

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

In re:

HOBICO, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 18-10055 (KG)

(Jointly Administered)

**NOTICE OF AMENDED² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JANUARY 30, 2018 AT 10:00 A.M. (ET)**

UNCONTESTED MATTERS WITH CERTIFICATION OF COUNSEL

1. Debtors' Motion for Order Authorizing the Employment and Payment of Professionals Used in the Ordinary Course of Business [D.I. 57, Filed 1/11/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors. Extended to January 26, 2018 at 4:00 p.m. (ET) for the United States Trustee.

Responses Received:

- (a) Informal Comments from the United States Trustee.

Related Pleadings:

- (a) Declaration of Tom S. O'Donoghue, Jr. in Support of Debtors' Motion for Order Authorizing the Employment and Payment of Professionals Used in the Ordinary Course of Business [D.I. 105, Filed 1/26/18]; and
- (b) Certification of Counsel Regarding Order Authorizing the Employment and Payment of Professionals Used in the Ordinary Course of Business [D.I. **116**, Filed **1/29/18**].

Status: **A COC has been filed regarding this matter.**

2. Debtors' Application for Entry of an Order Under 11 U.S.C. §§ 327(a), 328(a), and 1107(b), Fed. R. Bankr. P. 2014 and 2016, and Del. Bankr. L.R. 2014-1 and 216-1, Authorizing Retention and Employment of Morris, Nichols, Arsht & Tunnell LLP as

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: Hobbico, Inc. (9545); Axial R/C Inc. (0233); Estes-Cox Corp. (2196); Great Planes Model Manufacturing, Inc. (5259); Revell Inc. (8545); Tower Hobbies, Inc. (5185); and United Model, Inc. (5302). The Debtors' headquarters are located at 2904 Research Road, Champaign, Illinois 61822.

² **Amended items appear in bold.**

Delaware Bankruptcy Co-Counsel for the Debtors, *Nunc Pro Tunc* to the Petition Date [D.I. 65, Filed 1/12/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the United States Trustee.

Related Pleadings:

- (a) Supplemental Declaration of Robert J. Dehney in Support of the Debtors' Application for Entry of an Order Under 11 U.S.C. §§ 327(a), 328(a), and 1107(b), Fed. R. Bankr. P. 2014 and 2016, and Del. Bankr. L.R. 2014-1 and 216-1, Authorizing Retention and Employment of Morris, Nichols, Arsht & Tunnell LLP as Delaware Bankruptcy Co-Counsel for the Debtors, *Nunc Pro Tunc* to the Petition Date [D.I. 87, Filed 1/19/18];
- (b) Certification of Counsel Regarding Orders Authorizing the Debtors to Retain Certain Professionals *Nunc Pro Tunc* to the Petition Date [D.I. 104, Filed 1/26/18]; and
- (c) **Order Granting Debtors' Application for Entry of an Order Authorizing Retention and Employment of Morris, Nichols, Arsht & Tunnell LLP as Delaware Bankruptcy Co-Counsel for the Debtors *Nunc Pro Tunc* to the Petition Date [D.I. 107, Entered 1/26/18].**

Status: An order has been entered regarding this matter. No hearing is necessary.

- 3. Debtors' Motion for Entry of an Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals [D.I. 67, Filed 1/12/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from Wells Fargo, N.A.

Related Pleadings:

- (a) Certification of Counsel Regarding Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals [D.I. 115, Filed 1/29/18].

Status: A COC has been filed regarding this matter.

4. Debtors' Application for an Order Authorizing the Retention and Employment of Neal, Gerber & Eisenberg LLP as Attorneys for the Debtors and Debtors-In-Possession *Nunc Pro Tunc* to the Petition Date [D.I. 69, Filed 1/12/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the United States Trustee.

