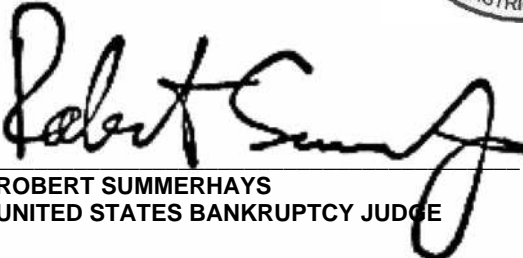




SO ORDERED.

SIGNED March 1, 2013.

  
ROBERT SUMMERHAYS  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

IN RE:

PICCADILLY RESTAURANTS, LLC,  
*ET AL.*,

DEBTORS

\* CASE NO. 12-51127  
\*  
\* (JOINT ADMINISTRATION)<sup>1</sup>  
\*  
\* CHAPTER 11  
\*  
\* JUDGE ROBERT SUMMERHAYS

**ORDER APPROVING THE (1) REJECTION OF AN UNEXPIRED LEASE OF NONRESIDENTIAL REAL PROPERTY OF AN UNDERPERFORMING CAFETERIA LOCATED IN JACKSONVILLE, FLORIDA, AND (2) THE REJECTION OF ONE EXECUTORY CONTRACT RELATED THERETO**

Considering the *Motion for an Order Approving (1) the Rejection of An Unexpired Lease of Nonresidential Real Property of An Underperforming Cafeteria Located in Jacksonville,*

<sup>1</sup> Jointly administered 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).

*Florida, and (2) the Rejection of One Executory Contract Related Thereto* (the “Motion”) (Docket #470) filed herein on January 30, 2013, by the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”),<sup>2</sup> and the *Amended Motion for an Order Approving (1) the Rejection of An Unexpired Lease of Nonresidential Real Property of An Underperforming Cafeteria Located in Jacksonville, Florida, and (2) the Rejection of One Executory Contract Related Thereto* (the “Amended Motion”) (Docket #496), filed herein on February 14, 2013, by the Debtors, the Court concluding that (a) it has jurisdiction over this Motion and Amended Motion (the “Motion, as Amended”), pursuant to 28 U.S.C. §§ 157 and 1334, and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), (b) the relief requested in the Motion, as Amended, is essential to the continued operation of the Debtors’ businesses and is in the best interests of the Debtors’ estates and creditors, (c) sufficient notice was given to the non-debtor parties to the unexpired lease of nonresidential real property that is being rejected, and (d) sufficient cause supports the relief sought in the Motion, as Amended;

**IT IS ORDERED** that the Motion, as Amended, is hereby **GRANTED**;

**IT IS FURTHER ORDERED** that the unexpired lease of nonresidential real property that is listed on Exhibit 1 to this Order (the “Rejected Real Property Lease”) be and the same is hereby deemed rejected, effective February 28, 2013;

**IT IS FURTHER ORDERED** that the executory contract that is listed on Exhibit 2 to this Order (the “Rejected Executory Contract”) be and the same is hereby deemed rejected, effective February 28, 2013;

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<sup>2</sup> The debtors in these Chapter 11 cases include Piccadilly Restaurants, LLC, Piccadilly Food Service, LLC, and Piccadilly Investments, LLC.

{N2569522.1}

**IT IS FURTHER ORDERED** that, effective February 28, 2013, any personal property remaining on the premises of the Rejected Real Property Lease will be deemed abandoned by Piccadilly Restaurants, LLC, as the tenant (“Restaurants”), and MHK Jacksonville, LLC, as the landlord (the “Landlord”), will have the right to dispose of the same as it deems appropriate, without any liability whatsoever on the part of the Landlord to Restaurants, and without waiver of any of the Landlord’s damage claims, if any, against Restaurants;

**IT IS FURTHER ORDERED** that the Debtors are authorized to execute and deliver all instruments and documents, and take such other actions as may be necessary or appropriate to implement and effectuate this Order;

**IT IS FURTHER ORDERED** that, within five (5) days of the entry of this Order, the Debtors will serve this Order on the notice parties listed on Exhibit 1 and Exhibit 2 to this Order; and

**IT IS FURTHER ORDERED** that the Court will retain jurisdiction with respect to any matters, claims, rights or disputes arising from or related to the Motion, as Amended, or implementation of this Order.

