

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

IN RE:

**PICCADILLY RESTAURANTS, LLC,
ET AL.,**

DEBTORS

* **CASE NO. 12-51127**
*
* **(JOINT ADMINISTRATION)¹**
*
* **CHAPTER 11**
*
* **JUDGE ROBERT SUMMERHAYS**

**APPLICATION FOR ORDER AUTHORIZING THE RETENTION
NUNC PRO TUNC TO THE PETITION DATE OF JEFFREY L. CORNISH,
AS CONSULTANT TO THE DEBTORS,
PURSUANT TO § 327(a) OF THE BANKRUPTCY CODE**

NOW INTO COURT, through undersigned counsel, come the debtors and debtors-in-possession (collectively, the “Debtors”),² who submit this Application for Order Authorizing the Retention *Nunc Pro Tunc* to the Petition Date of Jeffrey L. Cornish, as Consultant to the Debtors, Pursuant to § 327(a) of the Bankruptcy Code (the “Application”). In support of this Application, the Debtors rely upon the Verified Statement of Jeffrey L. Cornish (the “Statement”), which is attached hereto as Exhibit A and incorporated herein by reference, and respectfully represents as follows:

BACKGROUND

1. On September 11, 2012 (the “Petition Date”), the Debtors filed for relief under

¹ Joint administration requested with *In re Piccadilly Food Service, 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 Service, LLC (“Food Service”), and Piccadilly Investments, LLC (“Investments”).

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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, and no official committee of creditors or equity-interest holders has been established in the cases.

2. The Debtors are jointly administrated pursuant to Bankruptcy Code § 105(a) and Bankruptcy Rule 1015(b).

RELIEF REQUESTED

3. By this Application, the Debtors request authorization to retain and employ Jeffrey L. Cornish (the “Consultant”) for the Debtors in these bankruptcy cases (the “Chapter 11 Case”), *Nunc Pro Tunc* to the Petition Date. Specifically, the Debtors respectfully request entry of an order pursuant to § 327(a) of the Bankruptcy Code. With the approval of this Court, the Consultant will perform the same services that he performed before the Petition Date; namely, advice, analyses, and recommendations with respect to operations, marketing, labor scheduling, real property lease renegotiations, restructurings, asset sales, and the like (collectively, the “Restaurant Consulting Services”). The Consultant is performing many of the functions of Chief Financial Officer and Controller of the Debtors. A copy of the Consulting Agreement by and between the Consultant and Piccadilly Restuarants, LLC, dated July 1, 2012, is attached as Exhibit B (the “Consulting Agreement”). No money is owed to the Consultant for his services during the period before the Petition Date.

4. The Debtors desire to retain the Consultant to perform the same Restaurant

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Consulting Services that he performed before the Petition Date, pursuant to the same terms and conditions as are outlined in the Consulting Agreement.

5. The Consultant is familiar with the Debtors' businesses and financial affairs and is well-qualified to provide the services required by the Debtor in this Chapter 11 Case. Prior to the Petition Date, the Consultant provided the Consulting Services to the Debtors since July 2012, as provided for in the Consulting Agreement.

6. The Consultant will receive \$4,000 per week for his services. In providing pre-petition services to the Debtors, the Consultant has become well-acquainted with the Debtors' financial systems, business, and operational difficulties, attributes and other related matters. Accordingly, the Consultant has developed significant experience and expertise regarding the Debtors' businesses that will assist it in providing effective and efficient services in this Chapter 11 Case. Pursuant to Section 327(a) of the Bankruptcy Code, Debtors request that the Court approve the retention of the Consultant after the Petition Date to perform the services necessary to the progression of this Chapter 11 Case, in accordance with the terms of the Consulting Agreement attached as Exhibit B.

DISINTERESTEDNESS OF PROFESSIONAL

7. To the best of the Debtors' knowledge and based upon the Statement, the Consultant is a "disinterested person" as that term is defined in Section 101(14) of the Bankruptcy Code, as modified by Section 1107(b) of the Bankruptcy Code.

8. To the best of the Debtors' knowledge and based upon the attached Statement, the

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Consultant does not hold or represent an interest adverse to the estate that would impair his ability to objectively perform professional services for the Debtors. Thus, his retention would satisfy § 327 of the Bankruptcy Code.

9. To the best of the Debtors' knowledge and based upon the Statement: (a) the Consultant's connections with the creditors, any other party-in-interest, and their respective attorneys are disclosed in the schedules to Exhibit A; and (b) the Consultant is not a relative of the United States Trustee of the Western District of Louisiana, any known employee in the office thereof, or any United States Bankruptcy Judge of the Western District of Louisiana.

10. The Consultant has not provided, and will not provide, professional services to any of the creditors, other parties-in-interest, or their attorneys with regard to any matter related to this Chapter 11 Case.

11. The Consultant has, from time to time, been involved with certain of the Debtor's other professionals in matters unrelated to this Chapter 11 Case. In the ordinary course of its business, the Consultant and certain of the Debtor's other professionals may, from time to time, work jointly on assignments for the same client or may otherwise engage each other for various purposes.

CONSULTANT'S QUALIFICATIONS

12. The Consultant has extensive experience in the restaurant business, as is described on the summary resume attached as Exhibit C; he also has an MBA in Finance and is a Certified Public Accountant.

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13. The proposed Order approving this Application is attached as Exhibit D.

NOTICE

14. Notice of this Application has been given to the following: (a) the secured creditor, through Atalaya Administrative, LLC, and its counsel of record, Brent R. McIlwain and David F. Waguespack, (b) the thirty (30) largest unsecured creditors, the identity of which may be amended from time to time, (c) the twenty (20) additional random unsecured creditors; (d) all parties who have requested special notice pursuant to Bankruptcy Rule 2002; (e) the Unsecured Creditors Committee, if appointed, or its counsel if one has been retained; and (f) the Office of the United States Trustee.

WHEREFORE, the Debtors request that the Court enter an Order that (i) grants this Application, (ii) authorizes the Debtors' retention and employment of Jeffrey L. Cornish, as a consultant, and (iii) grants all other legal and equitable relief as is just and proper.

Respectfully submitted,

/s/ Elizabeth J. Futrell

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