

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

Flour City Bagels, LLC,

Case No. 16-20213-PRW
Chapter 11

Debtor.

DECISION AND CASE MANAGEMENT ORDER

PAUL R. WARREN, United States Bankruptcy Judge

A motion seeking approval of a disclosure statement—along with a number of related forms of relief—was filed by creditors on June 12, 2017. (ECF Nos. 938, 939). The Court heard lengthy argument on the issue of the adequacy of the Plan Proponents’ Second Amended Disclosure Statement on June 22, 2017 (“Initial Hearing”). The hearing lasted into the early evening. While many of the objections raised by the United States Trustee (“UST”) were resolved (either consensually or by Court ruling), not all objections were resolved.

The Plan Proponents indicated that they would file a “Modified Second Amended Disclosure Statement”—and any other documents described in the motion at issue (ECF No. 939)—on or before June 28, 2017. There remain unresolved objections that the parties expect to press and the Court expects to resolve at the continued hearing. The Court reserved all of July 5, 2017, to hear and determine any remaining objections concerning adequacy of disclosure under 11 U.S.C. § 1125(a). The UST requested that the Court delay the commencement of the continued hearing on the adequacy of disclosure until late afternoon on July 5, 2017—and the Court tentatively set the hearing for 3:30 p.m. EDT. Upon reflection—

and given the number of hours expended conducting the Initial Hearing on the adequacy of disclosure—it is prudent to begin the continued hearing earlier than suggested by the UST, to afford the parties the time necessary to make their arguments and afford the Court the time necessary to render its decision under 11 U.S.C. § 1125(a).

The Court, in the exercise of its discretion, directs that the continued hearing on the adequacy of the (anticipated) “Modified Second Amended Disclosure Statement” and the other forms of relief sought by the Plan Proponents in the motion (ECF No. 939) will be held on **July 5, 2017 at 1:00 p.m. EDT**. Counsel that will participate in arguing the motion—whether in support or in opposition—are directed to appear in person (to ensure that an accurate record can be made). Counsel or parties wishing to listen to the proceedings will be permitted to participate by telephone (with no promises as to the audio quality), by contacting the Courtroom Deputy by 12:00 noon on July 5, 2017. The parties are directed to file and also provide chambers with a “joint agenda” of the issues in dispute—if any—by **12:00 noon EDT on July 5, 2017**, which agenda will be used by the Court to address each contested issue.

IT IS SO ORDERED.

DATED: June 23, 2017
Rochester, New York

_____/s/_____
HON. PAUL R. WARREN
United States Bankruptcy Judge