

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON FEBRUARY 13, 2020 AT 10:00 A.M.**

Time and Date of Hearing: February 13, 2020 at 10:00 a.m. (Prevailing Eastern Time)

Location of Hearing: The Honorable Paul W. Bonapfel
United States Bankruptcy Court
Northern District of Georgia
Richard B. Russell Federal Building
United States Courthouse
75 Ted Turner Drive, SW
Courtroom 1401
Atlanta, Georgia 30303

Copies of Motions: A copy of each pleading can be viewed on the Court’s website at <http://ecf.ganb.uscourts.gov> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users) and on the website of the Debtors’ claims and noticing agent, Kurtzman Carson Consultants LLC, at <http://www.kcellc.net/krystal>. Further information may be obtained by calling Kurtzman Carson Consultants LLC toll free at (888) 249-2792 (U.S./Canada) or (310) 751-2607 (International).

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.



I. Matters Going Forward

1. ***Cash Management Motion.*** Debtors' Emergency Motion for Entry of an Order (I) Authorizing Continued Use of Prepetition Bank Accounts, Cash Management System, Forms, and Books and Records and (II) Granting Related Relief. [Docket No. 8].

Response Deadline: January 28, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed: None.

Related Documents:

- A. Interim Order (I) Authorizing Continued Use of Prepetition Bank Accounts, Cash Management System, Forms, and Books and Records and (II) Granting Related Relief. [Docket No. 48].
- B. Notices of Hearing. [Docket Nos. 56, 122].
- C. Certificates of Service. [Docket Nos. 30, 86, 130].

Status: This Motion is going forward.

2. ***Taxes and Fees Motion.*** Debtors' Emergency Motion for Entry of an Order (I) Authorizing Debtors to Pay Certain Prepetition Taxes and Related Obligations and (II) Granting Related Relief. [Docket No. 9].

Response Deadline: January 28, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed: None.

Related Documents:

- A. Interim Order Authorizing the Debtors to Pay Certain Prepetition Taxes and Related Obligations and Granting Related Relief. [Docket No. 40].
- B. Notices of Hearing. [Docket Nos. 56, 122].
- C. Certificates of Service. [Docket Nos. 30, 85, 86, 130].

Status: This Motion is going forward.

3. ***Utilities Motion.*** Debtors' Emergency Motion Entry of Interim and Final Orders (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Prepetition Invoices; (II) Deeming Utilities Adequately Assured of Future Performance; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief. [Docket No. 14].

Response Deadline: February 3, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed:

- A. Objection of Florida Power & Light Company, Georgia Power Company, and Orlando Utilities Commission to the Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Prepetition Invoices; (II) Deeming Utilities Adequately Assured of Future Performance; (III) Establishing Procedures for Determining Adequate Assurance of Payments; and (IV) Granting Related Relief. [Docket No. 91].
- B. Objection of Alabama Power Company to Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Prepetition Invoices; (II) Deeming Utilities Adequately Assured of Future Performance; (III) Establishing Procedures for Determining Adequate Assurance of Payments; and (IV) Granting Related Relief. [Docket No. 104].

Related Documents:

- A. Interim Order (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Prepetition Invoices; (II) Deeming Utilities Adequately Assured of Future Performance; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief. [Docket No. 120].
- B. Notice of Withdrawal of Objection of Florida Power & Light Company, Georgia Power Company, and Orlando Utilities Commission to the Debtors' Emergency Motion for Entry of Interim and Final Orders (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Prepetition Invoices; (II) Deeming Utilities Adequately Assured of Future Performance; (III) Establishing Procedures for Determining Adequate Assurance of Payments; and (IV) Granting Related Relief. [Docket No. 140].
- C. Notices of Hearing. [Docket Nos. 56, 122].

A. Certificates of Service. [Docket No. 30, 86, 130].

Status: The Debtors and the objecting parties have reached agreements and resolved the filed objections. This Motion is going forward.

4. ***PACA Motion***. Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims Arising Under the Perishable Agricultural Commodities Act and (II) Granting Related Relief. [Docket No. 21].

Response Deadline: January 31, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed: None.

Related Documents:

A. Notices of Hearing. [Docket No. 56, 122].

B. Certificates of Service. [Docket No. 30, 86, 130].

Status: This Motion is going forward.

