



IT IS ORDERED as set forth below:

Date: March 3, 2020

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:) Chapter 11
)
THE KRYSTAL COMPANY,¹) Case No. 20-61065 (PWB)
)
)
Debtors.) (Jointly Administered)
)

ORDER (I) AUTHORIZING PAYMENT OF UNDISPUTED CLAIMS UNDER SECTION 503(B)(9); (II) ESTABLISHING THE BAR DATE FOR FILING REQUESTS FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIMS UNDER SECTION 503(b)(9); (III) APPROVING THE FORM, MANNER, AND SUFFICIENCY OF NOTICE OF BAR DATE PURSUANT TO BANKRUPTCY RULE 9007; (VI) APPROVING THE PROCEDURE FOR SUBMITTING SECTION 503(B)(9) CLAIMS; (V) ESTABLISHING AND IMPLEMENTING EXCLUSIVE AND GLOBAL PROCEDURES FOR RESOLVING CLAIMS RELATING TO GOODS RECEIVED WITHIN TWENTY DAYS PRIOR TO THE PETITION DATE; AND (VI) GRANTING RELATED RELIEF

This matter is before the Court on the *Motion for Entry of an Order (I) Authorizing Payment of Undisputed Claims Under Section 503(b)(9); (II) Establishing Bar Date for Filing*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: The Krystal Company (4140); Krystal Holdings, Inc. (5381); and K-Square Acquisition Co., LLC (8916). The location of the Debtors’ corporate headquarters and service address is: 1455 Lincoln Parkway, Suite 600, Dunwoody, Georgia 30346.



Requests for Payment of Administrative Expense Claims under Section 503(b)(9); (III) Approving Form, Manner, and Sufficiency of Notice of Bar Date Pursuant to Bankruptcy Rule 9007; (IV) Approving the Procedure for Submitting Section 503(b)(9) Claims; (V) Establishing and Implementing Exclusive and Global Procedures for Resolving Claims Relating to Goods Received within Twenty Days Prior to the Petition Date; and (VI) Granting Related Relief (the “Motion”) [Docket No. 46] of the above-captioned debtors and debtors in possession (collectively, the “Debtors”). All capitalized terms used but not defined herein shall have the meanings given to them in the Motion.

The Court has considered the Motion, the First Day Declaration, and the matters reflected in the record of the hearing held on February 13, 2020. It appears that adequate notice of the Motion has been given and that no other or further notice is necessary; that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and that venue of this proceeding and the Motion is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409. The Court having found that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors and other parties in interest, and after due deliberation and sufficient cause appearing therefore, HEREBY ORDERS THAT:

1. The Motion is granted to the extent set forth herein.
2. The 503(b)(9) Bar Date shall be April 21, 2020.
3. The form of the Section 503(b)(9) Bar Date Notice, substantially in the form attached as **Exhibit B** to the Motion, and the manner of providing notice of the Section 503(b)(9) Bar Date proposed in the Motion are approved.

4. The Section 503(b)(9) Bar Date Notice shall be mailed to all persons or entities on the Master Service List and all Vendors that the Debtors reasonably believe may have Section 503(b)(9) Claims as soon as practicable.