Related Pleadings:

- (a) Certification of Counsel Regarding Orders Authorizing the Debtors to Retain Certain Professionals *Nunc Pro Tunc* to the Petition Date [D.I. 104, Filed 1/26/18]; and
- (b) **Order Authorizing the Retention and Employment of Neal, Gerber & Eisenberg LLP as Attorneys for the Debtors and Debtors in Possession *Nunc Pro Tunc* to the Petition Date [D.I. 108, Entered 1/26/18].**

Status: **An order has been entered regarding this matter. No hearing is necessary.**

5. Debtors' Application for an Order Authorizing the Employment and Retention of JND Corporate Restructuring as Administrative Agent to the Debtors, *Nunc Pro Tunc* to the Petition Date [D.I. 70, Filed 1/12/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the United States Trustee.

Related Pleadings:

- (a) Certification of Counsel Regarding Orders Authorizing the Debtors to Retain Certain Professionals *Nunc Pro Tunc* to the Petition Date [D.I. 104, Filed 1/26/18]; and
- (b) **Order Authorizing the Employment and Retention of JND Corporate Restructuring as Administrative Agent for the Debtors *Nunc Pro Tunc* to the Petition Date [D.I. 109, Entered 1/26/18].**

Status: **An order has been entered regarding this matter. No hearing is necessary.**

UNCONTESTED MATTERS GOING FORWARD

6. Debtors' Motion for Entry of Interim and Final Orders: (I) Authorizing Payment of Certain Prepetition Employee Claims, Including Wages, Salaries, and Other Compensation; (II) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis; (III) Authorizing Reimbursement to Employees for Prepetition Expenses; (IV) Authorizing Payment of Withholding and Payroll-Related Taxes; (V) Authorizing Payment of Prepetition Claims Owing to Administrators and Third Party Providers; (VI) Authorizing Banks to Honor Prepetition Checks and Fund Transfers for Authorized Payments; (VII) Scheduling a Final Hearing; And (VIII) Granting Related Relief [D.I. 7, Filed 1/10/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received: None at the time of the filing of this agenda.

Related Pleadings:

- (a) Interim Order (I) Authorizing Payment of Certain Prepetition Employee Claims, Including Wages, Salaries, and Other Compensation; (II) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis; (III) Authorizing Reimbursement to Employees for Prepetition Expenses; (IV) Authorizing Payment of Withholding and Payroll-Related Taxes; (V) Authorizing Payment of Prepetition Claims Owing to Administrators and Third Party Providers; (VI) Authorizing Banks to Honor Prepetition Checks and Fund Transfers for Authorized Payments; (VII) Scheduling a Final Hearing; And (VIII) Granting Related Relief [D.I. 46, Entered 1/11/18];
- (b) Notice of Hearing Regarding Debtors' Motion for Entry of Interim and Final Orders: (I) Authorizing Payment of Certain Prepetition Employee Claims, Including Wages, Salaries, and Other Compensation; (II) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis; (III) Authorizing Reimbursement to Employees for Prepetition Expenses; (IV) Authorizing Payment of Withholding and Payroll-Related Taxes; (V) Authorizing Payment of Prepetition Claims Owing to Administrators and Third Party Providers; (VI) Authorizing Banks to Honor Prepetition Checks and Fund Transfers for Authorized Payments; (VII) Scheduling a Final Hearing; And (VIII) Granting Related Relief [D.I. 59, Filed 1/11/18]; and
- (c) **Certification of No Objection Regarding Debtors' Motion for Entry of Interim and Final Orders: (I) Authorizing Payment of Certain Prepetition Employee Claims, Including Wages, Salaries, and Other Compensation; (II) Authorizing Payment of Certain Employee Benefits and Confirming Right to Continue Employee Benefits on Postpetition Basis; (III) Authorizing**

Reimbursement to Employees for Prepetition Expenses; (IV) Authorizing Payment of Withholding and Payroll-Related Taxes; (V) Authorizing Payment of Prepetition Claims Owing to Administrators and Third Party Providers; (VI) Authorizing Banks to Honor Prepetition Checks and Fund Transfers for Authorized Payments; (VII) Scheduling a Final Hearing; And (VIII) Granting Related Relief [D.I. 118, Filed 1/29/18].