5. ***503(b)(9) Motion***. Debtors' Motion for Entry of an Order (I) Authorizing Payment of Undisputed Claims Under Section 503(b)(9); (II) Establishing Bar Date for Filing 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 [Docket No. 46].

Response Deadline: February 12, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed: None

Related Documents:

C. Notice of Hearing. [Docket No. 57].

D. Certificates of Service. [Docket No. 85, 86].

Status: This Motion is going forward.

6. ***Lease Rejection Motion.*** Debtors' First Omnibus Motion for Entry of an Order (I) Authorizing and Approving the Rejection of Certain Unexpired Leases as of the Petition Date and (II) Granting Related Relief [Docket No. 13].

Response Deadline: February 12, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed:

- A. Limited Objection to Debtors' Motion for Order Approving Rejection of Certain Unexpired Real Property Leases Pursuant to 11 U.S.C. § 365. [Docket No. 131].
- B. Hachmann LLC's Limited Objection to Debtors' First Omnibus Motion for Order Approving Rejection of Certain Nonresidential Leases [Docket No. 142].

Related Documents:

- E. Notice of Hearing. [Docket No. 57].
- F. Certificates of Service. [Docket No. 85, 86].

Status: This Motion is going forward.

7. ***Vendor Support Agreement Motion.*** Emergency Motion for Entry of Interim and Final Orders (I) Authorizing and Confirming Vendor Credit Support Arrangement; (II) Granting Superpriority Administrative Expense Claims; and (III) Granting Related Relief. [Docket No. 16].

Response Deadline: January 31, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed:

- A. Wells Fargo Bank, National Association's (I) Objection to Debtors' Emergency Motion for Entry of Interim and Final Orders (1) Authorizing the Debtors to Use Cash Collateral, (2) Granting Adequate Protection to Lenders, (3) Modifying the Automatic Stay, (4) Scheduling a Final Hearing, and (5) Granting Related Relief; (II) Limited Objection to Certain First Day Relief; and (III) Request for Adequate Protection. [Docket No. 28].

Related Documents:

- B. Interim Order (I) Authorizing and Confirming Vendor Credit Support Arrangement; (II) Granting Superpriority Administrative Expense Claims; and (III) Granting Related Relief. [Docket No. 53].
- C. Notices of Hearing. [Docket No. 56, 122].
- D. Certificates of Service. [Docket Nos. 30, 86, 130].

Status: This Motion is going forward.

- 8. ***Cash Collateral Motion.*** Debtors' Emergency Motion for Entry of an Interim and Final Order (1) Authorizing the Debtors to Use Cash Collateral; (2) Granting Adequate Protection to Lenders; (3) Modifying the Automatic Stay; (4) Scheduling a Final Hearing; and (5) Granting Related Relief. [Docket No. 18].

Response Deadline: January 31, 2020 at 5:00 p.m. (prevailing Eastern Time).

Responses Filed:

- A. Wells Fargo Bank, National Association's (I) Objection to Debtors' Emergency Motion for Entry of Interim and Final Orders (1) Authorizing the Debtors to Use Cash Collateral, (2) Granting Adequate Protection to Lenders, (3) Modifying the Automatic Stay, (4) Scheduling a Final Hearing, and (5) Granting Related Relief; (II) Limited Objection to Certain First Day Relief; and (III) Request for Adequate Protection. [Docket No. 28].

Related Documents:

- A. Interim Order (1) Authorizing the Debtors to Use Cash Collateral, (2) Granting Adequate Protection to Lenders, (3) Modifying the Automatic Stay, and (4) Providing Notice of Second Interim Hearing. [Docket No. 39].
- B. Second Interim Order (1) Authorizing the Debtors to Use Cash Collateral, (2) Granting Adequate Protection to Lenders, (3) Modifying the Automatic Stay, and (4) Providing Notice of Final Hearing. [Docket No. 121].
- C. Notices of Hearing. [Docket Nos. 56, 122].
- D. Certificates of Service. [Docket Nos. 30, 85, 86, 130].

Status: This Motion is going forward.

Date: February 12, 2020
Atlanta, Georgia

Respectfully submitted,

KING & SPALDING LLP

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