

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)
_____)

CLARIFYING NOTICE REGARDING NOTICES OF ASSUMPTION AND REJECTION OF REMAINING EXECUTORY CONTRACTS AND UNEXPIRED LEASES

PLEASE TAKE NOTICE that on June 2, 2020, the Court entered the *Amended Order Establishing Procedures for the Assumption or Rejection of Certain Executory Contracts and Unexpired Leases* (the “Procedures Order”) [Docket No. 535].²

PLEASE TAKE FURTHER NOTICE that pursuant to the terms of the Procedures Order, the above-captioned debtors and debtors in possession (collectively the “Debtors”), at the direction of the Buyer, hereby provide this clarifying notice with respect to two (2) executory contracts set forth on Exhibit A hereto.

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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.

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Procedures Order.



Date: August 13, 2020
Atlanta, Georgia

Respectfully submitted,

KING & SPALDING LLP

/s/ Sarah R. Borders

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Counsel for the Debtors in Possession

EXHIBIT A

Counterparty	Address	Contract / Description	Assumed or Rejected
U.S. Foods, Inc. and its affiliates counterparty to agreements with The Krystal Company, a Tennessee corporation	<p>Attn: Kerry Carlson 9399 W. Higgins Road, Suite 100 Rosemont, IL 60018 kerry.carlson@usfoods.com</p> <p>Bryan Cave Leighton Paisner LLP Attn: Leah Fiorenza McNeill One Atlantic Center 1201 W. Peachtree St. NW 14th Floor Atlanta, GA 30309 leah.fiorenza@bclplaw.com</p>	Master Distribution Agreement	Assumed, as amended by the Repayment Plan Agreement for US Foods, Inc. Prepetition Claim ¹
Concur Technologies, Inc.	<p>Julie Montgomery BROWN & CONNERY, LLP 6 North Broad Street, Woodbury, NJ 08096 jmontgomery@brownconnery.com</p>	Order Form - Professional Edition dated November 15, 2016, between Concur Technologies, Inc. and The Krystal Company, governed by the SAP General Terms and Conditions, and including all schedules, amendments, and subsequent order forms thereto	Assumed ²

¹ The U.S. Foods contract, as amended, was inadvertently excluded from prior notices of assumption, and U.S. Foods' counsel has asked Debtors and Buyer to clarify that its contract was assumed and assigned (as amended).

² Buyer and Concur Technologies have agreed that, despite a prior inadvertent rejection of the contract, the contract can be assumed and assigned to Buyer with a zero (\$0.00) cure as Buyer has paid Concur Technologies current.