

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

IN RE:

PICCADILLY RESTAURANTS, LLC, *et al.*,

DEBTORS.

CASE NO. 12-51127

(JOINTLY ADMINISTERED)¹

CHAPTER 11

JUDGE ROBERT SUMMERHAYS

**EX PARTE MOTION TO LIMIT NOTICE
REQUIRED FOR DISCLOSURE STATEMENT HEARING**

NOW INTO COURT, through undersigned counsel, come Atalaya Administrative, LLC, Atalaya Funding II, LP, Atalaya Special Opportunities Fund IV, LP (Tranche B), and Atalaya Special Opportunities Fund (Cayman) IV LP (Tranche B) (collectively, “Atalaya”) and the Official Committee of Unsecured Creditors (the “Committee,” and together with Atalaya, the “Plan Proponents”) in the above-captioned chapter 11 cases of Piccadilly Restaurants, LLC and its affiliated debtors and debtors-in-possession (collectively, the “Debtors”)², who submit this Ex Parte Motion for an Order to Limit Notice Required for Disclosure Statement Hearing in these procedurally consolidated bankruptcy cases. In support of this Motion, the Plan Proponents state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1134. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

¹ Jointly administered with *In re Piccadilly Food Services, LLC*, 12-51128 (Bankr., W.D. La. 2012), and *In re Piccadilly Investments, LLC*, 12-51129 (Bankr. W.D. La. 2012).

² The debtors in these Chapter 11 cases include Piccadilly Restaurants, LLC (“Restaurants”), Piccadilly Food Services, LLC (“Food Service”), and Piccadilly Investments, LLC (“Investments”).

BACKGROUND

2. On September 11, 2012 (the “Petition Date”), the Debtors filed for relief under Chapter 11 of the Bankruptcy Code. The Debtors are operating their businesses and managing their properties as debtors-in-possession pursuant to Bankruptcy Code §§ 1107 and 1108. No trustee or examiner has been appointed in these Chapter 11 cases.

RELIEF REQUESTED

3. Bankruptcy Rule 2002(m) provides that the court may from time to time enter orders designating the manner in which notices may be sent, and the entities to whom notices may be sent. Bankruptcy Rule 2002(i) provides that:

. . . the Court may order that notices required under subdivision (a)(2), (3) and (6) of this rule to be transmitted to the United States trustee and mailed only to the committees elected under § 705 or appointed under § 1102 of the Code or to their authorized agents and to the creditors and equity security holders who serve on the trustee or debtor in possession and file a request that all notices be mailed to them. A committee appointed under § 1114 shall receive copies of all notices required by subdivisions (a)(1), (a)(5), (b), (f)(2) and (f)(7), and such other notices as the court may direct.

4. The Order and Notice for Hearing on Disclosure Statement and Fixing Time for Filing Objections to Approval of Disclosure Statement [Docket No. 1126] entered on September 30, 2013 (the “Order and Notice for Hearing”), requires the Plan Proponents to mail copies of the Order and Notice for Hearing, the proposed Disclosure Statement [Docket No. 1124] (the “Disclosure Statement”), and the proposed Plan [Docket No. 1123] (the “Plan”) upon each creditor. The Plan Proponents submit that such a requirement would require substantial mailing to over 5,000 creditors. The cost of such a mailing would be high and, in some cases, the cost of copying and mailing the documents would exceed the amount that a creditor is owed.

5. The Plan Proponents, therefore, request that the Court allow them to send only the Order and Notice for Hearing to all creditors, accompanied by a Notice (as defined below) stating that the Disclosure Statement and Plan will be made available to all creditors via the Internet at the following address (the “Internet Site”): <http://www.bmcgroup.com/piccadilly>, or by contacting counsel for the Plan Proponents directly. Further, creditors will be made aware of the ways that they may obtain copies of the relevant documents.

6. Attached as **Exhibit A** is the proposed Notice that will be given to all creditors and parties-in-interest that are listed on the Debtors’ mailing matrix (the “Notice”). If this Motion is granted, each of the parties-in-interest listed on the mailing matrix (which may be amended from time to time) will receive the Notice. The Notice provides that parties-in-interest who wish to receive copies of the Plan or Disclosure Statement should visit the Internet Site or may contact counsel for the Plan Proponents.

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WHEREFORE, the Plan Proponents respectfully request that this Court limit notice as prayed for in this Motion, and for any and all further relief, as is just and equitable.

Dated: September 30, 2013.

Respectfully submitted,

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