

Dated: January 8, 2018



A handwritten signature in black ink, reading "Brenda K. Martin", is positioned above the printed name.

Brenda K. Martin, Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re

CORNBREAD VENTURES, LP, a
Texas limited partnership,

EIN 47-4482094,

Debtor.

Case No. 2:17-bk-12877 BKM

Chapter 11

**ORDER SETTING BAR DATE TO
FILE PROOFS OF CLAIM**

Upon the Ex Parte *Motion for Order Setting Claims Bar Date* (the “**Motion**”) [DE 115],¹ of Cornbread Ventures, LP. as debtor in possession (the “**Debtor**”) for entry of an order, under § 501, and Rule 3003 setting the bar date to file proofs of claim, the Court finds that: (i) it has jurisdiction over the matters raised in the Motion under 28 U.S.C. §§ 157 and 1334; (ii) venue of this matter is proper under 28 U.S.C. §§ 1408 and 1409; (iii) this matter is a core proceeding under 28 U.S.C. § 157(b)(2); (iv) the relief requested in the Motion is in the best interests of the Debtor, its estate, its creditors, and other parties-in-interest; (v) the Motion may be considered and ruled on *ex parte* and that no further notice is necessary; and (vi) good and sufficient cause exists for granting the relief requested in the Motion as set forth in this Order,

IT IS ORDERED that:

1. The Motion is granted.

¹ Capitalized terms used but not otherwise defined in this Order shall have the meanings given to them in the Motion.

2. **BAR DATE.** The deadline for filing proofs of claim in this case is fixed as **March 2, 2018** (the “**Bar Date**”).

3. **In General.** Except as otherwise specifically provided in this Order, the Bar Date applies to any “claim,” as defined in § 101(5), against the Debtor arising from any event occurring during the Debtor’s operation of its business before and until the October 30, 2017 (a “**Prepetition Claim**”). Prepetition Claims include, without limitation, the following possible categories of claims: (i) unsecured claims incurred by vendors, suppliers, and other trade-related entities involved in the general operation of the Debtor’s business; (ii) contract or tort claims of any kind; (iii) litigation claims, including claims that have been asserted in litigation where the plaintiffs have sued or joined as co-defendants present or former directors, officers, or employees of the Debtor, or other individuals or entities, who may have indemnification claims or contribution claims against the Debtor, or who may expose the Debtor to vicarious liability under various principles or provisions of applicable state law; (iv) worker’s compensation claims; and (v) any administrative agency claims or similar kinds of private enforcement claims, including, without limitation, wage and hour claims, wrongful termination and discharge claims, loss of benefits claims, harassment claims, employment discrimination claims, and other employment-related claims.

4. **503b9 Claims.** The Bar Date also serves as the deadline by which any party asserting a 503b9 Claim must file a request for payment of an administrative expense under § 503(a).

5. **Secured Claims.** All holders of alleged secured claims must file a proof of claim by the Bar Date if the claim does not appear on the Schedules of Assets and Liabilities filed by the Debtors under Rule 1007 (the “**Schedules**”) or appears on the Schedules as disputed, unliquidated, or contingent. Notwithstanding anything in this

Order to the contrary, and as provided for under the *Order Authorizing and Approving the Debtor's Continued Use of Cash Collateral* [DE 112], JPMorgan Chase Bank, N.A. is not required to file a proof of claim unless this case is converted to a case under Chapter 7.

6. **Executory Contract and Lease Rejection Claims.** Any claim arising out of or otherwise related to the Debtor's rejection of any executory contract or unexpired lease under § 365 must be filed on or before the later of the Bar Date or 30 days following the entry of a Court order approving the rejection.

7. **GOVERNMENT CLAIMS BAR DATE.** The date by which a government agency must file a claim is **April 30, 2018** (the "**Government Bar Date**").

8. **BAR DATE PACKET.** The Debtor must provide all creditors and parties-in-interest on the master mailing matrix with a packet containing the following, sent by first-class U.S. mail no later than ten days after entry of this Order

- a. **Bar Date Notice.** The Debtor, through its claim and noticing agent JND, must provide notice of the Bar Date and the provisions of this Order with a written notice substantially in the form attached as Exhibit A to the Motion (the "**Bar Date Notice**"), the operative provisions of which are incorporated as part of this Order.
- b. **Claim Information.** The Bar Date Notice must advise each creditor and party-in-interest that it must file a proof of claim on or before the Bar Date or Government Bar Date (as applicable) if: (a) the creditor's claim is listed as contingent, unliquidated, or disputed in the Schedules; (b) the creditor disagrees with the amount of the claim or the priority of the

claim as listed in the Schedules; or (c) the creditor's claim is not listed in the Schedules. The Bar Date Notice must also advise creditors that if a creditor agrees with its claim as stated in the Schedules or whose claim is NOT listed as contingent, unliquidated, or disputed in the Schedules, that creditor need not file a proof of claim.

- c. **Forms.** All creditors and other parties-in-interest on the master mailing matrix must receive a copy of Official Form 10, altered only to reflect the Debtor's name, the case number, and this Court.

9. Notice of the Bar Date as provided above is adequate under Bankruptcy Rules 2002 and 3003.

10. **ADDRESS FOR FILING OF PROOFS OF CLAIM.** All persons wishing to assert a claim against the Debtor must file a proof of claim (by mailing or delivering the proof of claim form provided with the Bar Date Notice, or filing an electronic proof of claim on the Court's ECF system), so that it is received no later than 4:00 p.m., Arizona Time, on the Bar Date, by the Debtor's Claims Agent, JND Corporate Restructuring, at:

Cornbread Ventures Claims Processing
c/o JND Corporate Restructuring
8269 E. 23rd Ave., Suite 275
Denver, CO 80238

Proofs of claim will be treated as filed only when actually received.

11. **FAILURE TO FILE PROOF OF CLAIM:** Any holder of a claim that fails to file a proof of claim on or before Bar Date or the Government Bar Date, as applicable, if required to do so by this Order, is: (a) forever barred and enjoined from (i) asserting any such claim against the Debtor or its successors, and (ii) voting on or receiving any distribution under any chapter 11 plan for the

Debtor on account of such claim; and (b) bound by the terms of any chapter 11 plan confirmed with respect to the Debtor.

12. **RESERVATION OF RIGHTS.** Nothing in this Order limits or prejudices, in any way, the estate's right to object to, dispute, or assert defenses or offsets to any claim filed or deemed filed in this case.

13. **NOTICE BY DEBTOR.** The Debtor is directed to provide a copy of the Bar Date Notice to creditors and parties-in-interest in accordance with the terms and provisions of this Order, and to file an appropriate Certificate of Service with the Court.

SIGNED AND DATED ABOVE

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