

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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 In re: : Chapter 11
 :
 RUBIE’S COSTUME COMPANY, INC., *et al.* : Case No. 20-71970 thru 20-71975
 : (Jointly Administered)
 Debtors. :
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**INTERIM ORDER PURSUANT TO BANKRUPTCY CODE
 SECTIONS 105, 363, 503, 1107(a) AND 1108 AUTHORIZING DEBTORS
 TO MAINTAIN EXISTING INSURANCE POLICIES AND PAY ALL POLICY
PREMIUMS ARISING THEREUNDER OR IN CONNECTION THEREWITH**

Upon the motion (the “Motion”)¹ of the Debtors for the entry of an interim order (this “Order”) and final order, pursuant to Bankruptcy Code sections 105, 363, 503, 1107(a) and 1108, authorizing the Debtors to maintain their existing insurance policies and pay all policy premiums arising thereunder or in connection therewith; and upon the First-Day Declaration; and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice need be provided; and it appearing that the relief requested by 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 therefor, it is hereby:

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is GRANTED on an interim basis as set forth in this Order.
2. The Debtors are authorized, but not directed, to pay, in their sole

discretion, all Insurance Obligations, including those Insurance Obligations that were due and payable as of the Petition Date, or will become due and payable prior to entry of a final order on

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.



the Motion, provided that such payment shall be made in accordance with and subject to the provisions of any cash collateral order and related budget or as otherwise ordered by the Court.

3. The Debtors are authorized to pay any Broker Fees as they become due, including brokerage fees attributable to prepetition periods, provided that such payment shall be made in accordance with and subject to the provisions of any cash collateral order and related budget or as otherwise ordered by the Court.

4. Without further order of this or any other Court, the Debtors are authorized to honor their postpetition Insurance Obligations under the Insurance Policies and to renew the existing Insurance Policies in the ordinary course of business, as may be required as the annual terms of existing arrangements expire.

5. The Debtors' Banks and financial institutions shall be and hereby are authorized and directed to receive, process, honor and pay all checks and fund transfers on account of the Insurance Obligations that had not been honored and paid as of the Petition Date, provided that sufficient funds are on deposit in the applicable accounts to cover such payments. The Debtors' Banks and other financial institutions are authorized to rely on the representations of the Debtors as to which checks and fund transfers are authorized to be honored and paid pursuant to this Order.

6. This Order does not accelerate payment of any amounts that may be due and owing by the Debtors.

7. Neither the provisions contained herein, nor any actions or payments made by the Debtors under this Order, shall be deemed an assumption of any executory contract arising out of an agreement or contract, or otherwise shall constitute a waiver of the Debtors' rights under Bankruptcy Code section 365 or an admission by the Debtors that any such

agreement or contract constitutes an executory contract within the meaning of Bankruptcy Code section 365.

8. Neither the provisions contained herein, nor any actions or payments made by the Debtors under this Order, shall be deemed an admission as to the validity of the underlying obligation or a waiver of any rights the Debtors may have to subsequently dispute such obligation on any ground that applicable law permits.

9. Any objection to the relief requested in the Motion on a permanent basis must (a) be filed in writing with the Court, at 290 Federal Plaza, Central Islip, NY 11722, by **5:00 p.m. (New York time) on May 22, 2020** (the "Objection Deadline") and (b) served so as to be actually received by the following parties by the Objection Deadline: (i) the United States Trustee for the Eastern District of New York; (ii) counsel for HSBC as Administrative Agent for the Bank Group, Phillips Lytle LLP, One Canalside, 125 Main Street, Buffalo, NY 14203-2887 (Attn: William J. Brown), (iii) proposed counsel to the Debtors, Meyer, Suozzi, English & Klein, P.C., 990 Stewart Avenue, Suite 300, Garden City, New York 11530 (Attn: Edward J. LoBello); (iv) proposed co-counsel to the Debtors, Togut, Segal & Segal LLP, One Penn Plaza, New York, NY 10119 (Attn: Frank A. Oswald, Esq.); (v) proposed counsel to any official committee of unsecured creditors that may be appointed in these cases; (vi) the Office of the United States Attorney for the Eastern District of New York; (vii) the Broker on behalf of the Insurance Carriers as set forth on **Exhibit A** to the Motion; (viii) any parties required to be served under any applicable Bankruptcy Rule or Local Rule.

10. If any timely objections are received, a hearing shall be held on **May 27, 2020 at 10:00 a.m.** to consider such objections at the first regularly scheduled omnibus hearing in these cases. This Order shall remain in effect until such hearing.

11. If no objections are timely filed and served as set forth herein, the proposed order attached as **Exhibit C** to the Motion may be entered with no further notice or opportunity to be heard afforded to any party.

12. Bankruptcy Rule 6003(b) has been satisfied.


13. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective and enforceable immediately upon entry hereof.

14. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

15. **The Debtors shall promptly fax or email mail copies of this Interim Order to the Notice Parties, to any Committee appointed in the Chapter 11 Cases after the same has been appointed, or counsel to such Committee, if the same shall have been appointed, the 30 largest unsecured creditors, and to any other party that has filed a request for notices with this Court. Debtors shall also promptly mail copies of this Interim Order to the 30 largest unsecured creditors for whom it does not have a fax number or email address.**

Dated: May 15, 2020
Central Islip, New York





Alan S. Trust
United States Bankruptcy Judge