Status: **A CNO has been filed regarding this matter. No hearing is necessary.**

7. Debtors' Motion for Entry of Interim and Final Orders, Pursuant to Bankruptcy Code Sections 105(a), 345(b), 363(c)(1), 364(a), 364(b), and 503(b)(1), Bankruptcy Rules 6003 and 6004 and Local Rule 2015-2, (A) Authorizing Debtors to Use Existing Cash Management System, (B) Authorizing and Directing Banks and Financial Institutions to Honor and Process Checks and Transfers, (C) Authorizing Continued Use and Satisfaction of Intercompany Transactions, (D) Waiving Requirements of Section 345(b) of the Bankruptcy Code, (E) Authorizing Debtors to Use Existing Bank Accounts and Existing Business Forms, and (F) Granting Related Relief [D.I. 15, Filed 1/10/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received: None at the time of the filing of this agenda.

Related Pleadings:

- (a) Interim Order, Pursuant to Bankruptcy Code Sections 105(a), 345(b), 363(c)(1), 364(a), 364(b), and 503(b)(1), Bankruptcy Rules 6003 and 6004 and Local Rule 2015-2, (A) Authorizing Debtors to Use Existing Cash Management System, (B) Authorizing and Directing Banks and Financial Institutions to Honor and Process Checks and Transfers, (C) Authorizing Continued Use and Satisfaction of Intercompany Transactions, (D) Waiving Requirements of Section 345(b) of the Bankruptcy Code, (E) Authorizing Debtors to Use Existing Bank Accounts and Existing Business Forms, and (F) Granting Related Relief [D.I. 47, Entered 1/11/18];
- (b) Notice of Hearing Regarding Debtors' Motion for Entry of Interim and Final Orders, Pursuant to Bankruptcy Code Sections 105(a), 345(b), 363(c)(1), 364(a), 364(b), and 503(b)(1), Bankruptcy Rules 6003 and 6004 and Local Rule 2015-2, (A) Authorizing Debtors to Use Existing Cash Management System, (B) Authorizing and Directing Banks and Financial Institutions to Honor and Process Checks and Transfers, (C) Authorizing Continued Use and Satisfaction of Intercompany Transactions, (D) Waiving Requirements of Section 345(b) of the Bankruptcy Code, (E) Authorizing Debtors to Use Existing Bank Accounts and Existing Business Forms, and (F) Granting Related Relief [D.I. 62, Filed 1/11/18]; **and**

- (c) **Certification of No Objection Regarding Debtors' Motion for Entry of Interim and Final Orders, Pursuant to Bankruptcy Code Sections 105(a), 345(b), 363(c)(1), 364(a), 364(b), and 503(b)(1), Bankruptcy Rules 6003 and 6004 and Local Rule 2015-2, (A) Authorizing Debtors to Use Existing Cash Management System, (B) Authorizing and Directing Banks and Financial Institutions to Honor and Process Checks and Transfers, (C) Authorizing Continued Use and Satisfaction of Intercompany Transactions, (D) Waiving Requirements of Section 345(b) of the Bankruptcy Code, (E) Authorizing Debtors to Use Existing Bank Accounts and Existing Business Forms, and (F) Granting Related Relief [D.I. 119, Filed 1/29/18].**

Status: A CNO has been filed regarding this matter. No hearing is necessary.

CONTESTED MATTERS GOING FORWARD

8. Debtors' Motion for Entry of Interim and Final Orders, Pursuant to Sections 105(a), 363, 503(b)(9), 1107(a) and 1108 of the Bankruptcy Code, (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors, Foreign Vendors, and 503(b)(9) Claimants, (II) Authorizing Banks to Honor and Process Check and Electronic Transfer Requests Related Thereto, and (III) Granting Certain Related Relief [D.I. 10, Filed 1/10/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the Official Committee of Unsecured Creditors.