5. The following shall be the procedures for filing Section 503(b)(9) Claims:

- a. Any claimant asserting a Section 503(b)(9) Claim (a “Claimant”) must deliver by mail or overnight courier a written request for payment of such claim using the form attached as **Exhibit 1** to the Section 503(b)(9) Bar Date Notice (the “503(b)(9) Request”) to indicate that a Section 503(b)(9) Claim is being asserted. All 503(b)(9) Requests must be received on or before the Section 503(b)(9) Bar Date by the Debtors’ claims and noticing agent, Kurtzman Carson Consultants LLC, at the following: The Krystal Company Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 222 N. Pacific Coast Hwy, Suite 300, El Segundo, CA 90245.
- b. Documents required to be submitted with the Section 503(b)(9) Request (“Supporting Documents”) shall include: (i) applicable shipping terms and the value of the Goods listed in the Section 503(b)(9) Request the Claimant contends the Debtors received within twenty (20) calendar days prior to the Petition Date; (ii) the date of delivery to and/or acceptance by the Debtors of the Goods listed in the Section 503(b)(9) Request; (iii) a statement indicating (a) whether the value of such Goods listed in the Section 503(b)(9) Request represents a combination of services and goods, (b) the percentage of value related to services and the percentage related to goods, (c) whether the Vendor has filed duplicate or similar claims with the Debtors regarding the Goods underlying their Section 503(b)(9) Request, (d) the quantity and dollar amount of such Goods indicated in the duplicate claims, and (e) the specific provisions(s) of the Bankruptcy Code under which such duplicate claims have been made, or under which the Vendor expects to receive payment for such duplicate claims from some other source; and (iv) documentation, including invoices, receipts, bills of lading and the like, identifying the particular Goods for which the Section 503(b)(9) Claim is being asserted.
- c. Vendors shall be forever barred, without further order of the Court, from asserting a Section 503(b)(9) Claim after the expiration of the Section 503(b)(9) Bar Date, but shall not be barred from asserting a related or unrelated general unsecured claim.

6. Any holder of a Section 503(b)(9) Claim that fails to submit a Section 503(b)(9) Request by the Section 503(b)(9) Bar Date in accordance with the procedure set forth in this

Order is forever barred, estopped, and permanently enjoined from asserting its Section 503(b)(9) Claim against the Debtors, their estates, or their property, and such holder shall not be entitled to receive any distribution in these bankruptcy cases on account of such Section 503(b)(9) Claim or receive further notices regarding such Section 503(b)(9) Claim, absent further order of this Court. Nothing herein shall bar a holder of a Section 503(b)(9) Claim from asserting a related or unrelated general unsecured claim.

7. The following shall be the Procedures for reconciling and allowing Section 503(b)(9) Claims:

- a. Any Section 503(b)(9) Claim submitted pursuant to the Filing Procedures that is not disputed by the Debtors or the subject of a pending unresolved objection filed in accordance with this Order may be paid by the Debtors without further order of the Court; provided, however, that the Debtors shall provide ten (10) business days written notice (via electronic mail) to counsel to the Committee and counsel to Wells Fargo Bank, N.A., in its capacity as administrative agent for the Debtors' first lien prepetition lenders (the "Agent") of any proposed payments under this paragraph 7(a) and the Debtors shall not make such payments (absent further order of the Court) in the event that the Debtors receive a written objection (via electronic mail) to such payment from either the Committee or the Agent. Within five (5) business days of receipt of any such objection by the Committee or the Agent, the Debtors shall provide via electronic mail or overnight delivery a copy of any such written objection to the holder of such Section 503(b)(9) Claim, who may thereafter bring a motion on its own behalf to seek relief with respect to its Section 503(b)(9) Claim.
- b. On or before five (5) business days after the Section 503(b)(9) Bar Date, the Debtors shall submit to counsel to the Official Committee of Unsecured Creditors (the "Committee") (once formed) and counsel to the Agent all Section 503(b)(9) Requests received by the Debtors as of the Section 503(b)(9) Bar Date.
- c. No later than thirty (30) calendar days after the Section 503(b)(9) Bar Date (the "Notice Deadline"), the Debtors will file with the Court a notice (the "Notice"), listing (i) the name of each Claimant that submitted a Section 503(b)(9) Request, (ii) the corresponding amount of the Section 503(b)(9) Claim asserted, and (iii) the amount of the Section 503(b)(9) Claim deemed

valid by the Debtors. The Debtors will serve the Notice on the following parties (collectively, the “503(b)(9) Notice Parties”): (i) the Office of the United States Trustee; (ii) counsel to the Committee; (iii) counsel to the Agent; and (iv) each Vendor that is subject to the Notice, at the address indicated in its Section 503(b)(9) Request.

