

**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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**MOTION TO LIMIT NOTICE FOR
SERVICE OF DEBTOR’S DISCLOSURE STATEMENT, PLAN, ORDER AND BALLOT**

The Debtor, Vanity Shop of Grand Forks, Inc. (the “**Debtor**”) hereby moves (the “**Motion**”) the Court for entry of an Order limiting the scope of notice for serving the Debtor’s Disclosure Statement of date April 9, 2018, Second Plan of Liquidation of date April 9, 2018, and the Court’s Order approving the Disclosure Statement that is anticipated to be filed on April 11, 2018, and ballot(s) (the “**Solicitation Documents**”). The Debtor seeks to exclude only from service of the Solicitation Documents the past retail and corporate employees, who were scheduled primarily for notice of the bankruptcy and are currently included on the creditor matrix.

In support of this Motion, the Debtor respectfully represents as follows:

BACKGROUND

1. This case was commenced as a Chapter 11 proceeding by the filing of a petition on March 1, 2017 (the “**Petition Date**”). The Debtor has continued in the management of its business since the Petition Date.

2. The Debtor’s Disclosure Statement dated April 9, 2018 [Doc. 645], Second Plan of Liquidation dated April 9, 2018 [Doc. 646], the Court’s order approving the



Disclosure Statement anticipated to be entered on April 11, 2018, and ballots for voting on the Plan and must be served on all of the creditors.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter under 28 U.S.C. §§157 and 1334. This is a core proceeding under 28 U.S.C. §157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§1408 and 1409.

REQUEST TO LIMIT NOTICE

4. Federal Rule of Bankruptcy Procedure 2002(b) requires service on the trustee and all creditors with the Disclosure Statement, Second Plan of Liquidation, Order Approving the Disclosure Statement and providing notice of the confirmation hearing, and ballots for voting on the Plan (the “**Solicitation Documents**”). Kurtzman Carson Consultants has advised there are currently 3,865 parties on the creditor matrix in the Debtor’s estate, which creditor matrix includes names and addresses of 1,489 parties classified as Employees and were listed in the Debtor’s Schedules, primarily for notice only [Doc. 188, pages 232-266]. None of these 1,489 employees are registered to receive notice via ECF or other electronic means upon whom, but for the entry of an order limiting notice, Debtor would be required to serve a copy of the Solicitation Documents. By this Motion, the Debtor seeks only to exclude the service list that was comprised of the 1,489 parties classified as Employees. By eliminating the approximate 1,489 employee mailings, Debtor would save substantial cost for the reproduction of the Solicitation Documents and service by postal mail of the Solicitation Documents on the former employees, which costs Debtor would need to expense to this bankruptcy estate. These costs will burden creditors without any meaningful benefit.

5. The Debtor proposes that the Solicitation Documents be provided pursuant to F.R.B.P. 2002(b), but with the exclusion of the 1,489 former employees which were essentially included on the Debtor's schedules for notice only are not believed to be creditors of Debtor. Debtor will make a copy of the Solicitation Documents available by e-mail or other suitable delivery method upon request of (and without charge) any former employee requesting a copy directed to the undersigned.

6. The Bankruptcy Court has discretion under Fed. R. Bank. P. 9007 and LR 2002-1(E)(8) to limit notice as it deems proper.

WHEREFORE, Debtor respectfully requests that this Court enter an order:

- A. Granting this motion, and granting Debtor leave to serve the Solicitation Documents as provided herein; and
- B. Granting Debtor such other relief as the Court deems just and proper.

Dated this 11th day of April, 2018.

VOGEL LAW FIRM

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