Related Pleadings:

- (a) Interim Order, Pursuant to Sections 105(a), 363, 503(b)(9), 1107(a) and 1108 of the Bankruptcy Code, (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors, Foreign Vendors, and 503(b)(9) Claimants, (II) Authorizing Banks to Honor and Process Check and Electronic Transfer Requests Related Thereto, and (III) Granting Certain Related Relief [D.I. 51, Entered 1/11/18];
- (b) Notice of Hearing Regarding Debtors' Motion for Entry of Interim and Final Orders, Pursuant to Sections 105(a), 363, 503(b)(9), 1107(a) and 1108 of the Bankruptcy Code, (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors, Foreign Vendors, and 503(b)(9) Claimants, (II) Authorizing Banks to Honor and Process Check and Electronic Transfer Requests Related Thereto, and (III) Granting Certain Related Relief [D.I. 60, Filed 1/11/18]; **and**
- (c) **Certification of No Objection Regarding Debtors' Motion for Entry of Interim and Final Orders, Pursuant to Sections 105(a), 363, 503(b)(9),**

1107(a) and 1108 of the Bankruptcy Code, (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors, Foreign Vendors, and 503(b)(9) Claimants, (II) Authorizing Banks to Honor and Process Check and Electronic Transfer Requests Related Thereto, and (III) Granting Certain Related Relief [D.I. 117, Filed 1/29/18].

Status: The Debtors are discussing with the Official Committee of Unsecured Creditors its informal comments. **Following these discussions the Official Committee of Unsecured Creditors determined not to file an objection. A CNO has been filed. No hearing is necessary.**

9. Debtors' Motion for Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Payment, (III) Establishing Procedures for Determining Additional Adequate Assurance of Payment, and (IV) Setting a Final Hearing Related Thereto [D.I. 12, 1/10/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Objection of Constellation NewEnergy, Inc. and Constellation New Energy – Gas Division, LLC to the Debtors' Motion for Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Payment, (III) Establishing Procedures for Determining Additional Adequate Assurance of Payment, and (IV) Setting a Final Hearing Related Thereto [D.I. 97, Filed 1/25/18]; **and**
- (b) **Notice of Withdrawal of Objection of Constellation Newenergy, Inc. And Constellation Newenergy Gas Division, LLC to the Debtors Motion for Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utility Companies From Altering, Refusing, or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Payment, (III) Establishing Procedures for Determining Additional Adequate Assurance of Payment, and (IV) Setting a Final Hearing Related Thereto [D.I. 113, Filed 1/29/18].**

Related Pleadings:

- (a) Interim Order, Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Payment, (III) Establishing Procedures for Determining Additional Adequate

Assurance of Payment, and (IV) Setting a Final Hearing Related Thereto [D.I. 54, Entered 1/11/18];

- (b) Notice of Hearing Regarding Debtors' Motion for Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Payment, (III) Establishing Procedures for Determining Additional Adequate Assurance of Payment, and (IV) Setting a Final Hearing Related Thereto [D.I. 61, Filed 1/11/18]; **and**
- (c) **Certification of No Objection Regarding Debtors' Motion for Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Utility Services, (II) Deeming Utility Companies Adequately Assured of Future Payment, (III) Establishing Procedures for Determining Additional Adequate Assurance of Payment, and (IV) Setting a Final Hearing Related Thereto [D.I. 120, Filed 1/29/18].**

Status: The objection of Constellation NewEnergy, Inc. and Constellation New Energy – Gas Division, LLC (“Constellation”) has been resolved. Constellation has withdrawn their objection. A CNO has been filed. No hearing is necessary.

- 10. Debtors' Motion for Entry of Interim and Final Orders Authorizing Debtors to: (A) Use Cash Collateral on an Emergency Basis Pending a Final Hearing; (B) Incur Postpetition Debt on an Emergency Basis Pending a Final Hearing; and (C) Grant Adequate Protection and Provide Security and Other Relief to Wells Fargo Bank, National Association, as Agent, and the Other Secured Parties [D.I. 17, Filed 1/10/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the Official Committee of Unsecured Creditors; and
- (b) Informal Comments from Cyprium Investment Advisors IV AIV I, LLP.

