

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In Re: Vanity Shop of Grand Forks, Inc., Debtor.	Case No.: 17-30112 Chapter 11
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**ORDER PURSUANT TO BANKRUPTCY CODE SECTION 105 AND
BANKRUPTCY RULE 3007 APPROVING CLAIM OBJECTION PROCEDURES**

Debtor Vanity Shop of Grand Forks, Inc. filed a Motion for an Order Pursuant to Bankruptcy Code Section 105 and Bankruptcy Rule 3007 Approving Claim Objection Procedures (the “**Motion**”) on September 8, 2017. Doc. 398. Kurtzman Carson Consultants served the Motion on September 8, 2017. Doc. 417. Upon review of the Motion, the Court finds cause for granting it.

IT IS ORDERED:

1. The Motion is granted to the extent provided below.

2. Notwithstanding anything to the contrary in Bankruptcy Rule 3007, Debtor is authorized to file Omnibus Objections to claims seeking reduction, reclassification and/or disallowance of claims on one or more of the following grounds:

- (a) the claims duplicate other claims;
- (b) the claims have been filed in the wrong case;
- (c) the claims have been amended by subsequently filed proofs of claim;
- (d) the claims were not timely filed;
- (e) the claims have been satisfied or released during the case in accordance with the Bankruptcy Code, applicable rules, or a court order;



- (f) the claims were presented in a form that does not comply with applicable rules, and the objection states that the objector is unable to determine the validity of the claim because of the noncompliance;
- (g) the claims are interests, rather than claims;
- (h) the claims assert priority in an amount that exceeds the maximum amount under section 507 of the Bankruptcy Code;
- (i) the claims seek recovery of amounts for which the Debtor is not liable;
- (j) the amount claimed contradicts the Debtor's books and records;
- (k) the claims were incorrectly classified;
- (l) the claims do not include sufficient documentation to ascertain the validity of the claim; and
- (m) the claims are objectionable under section 502(b)(6) of the Bankruptcy Code.

(collectively, the "**Permitted Grounds**").

3. Debtor shall comply with the requirements for Omnibus Objections set forth in Bankruptcy Rule 3007(e).

4. Debtor shall file all omnibus and/or individual objections with this Court to be made publicly available on the docket through PACER and the Debtor's notice and claim agent website. Notice of claim objections shall be limited to: (a) the U.S. Trustee; (b) counsel to the Unsecured Creditor Committee; and (c) those claimants whose claims are the subject of the applicable omnibus claim objection and their counsel, if known. Upon request, Debtor will provide any party in interest with a complete copy of any individual or omnibus claim objection (free of charge).

5. Responses to any individual and/or omnibus claim objections shall be due twenty-one (21) calendar days after mailing of the objection, unless such date falls on a

Saturday, Sunday or federal holiday, in which case responses will be due on the subsequent business day.

6. With respect to landlord claims, the landlord shall provide the following information (to the extent it has not already been provided in the landlord's Proof of Claim) in any response to the Debtor's individual and/or omnibus claim objection:

- (a) Lease start date;
- (b) Lease end date;
- (c) Monthly rent for the lease, including a breakdown of utilities, insurance, common area maintenance, real estate taxes, etc.;
- (d) Claimed gross rent remaining under the lease including a breakdown of utilities, insurance, common area maintenance, real estate taxes, etc.;
- (e) Efforts by landlord to mitigate its damages, such as re-leasing of the premises or sale of the real property;
- (f) Amount of any security deposit or other credit owed to Debtor; and
- (g) Amount claimed for pre-petition rent or other damages (*i.e.*, through February 28, 2017).
- (h) Detailed calculation of the landlord's lease rejection damages.

The Debtor will notify the landlord of the obligation to provide this information when it files the individual and/or omnibus claim objection.

7. With respect to trade creditor claims, which may include claims under 11 U.S.C. § 503(b)(9), the trade creditor shall provide the following information (to the extent it has not already been provided in the trade creditor's Proof of Claim) in any response the Debtor's individual and/or omnibus claim objection:

- (a) Date of delivery of goods to the Debtor; and
- (b) Efforts by the trade creditor to mitigate its damages, such as sale of goods to another purchaser if goods were not delivered to the Debtor.

The Debtor will notify the trade creditor of the obligation to provide this information when it files the individual and/or omnibus claim objection.

8. Nothing in this Order shall constitute an admission of the validity, nature, amount or priority of any claim asserted in these cases.

9. Entry of this Order is without prejudice to the Debtor's right to seek entry of an order modifying or supplementing the relief granted in this Order.

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

11. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated this 3rd day of October, 2017.

/s/ SHON HASTINGS
SHON HASTINGS, JUDGE
UNITED STATES BANKRUPTCY COURT