- d. If the Debtors fail to file the Notice within the required period of time, any holder of a Section 503(b)(9) Claim may bring a motion on its own behalf to seek relief with respect to its Section 503(b)(9) Claim, but may not bring any such motion prior to the expiration of the Notice Deadline.
- e. Any party that wishes to object to the information set forth in the Notice must file, no later than twenty (20) calendar days after the Notice is filed (the “Objection Deadline”), an objection (the “Notice Objection”) including the following information: (i) a copy of the Section 503(b)(9) Request with evidence of the date such 503(b)(9) Request was received by the Debtors; (ii) copies of any purchase orders and invoices relating to the Goods that are the subject of the Section 503(b)(9) Claim; (iii) any evidence demonstrating the date the Goods that are the subject of the Section 503(b)(9) Claim were shipped and the date such Goods were received by the Debtors; and (iv) a statement describing with specificity why the Notice is incorrect and the legal basis for the objection; provided, however, that neither the Agent nor the Committee shall be required to include the information in (i), (ii) and (iii) above in its objection to the Notice.
- f. If the Debtors cannot come to an agreement regarding any objection with the objecting party, the Debtors will schedule the matter for a hearing by the Court; provided, however, that if any such dispute is not resolved within ten (10) business days following the Objection Deadline, the claimant may bring a motion on its own behalf to seek relief with respect to its Section 503(b)(9) Claim.
- g. Any Section 503(b)(9) Claim that is included in the Notice as a valid claim under section 503(b)(9) of the Bankruptcy Code, and is not the subject of a Notice Objection filed by the Objection Deadline, shall be deemed a valid Section 503(b)(9) Claim allowed by the Court in the amount identified in the Notice; provided, however, that all rights relating to the treatment of any such allowed Section 503(b)(9) Claim shall be reserved.
- h. The Debtors reserve the right to exercise any lawful right of setoff against any Section 503(b)(9) Claim and reserves any other rights under the Bankruptcy Code with respect to any Section 503(b)(9) Claim.

8. The Procedures are the sole and exclusive method for resolving Section 503(b)(9) Claims, and all claimants are prohibited from filing motions to compel allowance or payment of administrative expenses for their Section 503(b)(9) Claims, except as provided in the Procedures.

9. Nothing in this Order shall impair the ability of the Debtors or appropriate party in interest to contest any claim of any creditor pursuant to applicable law or otherwise dispute, contest, setoff, or recoup any claim, or assert any rights, claims or defenses related thereto.

10. Nothing in this Order shall be deemed to constitute an assumption or rejection of any executory contract or prepetition or postpetition agreement, or to require the Debtors to make any of the payments authorized herein.

11. Banks and other financial institutions that process, honor, and pay any and all checks on account of any Section 503(b)(9) Claim may rely on the representation of the Debtors as to which checks are issued and authorized to be paid in accordance with this Order without any duty of further inquiry or liability to any party for following the Debtors' instructions.

12. Notwithstanding anything to the contrary in this Order, any payment made (or to be made) and any authorization contained in this Order shall be subject to the terms, conditions, limitations, and requirements of the *Interim and Final Orders (1) Authorizing the Debtors to Use Cash Collateral, (2) Granting Adequate Protection to Lenders, (3) Modifying the Automatic Stay, (4) Setting a Final Hearing, and (5) Granting Related Relief* (collectively, the "Cash Collateral Order") and any approved budget thereunder, and to the extent there is any inconsistency between the terms of the Cash Collateral Order and any action taken or proposed to be taken under this Order, the terms of the Cash Collateral Order (together with any approved budget (including any permitted variances) in connection therewith) shall control.

13. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

14. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

15. Counsel for the Debtors is directed to serve a copy of this Order on all parties on the Master Service List and all Vendors that the Debtors reasonably believe may have Section 503(b)(9) Claims within three (3) business days of the entry of this Order and to file a certificate of service with the Clerk of the Court.

