## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:	) Chapter 11
MONTESQUIEU, INC. et al.,1	) Case No. 19-10599 (BLS)
Debtors.	) Jointly Administered
	) Re: D.I. 9, 28
	)

## FINAL ORDER (I) AUTHORIZING DEBTORS TO PAY PREPETITION CLAIMS OF SHIPPERS AND CUSTOMS REPRESENTATIVES AND (II) GRANTING RELATED RELIEF

Upon the motion (the "Motion")<sup>2</sup> of Montesquieu, Inc. and certain debtor affiliates, as debtors and debtors in possession (collectively, the "Debtors"), for entry of a final order (this "Final Order") for authority (i) to continue to pay, in the ordinary course of business certain prepetition claims of the Debtors' shippers (including Freight Forwarders and Common Carriers as defined herein), shipping and delivery logistics agents, customs representatives and warehousemen (the "Shippers and Customs Representatives") who have (or may have) non-bankruptcy law remedies available to secure payment of their claims under the terms and conditions set forth in the Motion; and (ii) granting such other and further relief as the Court deems proper, all as more fully set forth in the Motion; and upon the First Day Declaration; and the Court having found that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that venue of this proceeding and the Motion in this district is proper

<sup>&</sup>lt;sup>1</sup> The Debtors and the last four digits of their respective taxpayer identification numbers include: Montesquieu, Inc. (8069), WG Best Weinkellerei, Inc. dba Montesquieu Winery (California) (0458) and Montesquieu Corp. (California) (4025). The headquarters and service address for the above-captioned Debtors is 8929 Aero Dr, San Diego, California 92123.

<sup>&</sup>lt;sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and the Court having found that the Debtors provided appropriate notice of the Motion and the opportunity for a hearing on the Motion under the circumstances; and the Court having reviewed the Motion and having heard the statements in support of the relief requested therein before the Court (the "Hearing"); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and this Court having entered its Interim Order on the Motion [D.I. 28]; and after due deliberation and sufficient cause appearing therefor, it is hereby ordered that:

- 1. The Motion is granted as set forth herein on a final basis.
- 2. Debtors are authorized to pay any Shipping and Custom Charges, up to \$50,000 on account of such claims, when Debtors, in their sole discretion, determine that such creditors' exercise of their remedies would unduly disrupt the Debtors' business; (ii) all banks and financial institutions are authorized to honor any checks or requests for payment related to Shipping and Customs Charges whether presented prepetition or post-petition; (iii) Debtors are authorized to retain or obtain any Customs Bond needed at their discretion under the terms and conditions set forth in the Motion.
  - 3. The contents of the Motion satisfy the requirements of Bankruptcy Rule 6003(b).
- 4. Notice of the Motion shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.
- 5. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Final Order are immediately effective and enforceable upon its entry.

- 6. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.
- 7. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.

Dated: 4, 2019

The Honorable Brendan Linehan Shannon United States Bankruptcy Judge