921)

1201 N. Orange St., Suite 300

Wilmington, Delaware 19801

Telephone: (302) 425-5800

Facsimile: (302) 425-5814

Email: [rgellert@gsbblaw.com](mailto:rgellert@gsbblaw.com)

[mbusenkell@gsbblaw.com](mailto:mbusenkell@gsbblaw.com)

[blehman@gsbblaw.com](mailto:blehman@gsbblaw.com)

*Counsel for the Plan Administrator*

**Exhibit A**

**[Proposed Form of Order]**

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FOR THE DISTRICT OF DELAWARE**

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Debtors.

Chapter 11

Case No. 19-12415 (MFW)  
(Jointly Administered)

**Related to Docket No. \_\_\_\_\_**

**FOURTH ORDER EXTENDING THE CLAIMS OBJECTION DEADLINE**

Upon the *Plan Administrator's Fourth Motion for Entry of an Order Further Extending the Claims Objection Deadline* (“Motion”)<sup>2</sup> seeking entry of an order further extending by 60 days, or such longer period as may be established by the Court, the time that the Plan Administrator may object to claims in the above-captioned chapter 11 proceedings without prejudice to the rights of the Plan Administrator to seek further extensions; and the Court having found that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); 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 Plan Administrator having provided appropriate notice of the Motion and the opportunity for a hearing on the Motion under the

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<sup>2</sup> All capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

circumstances and that no other or further notice is required; and the Court having reviewed the Motion; and no objections to the Motion having been filed with this Court; 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 upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is hereby:

ORDERED AND DECREED THAT:

1. The Motion is granted as set forth herein.
2. The Claims Objection Deadline is hereby extended through and including July 6, 2022. The relief granted herein is without prejudice to the Plan Administrator's rights to request further extensions of the Claims Objection Deadline.
3. The Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Order.



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**Hearing Date: June 2, 2022 at 11:30 a.m. (ET)**

**Objection Deadline: May 19, 2022 at 4:00 p.m. (ET)**

**NOTICE OF PLAN ADMINISTRATOR'S FOURTH MOTION FOR ENTRY OF AN  
ORDER EXTENDING THE CLAIMS OBJECTION DEADLINE**

**PLEASE TAKE NOTICE** that Anthony M. Saccullo, in his capacity as the Plan Administrator of HRI Holding Corp. and its affiliated debtors in the above-captioned chapter 11 bankruptcy proceeding (the "Plan Administrator") has filed the *Plan Administrator's Fourth Motion for Entry of Order Extending the Claims Objection Deadline* (the "Motion") with the United States Bankruptcy Court for the District of Delaware (the "Court").

**PLEASE TAKE FURTHER NOTICE** that if you oppose the Motion or if you want the court to consider your views regarding the Motion, you must file a written response with the Court detailing your objection or response by **May 19, 2022 at 4:00 p.m. (ET)**. You must also serve a copy of your response upon undersigned counsel for the Plan Administrator.

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**PLEASE TAKE FURTHER NOTICE** that the hearing on the Motion is scheduled for **June 2, 2022 at 11:30 a.m. (ET)** before the Honorable Mary F. Walrath in Courtroom No. 4, 5<sup>th</sup> Floor, in the United States Bankruptcy Court located at 824 N. Market Street, Wilmington, Delaware 19801.

**IF YOU DO NOT TAKE THESE STEPS BY THE DEADLINE, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION AND MAY GRANT OR OTHERWISE DISPOSE OF THE MOTION BEFORE THE SCHEDULED HEARING DATE.**

Dated: May 5, 2022

GELLERT SCALI BUSENKELL & BROWN, LLC

/s/ Ronald S. Gellert

Ronald S. Gellert (DE 4259)

Michael Busenkell (DE 3933)

Bradley P. Lehman (DE 5921)

1201 N. Orange St., Suite 300

Wilmington, Delaware 19801

Telephone: (302) 425-5800

Facsimile: (302) 425-5814

Email: [rgellert@gsbblaw.com](mailto:rgellert@gsbblaw.com)

[mbusenkell@gsbblaw.com](mailto:mbusenkell@gsbblaw.com)

[blehman@gsbblaw.com](mailto:blehman@gsbblaw.com)

*Counsel for the Plan Administrator*