[END OF ORDER]

Prepared and presented by:

/s/ Sarah R. Borders

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Counsel for the Debtors in Possession

EXHIBIT B

Section 503(b)(9) Bar Date Notice

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:)	Chapter 11
)	
THE KRYSTAL COMPANY, <i>et al.</i> , ¹)	Case No. 20-61065 (PWB)
)	
Debtors.)	(Jointly Administered)
_____)	

TO: PARTIES WHO MAY HAVE SOLD GOODS TO DEBTORS IN ORDINARY COURSE OF BUSINESS THAT WERE DELIVERED TO DEBTORS WITHIN 20 DAYS OF THE DEBTORS' BANKRUPTCY FILING AND WHO MAY, THEREFORE, BE HOLDERS OF ADMINISTRATIVE EXPENSE CLAIMS UNDER SECTION 503(B)(9) OF THE BANKRUPTCY CODE

NOTICE OF SECTION 503(B)(9) BAR DATE

1. On January 19, 2020 (the "Petition Date"), the above-captioned debtors and debtors in possession (collectively, the "Debtors") filed voluntary petitions 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 Georgia, Atlanta Division (the "Court").

2. On _____, 2020, the Court entered an order (the "Section 503(b)(9) Bar Date Order") establishing **April 21, 2020** (the "Bar Date") as the last date for the submission of requests for payment of administrative expense claims under Section 503(b)(9) of the Bankruptcy Code for the value of goods sold in the ordinary course of business and received by the Debtors within 20 days of the Petition Date (the "Section 503(b)(9) Claims").

3. Pursuant to the terms of the Section 503(b)(9) Bar Date Order, each person or entity asserting a Section 503(b)(9) Claim must comply with the following procedures to submit a timely Section 503(b)(9) Claim:

- a. Any claimant asserting a Section 503(b)(9) Claim (a "Claimant") must deliver by mail or overnight courier a written request for payment of such claim using the form attached hereto as **Exhibit 1** (the "503(b)(9) Request") to indicate

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: The Krystal Company (4140); Krystal Holdings, Inc. (5381); and K-Square Acquisition Co., LLC (8916). The location of the Debtors' corporate headquarters and service address is: 1455 Lincoln Parkway, Suite 600, Dunwoody, Georgia 30346.

that a Section 503(b)(9) Claim is being asserted. All 503(b)(9) Requests must be received on or before April 21, 2020 by: (i) attorneys for the Debtors, King & Spalding LLP, 1180 Peachtree Street N.E., Atlanta, GA 30309 (Attn: Leia Clement Shermohammed, Esq.); and (ii) the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC, at the following: The Krystal Company Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 222 N. Pacific Coast Hwy, Suite 300, El Segundo, CA 90245.

- b. Documents required to be submitted with the Section 503(b)(9) Request ("Supporting Documents") shall include: (i) applicable shipping terms and the value of the Goods listed in the Section 503(b)(9) Request the Claimant contends the Debtors received within twenty (20) calendar days prior to the Petition Date; (ii) the date of delivery to and/or acceptance by the Debtors of the Goods listed in the Section 503(b)(9) Request; (iii) a statement indicating (a) whether the value of such Goods listed in the Section 503(b)(9) Request represents a combination of services and goods, (b) the percentage of value related to services and the percentage related to goods, (c) whether the Vendor has filed duplicate or similar claims with the Debtors regarding the Goods underlying their Section 503(b)(9) Request, (d) the quantity and dollar amount of such Goods indicated in the duplicate claims, and (e) the specific provisions(s) of the Bankruptcy Code under which such duplicate claims have been made, or under which the Vendor expects to receive payment for such duplicate claims from some other source; and (iv) documentation, including invoices, receipts, bills of lading and the like, identifying the particular Goods for which the Section 503(b)(9) Claim is being asserted.
- c. Vendors shall be forever barred, without further order of the Court, from asserting a Section 503(b)(9) Claim after the expiration of the Section 503(b)(9) Bar Date, but shall not be barred from asserting a related or unrelated general unsecured claim.