###

This Order was prepared and is being submitted by:

R. PATRICK VANCE (#13008)  
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**Attorneys for Piccadilly Restaurants, LLC,  
Piccadilly Food Service, LLC, and  
Piccadilly Investments, LLC**

# **Exhibit 1**

**EXHIBIT 1**

**DESCRIPTION OF UNDERPERFORMING CAFETERIA REAL PROPERTY LEASE**

That certain Lease (Lane Avenue, Jacksonville, Florida), made the 14<sup>th</sup> day of December, 1987, by and between Provident Life and Accident Insurance Company, as landlord, and Piccadilly Cafeterias, Inc., as tenant, as amended from time to time. The current landlord being MHK Jacksonville, LLC.

Notice to the landlord:

MHK Jacksonville, LLC  
c/o Lat Purser & Associates  
6320-7 St. Augustine Road  
Jacksonville, FL 32217

MHK Jacksonville, LLC  
c/o Lat Purser & Associates  
Attn: Kristen Nimmicht  
4168 Southpoint Parkway South, #200  
Jacksonville, FL 32216

Westside Plaza/MHK Jacksonville, LLC  
P.O. Box 915051, Stop #5051  
Orlando, FL 32891-5051

# **Exhibit 2**

**EXHIBIT 2**

**DESCRIPTION OF EXECUTORY CONTRACT**

Commercial Sale Agreement by and between ADP Services, Inc. (the Non-Debtor Party) and Piccadilly Restaurants, LLC, dated December 18, 2007

Notice to the Non-Debtor Party:      Lawrence Sanders  
7818 Phillips Hwy, Building #1  
Jacksonville, FL 32256

{N2569505.2}



United States Bankruptcy Court  
Western District of Louisiana

In re:  
Piccadilly Restaurants, LLC  
Debtor

Case No. 12-51127-RRS  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0536-4

User: eprice  
Form ID: pdf8

Page 1 of 2  
Total Noticed: 2

Date Rcvd: Mar 01, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 03, 2013.

db +Piccadilly Restaurants, LLC, c/o Jones Walker et al, 201 St. Charles Ave #5100,  
New Orleans, LA 70170-5101  
aty +Jones, Walker, Waechter, Poitevent, Carrere & Dene, 201 St. Charles Avenue, 51st Floor,  
New Orleans, LA 70170-5000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

tr \*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
DIP

TOTALS: 1, \* 0, ## 0

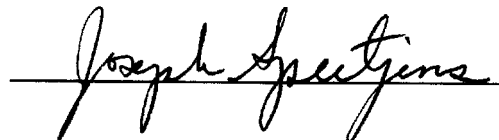
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 03, 2013

Signature:



The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2013 at the address(es) listed below:

Albert J. Derbes on behalf of Creditor Committee Official Committee of Unsecured Creditors  
ajdiv@derbeslaw.com

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Andrew D. Mendez on behalf of Creditor Peter Mayer Advertising, Inc. amendez@stonepigman.com

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Christopher R. Maddux on behalf of Creditor The Merchants Company d/b/a Merchants Foodservice  
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Dale R. Baringer on behalf of Creditor Kleinpeter Farms Dairy, L.L.C. dale@baringerlawfirm.com,  
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fbunol@derbeslaw.com, dharvey@derbeslaw.com

Gail Bowen McCulloch on behalf of U.S. Trustee Office of U. S. Trustee gail.mcculloch@usdoj.gov

J. David Forsyth on behalf of Creditor Delmont Village Associates LLC jdf@sessions-law.com

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Keith Couture on behalf of Creditor Grimes Professional Dirt Busters kcouture@couturelaw.net

Lawrence Bradley Hancock on behalf of Creditor Committee Official Committee of Unsecured  
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Office of U. S. Trustee USTPRegion05.SH.ECF@usdoj.gov

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slavelle@winstead.com

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paul@debaillonmiley.com

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William A. Frazell on behalf of Creditor Texas Comptroller of Public Accounts  
bk-bfrazell@texasattorneygeneral.gov

William H. Patrick on behalf of Interested Party CB Agency Services, LLC  
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TOTAL: 41