

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re:

CBCRC LIQUIDATING CORP. *et al.*,¹

Debtors

Chapter 11

Case No. 23-10245 (KBO)
(Jointly Administered)

Hearing Date:

November 1, 2023, at 3:00 p.m. (ET)

**AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON
NOVEMBER 1, 2023, AT 3:00 P.M. (ET) BEFORE THE HONORABLE KAREN B.
OWENS OF THE UNITED STATES BANKRUPTCY COURT**

HEARING INSTRUCTIONS

This hearing will be conducted via **Zoom only**.

Please Note: All individuals participating by video must register at least two hours prior to the hearing at the following link.

<https://debuscourts.zoomgov.com/meeting/register/vJltf-2hqjoiGTnj46AVdyNU1Ensd9593Sk>

After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing. You must use your full name when logging into Zoom or you will not be allowed into the meeting.

MATTERS GOING FORWARD

1. [SEALED] Motion of the Debtors for Entry of an Order: (A) Enforcing the Order Authorizing CBC Restaurant Corp. and its Affiliated Debtors to (I) Sell Substantially All of the Debtors' Assets Free and Clear of All Liens, Claims, and Interests, (II) Authorizing and Approving the Debtors' Performance Under the APA, (III) Authorizing and Approving the Assumption and Assignment of Certain of the Debtors' Executory Contracts, Unexpired Leases, and Permits

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include CBCRC Liquidating Corp. (0801), CBHC Liquidating Company (3981), and CBCCI Liquidating Inc. (1938). The Debtors' service address Corner Bakery, c/o CR3 Partners, Attn: Greg Baracato, Chief Restructuring Officer, 13355 Noel Road, Suite 2005, Dallas TX 75240.



Related Thereto, and (IV) Granting Related Relief; and (B) for Related Relief [Filed: 9/11/23] (D.I. No. 853)²

Response Deadline: September 14, 2023, at 12:00 noon (ET).

Responses Received: The Debtors and SSCP have received an informal objection from the U.S. Trustee to the motion to file under seal certain information designated by SSCP as "highly confidential."

- A. SSCP Restaurant Investors, LLC's (I) Objection to and (II) Request for Extension of Time and to be Heard Relating to, the Debtors' Motion for Enforce the Sale Order [Filed: 9/12/23] (D.I. No. [880](#))
- B. Debtors' Limited Reply to SSCP Restaurant Investors, LLC's Response to Motion of the Official Committee of Unsecured Creditors for an Order Clarifying and Enforcing the Sale Order with Respect to the Purchaser's Payment Obligation for its Acquisition of Avoidance Actions from the Estates [Filed: 9/13/23] (D.I. No. [888](#))
- C. SSCP Restaurant Investors, LLCs (I) Supplemental Response to the Debtors Motion to Enforce the Sale Order and (II) Cross-Motion to Enforce the Sale Order [Filed: 9/13/23] (D.I. No. [954](#))
- D. Second Supplement to Motion of the Debtors for Entry of an Order: (A) Enforcing the Order Authorizing CBC Restaurant Corp. and Its Affiliated Debtors to (I) Sell Substantially All of the Debtors Assets Free and Clear of All Liens, Claims, and Interests, (II) Authorizing and Approving the Debtors Performance Under the APA, (III) Authorizing and Approving the Assumption and Assignment of Certain of the Debtors Executory Contracts, Unexpired Leases, and Permits Related Thereto, and (IV) Granting Related Relief; and (B) for Related Relief Second Supplement [Filed: 10/30/23] (D.I. No. [974](#))

Related Documents:

- A. Supplement to Motion of the Debtors for Entry of an Order: (A) Enforcing the Order Authorizing CBC Restaurant Corp. and Its Affiliated Debtors to (I) Sell Substantially All of the Debtors Assets Free and Clear of All Liens, Claims, and Interests, (II) Authorizing and Approving the Debtors Performance Under the APA, (III) Authorizing and Approving the Assumption and Assignment of Certain of the Debtors Executory Contracts, Unexpired Leases, and Permits Related Thereto, and (IV) Granting Related Relief; and (B) for Related Relief [Filed: 9/8/23] (D.I. No. [859](#))
- B. Hilco Corporate Finance, LLC's (I) Joinder to Motion of the Debtors for Entry of an Order: (A) Enforcing the Order Authorizing CBC Restaurant Corp. and its Affiliated Debtors to (I) Sell Substantially All of the Debtors' Assets Free and Clear of All Liens, Claims, and Interests, (II) Authorizing and Approving the Debtors' Performance Under the APA, (III) Authorizing and Approving the Assumption and Assignment of Certain

² As this document is sealed, no hyperlink is available via the Court's ECF system.