4. A claim form is attached hereto as **Exhibit 1** to this Notice or may be requested in writing from Kurtzman Carson Consultants LLC, the Debtors' claims and noticing agent. Parties submitting a Section 503(b)(9) Claim should use the attached form.

5. Any holder of a Section 503(b)(9) Claim that fails to submit a Section 503(b)(9) Request by the Section 503(b)(9) Bar Date in accordance with the procedure set forth in the Section 503(b)(9) Bar Date Order is forever barred, estopped, and permanently enjoined from asserting its Section 503(b)(9) Claim against the Debtors, their estates, or their property, and such holder shall not be entitled to receive any distribution in these bankruptcy cases on account of such Section 503(b)(9) Claim or receive further notices regarding such Section 503(b)(9) Claim, absent further order of the Court.

6. The Debtors reserve the right to dispute any 503(b)(9) Claim asserted against them. Nothing in this Notice shall preclude the Debtors from objecting to any claim asserted against it on any grounds.

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EXHIBIT 1

USE ONLY FOR SECTION 503(B)(9) CLAIMS

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF GEORGIA		SECTION 503(B)(9) PROOF OF CLAIM FORM
Debtor against which claim is asserted: (check one) <input type="checkbox"/> The Krystal Company (Case No. 20-61065) <input type="checkbox"/> Krystal Holdings, Inc. (Case No. 20-61067) <input type="checkbox"/> K-Square Acquisition Co., LLC (Case No. 20-61068)		
NOTE: This Section 503(b)(9) Claim Proof of Claim form is to be used solely in connection with a request for payment of a claim pursuant to 11 U.S.C. § 503(b)(9).		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: Contact email: Contact telephone number:		
Name and address where payment should be sent (if different from above): Contact email: Contact telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your Section 503(b)(9) Claim. Attach copy of statement giving particulars.
1. Basis for Claim: _____ (See instruction #1 on reverse side.)		
2. Last four digits of any number by which creditor identifies debtor (if applicable): _____		
3. TOTAL AMOUNT OF SECTION 503(B)(9) CLAIM: <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		\$ _____ (Total)
4. BRIEF DESCRIPTION OF SECTION 503(B)(9) CLAIM (attach any additional information): _____		
5. Credits: The amount of all payments on this claim has been credited for the purpose of making this Section 503(b)(9) Claim.		
6. Supporting Documents: Attach (i) applicable shipping terms and the value of the Goods listed in this Section 503(b)(9) Proof of Claim the creditor contends the Debtors received within twenty (20) calendar days prior to January 19, 2020; (ii) the date of delivery to and/or acceptance by the Debtors of the goods listed in this Section 503(b)(9) Proof of Claim; (iii) a statement indicating (a) whether the value of such Goods listed in this Section 503(b)(9) Proof of Claim represents a combination of services and goods, (b) the percentage of value related to services and the percentage related to goods, (c) whether the creditor has filed duplicate or similar claims with the Debtors regarding the goods underlying this Section 503(b)(9) Proof of Claim, (d) the quantity and dollar amount of such goods indicated in the duplicate claims, and (e) the specific provision(s) of the Bankruptcy Code under which such duplicate claims have been made, or under which the creditor expects to receive payment for such duplicate claims from some other source; and (iv) documentation, including invoices, receipts, bills of lading and the like, identifying the particular goods for which this Section 503(b)(9) Proof of Claim is being asserted. DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
DATE-STAMPED COPY: To receive an acknowledgment of the filing of your 503(b)(9) Proof of Claim, enclose a stamped, self-addressed envelope and copy of this 503(b)(9) Proof of Claim, or you may view your claim information by visiting the website of the Claims Agent (www.kccllc.net/krystal).		
IF SENT BY MAIL, HAND DELIVERY, OR OVERNIGHT COURIER, SEND TO: The Krystal Company Claims Processing Center c/o KCC 222 N. Pacific Coast Hwy., Ste. 300 El Segundo, CA 90245 Please see instructions on back of Section 503(b)(9) Proof of Claim Form		
Date:	Signature: _____ The person filing this Section 503(b)(9) Claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this Section 503(b)(9) Claim and state address and telephone number if different from the notice address above.	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR SECTION 503(b)(9) PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, there may be exceptions to these general rules.