Related Pleadings:

- (a) Order Authorizing Debtors to: (A) Use Cash Collateral on an Emergency Basis Pending a Final Hearing; (B) Incur Postpetition Debt on an Emergency Basis Pending a Final Hearing; and (C) Grant Adequate Protection and Provide Security and Other Relief to Wells Fargo Bank, National Association, as Agent, and the Other Secured Parties [D.I. 56, Entered 1/11/18];

- (b) Notice of Hearing on Debtors' Motion for Entry of Interim and Final Orders Authorizing Debtors to: (A) Use Cash Collateral on an Emergency Basis Pending a Final Hearing; (B) Incur Postpetition Debt on an Emergency Basis Pending a Final Hearing; and (C) Grant Adequate Protection and Provide Security and Other Relief to Wells Fargo Bank, National Association, as Agent, and the Other Secured Parties [D.I. 58, Filed 1/11/18]; **and**

Status: An agreement in principal has been reached between the Debtors, the DIP Lenders and the Official Committee of Unsecured Creditors. The parties are finalizing the terms of an agreed order. The Debtors will file or present at the hearing a revised form of order to the Court.

11. Debtors' Application for Entry of an Order, Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code, (I) Authorizing the Debtors to Employ and Retain Keystone Consulting Group, LLC to Provide Interim Management Services, *Nunc Pro Tunc* to the Petitions Date, and (II) Designating Louis Brownstone as Interim President and Chief Operating Officer [D.I. 68, Filed 1/12/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the United States Trustee.

Related Pleadings:

- (a) Certification of Counsel Regarding Orders Authorizing the Debtors to Retain Certain Professionals *Nunc Pro Tunc* to the Petition Date [D.I. 112, Filed 1/29/18].

Status: A COC has been filed regarding this matter. The included form of order incorporates the informal comments from the United States Trustee. No hearing is necessary.

12. Debtors' Application for Entry of an Order Pursuant to Bankruptcy Code Sections 327(a) and 328(a) Authorizing and Approving the Employment and Retention of Lincoln Partners Advisors LLC as Investment Banker to the Debtors *Nunc Pro Tunc* to the Petition Date and Modifying Certain Requirements Under Local Rule 2016-2 [D.I. 72, Filed 1/12/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at **5:00 p.m. (ET)** for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the United States Trustee; and

- (b) Informal Comments from the Official Committee of Unsecured Creditors.

Related Pleadings:

- (a) Certification of Counsel Regarding Orders Authorizing the Debtors to Retain Certain Professionals *Nunc Pro Tunc* to the Petition Date [D.I. 112, Filed 1/29/18].

Status: A COC has been filed regarding this matter. The included form of order incorporates the informal comments from the United States Trustee. Following further discussions the Official Committee of Unsecured Creditors determined not to file an objection. No hearing is necessary.

13. Debtors' Application for an Order, Pursuant to Sections 105(a) and 363(b) of the Bankruptcy Code (I) Authorizing the Debtors to Retain CR3 Partners, LLC to Provide Chief Restructuring Officer and Related Services, *Nunc Pro Tunc* to the Petition Date and (II) Approving the Agreements Related Thereto [D.I. 73, Filed 1/12/18].

Objection Deadline: January 25, 2018 at 4:00 p.m. (ET). Extended to January 26, 2018 at 5:00 p.m. (ET) for the Official Committee of Unsecured Creditors.

Responses Received:

- (a) Informal Comments from the United States Trustee.

Related Pleadings:

- (a) Certification of Counsel Regarding Orders Authorizing the Debtors to Retain Certain Professionals *Nunc Pro Tunc* to the Petition Date [D.I. 112, Filed 1/29/18].

Status: A COC has been filed regarding this matter. The included form of order incorporates the informal comments from the United States Trustee. No hearing is necessary.

Dated: January 29, 2018
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Matthew O. Talmo

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- and -

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