- of the Debtors' Executory Contracts, Unexpired Leases, and Permits Related Thereto, and (IV) Granting Related Relief; and (B) for Related Relief and (II) Objection to SSCP Restaurant Investors, LLC's (I) Objection to and (II) Request for Extension of Time and to be Heard Relating to, the Debtors' Motion for Enforce the Sale Order [Filed: 9/13/23] (D.I. No. [883](#))
- C. Joinder of the Official Committee of Unsecured Creditors to the Motion of the Debtors for Entry of an Order: (A) Enforcing the Order Authorizing CBC Restaurant Corp. and its Affiliated Debtors to (I) Sell Substantially All of the Debtors' Assets Free and Clear of All Liens, Claims, and Interests, (II) Authorizing and Approving the Debtors' Performance Under the APA, (III) Authorizing and Approving the Assumption and Assignment of Certain of the Debtors' Executory Contracts, Unexpired Leases, and Permits Related Thereto, and (IV) Granting Related Relief; and (B) for Related Relief [Filed: 9/13/23] (D.I. No. [844](#))
- D. Motion for Entry of an Order Authorizing the Debtors to File Under Seal the Motion of the Debtors for Entry of an Order: (A) Enforcing the Order Authorizing CBC Restaurant Corp. and its Affiliated Debtors to (I) Sell Substantially All of the Debtors' Assets Free and Clear of All Liens, Claims, and Interests, (II) Authorizing and Approving the Debtors' Performance Under the APA, (III) Authorizing and Approving the Assumption and Assignment of Certain of the Debtors' Executory Contracts, Unexpired Leases, and Permits Related Thereto, and (IV) Granting Related Relief; and (B) for Related Relief [Filed: 9/11/23] (D.I. No. [869](#))
- E. (REDACTED) / Motion of the Debtors for Entry of an Order: (A) Enforcing the Order Authorizing CBC Restaurant Corp. and Its Affiliated Debtors to (I) Sell Substantially All of the Debtors Assets Free and Clear of All Liens, Claims, and Interests, (II) Authorizing and Approving the Debtors Performance Under the APA, (III) Authorizing and Approving the Assumption and Assignment of Certain of the Debtors Executory Contracts, Unexpired Leases, and Permits Related Thereto, and (IV) Granting Related Relief; and (B) for Related Relief [Filed: 9/11/23] (D.I. No. [870](#))

Status: Since the last status conference, the Debtors have substantially completed their business level discussions with SSCP regarding account reconciliations and balances and have been seeking without success to schedule a settlement meeting between decision makers and counsel for both SSCP and the Debtors to seek a resolution of their disputes, as set forth in detail in their Second Supplement (D.I. No. [974](#)). Given the difficulties they have encountered, the Debtors have also suggested to SSCP that a judicial settlement conference may be the most effective path to a resolution, which suggestion SSCP has rejected. While the Debtors are continuing their efforts to schedule a settlement meeting, they will also be seeking to meet and confer with SSCP's counsel prior to November 1st regarding hearing dates and logistics as it appears that a hearing will need to be scheduled. This matter will be going forward on November 1st solely as a status and scheduling conference with respect to the Motion, including the Debtors' request, set forth in the Second Supplement, that the Court require at least \$2.235 million of current SSCP Cash Escrow account to be maintained to ensure that the Debtors' estates have a source of cash from which to satisfy any obligations of SSCP that this Court

may ultimately determine not to have been otherwise fully satisfied by SSCP pursuant to the APA and the TSA.

SSCP has failed to respond to the U.S. Trustee's requests to confer regarding its objection to the motion to file under seal certain information in the motion that has been designated by SSCP as "highly confidential." That matter is going forward at this time.

2. Certification of Counsel Regarding Stipulation By and Among the Debtors and Bind Benefits, Inc., d/b/a Surest [Filed: 10/28/23] (D.I. No. [973](#))

Response Deadline: N/A.

Responses Received: None

Related Documents: None

Status: The Court has requested that the parties set this matter for hearing on November 1st so that the parties can address the Court's questions regarding the scope of the release in paragraph D.

Dated: October 31, 2023
Wilmington, Delaware

/s/ Mette H. Kurth
Mette H. Kurth (DE Bar No. 6491)
CULHANE MEADOWS, PLLC
3411 Silverside Road
Baynard Building, Suite 104-13
Wilmington, Delaware 19810
Telephone: (302) 289-8839 Ext. 100
Email: mkurth@cm.law

Counsel for Debtors and Debtors in Possession