ITEMS TO BE COMPLETED IN SECTION 503(B)(9) PROOF OF CLAIM FORM

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Basis for Claim:

State the type of debt for which the Section 503(b)(9) Proof of Claim is being filed.

2. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the Debtor's account or other number used by the creditor to identify the Debtor.

3. Total Amount of Section 503(b)(9) Claim:

Fill in the applicable amount of the entire Section 503(b)(9) Proof of Claim. If interest or other charges in addition to the principal amount of the 503(b)(9) Proof of Claim are included, check the appropriate place on the form and attach an itemization of interest and charges.

4. Brief Description of Claim

Describe the 503(b)(9) Claim, including the goods received by the Debtor within the 20 days prior to January 19, 2020.

5. Credits:

An authorized signature on this 503(b)(9) Proof of Claim serves as an acknowledgement that when calculating the amount of the 503(b)(9) Proof of Claim, the creditor gave the Debtor credit for any payments received toward the debt.

6. Supporting Documents: Attach (i) applicable shipping terms and the value of the Goods listed in the Section 503(b)(9) Proof of Claim the creditor contends the Debtors received within twenty (20) calendar days prior to January 19, 2020; (ii) the date of delivery to and/or acceptance by the Debtors of the goods listed in the Section 503(b)(9) Proof of Claim; (iii) a statement indicating (a) whether the value of such Goods listed in the Section 503(b)(9) Proof of Claim represents a combination of services and goods, (b) the percentage of value related to services and the percentage related to goods, (c) whether the creditor has filed duplicate or similar claims with the Debtors regarding the goods underlying the Section 503(b)(9) Proof of Claim, (d) the quantity and dollar amount of such goods indicated in the duplicate claims, and (e) the specific provision(s) of the Bankruptcy Code under which such duplicate claims have been made, or under which the creditor expects to receive payment for such duplicate claims from some other source; and (iv) documentation, including invoices, receipts, bills of lading and the like, identifying the particular goods for which the Section 503(b)(9) Proof of Claim is being asserted.

7. Date and Signature:

The individual completing this 503(b)(9) Proof of Claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

Name of Debtor and Case Number:

A complete list of Debtors with corresponding case numbers is listed above. You MUST fill in the specific Debtor against which your claim is being asserted and the case number of the Debtor's bankruptcy case. If you are asserting claims against more than one Debtor, you MUST file a separate Section 503(b)(9) proof of claim for each Debtor.

Creditor

A creditor is the person, corporation, or other entity owed a debt by the Debtor on the date of the bankruptcy filing.

Claim Pursuant to 11 U.S.C. § 503(b)(9)

A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above-referenced cases, in which goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

Section 503(b)(9) Creditor

A Section 503(b)(9) Creditor is any person, corporation, or other entity to whom the Debtor owes a debt pursuant to 11 U.S.C. § 503(b)(9).

Section 503(b)(9) Proof of Claim

A form telling the Bankruptcy Court how much the Debtor owes a creditor for a claim pursuant to 11 U.S.C. § 503(b)(9).

Submitting Section 503(b)(9) Proof of Claim

Submit a signed original claim request with any attachments via United States mail, overnight courier service or hand delivery to:

**The Krystal Company Claims Processing Center
c/o KCC
222 N. Pacific Coast Hwy., Ste. 300
El Segundo, CA 90245**

Submission by facsimile or email will not be accepted.

INFORMATION

Acknowledgement of Filing a Claim

To receive acknowledgment of your filing, enclose a stamped self-addressed envelope and a copy of the Section 503(b)(9) Proof of Claim or you may view your claim information by visiting the website of the Claims Agent (www.kccllc.net/krystal).

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the Debtors. These entities do not represent the bankruptcy court or the Debtors. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.