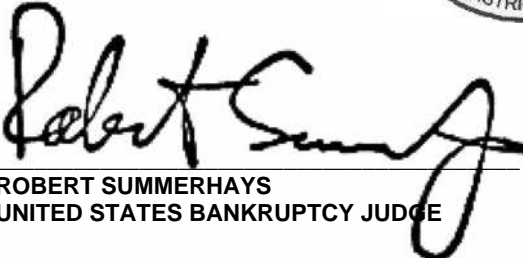




SO ORDERED.

SIGNED March 28, 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 REJECTION OF AN UNEXPIRED LEASE  
OF NONRESIDENTIAL REAL PROPERTY OF AN UNDERPERFORMING  
CAFETERIA LOCATED IN MIAMI, FLORIDA**

Considering the *Motion for an Order Approving (1) the Rejection of An Unexpired Lease of Nonresidential Real Property of An Underperforming Cafeteria Located in Miami, Florida* (the "Motion") (Docket #512) filed herein on February 26, 2013, by the above-captioned debtors

<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).

and debtors-in-possession (collectively, the “Debtors”),<sup>2</sup> by the Debtors, the Court concluding that (a) it has jurisdiction over this Motion, 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 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; no pleading or response having been filed in opposition to the Motion, and the relief to be granted in this Order is consistent with the relief pled for in the Motion;

**IT IS ORDERED** that the Motion 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 March 31, 2013;

**IT IS FURTHER ORDERED** that any proof of claim arising from the rejection of the Rejected Real Property Lease must be filed no later than thirty (30) days from the effective date of such rejection;

**IT IS FURTHER ORDERED** that, effective March 31, 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 Flagler S.C., LLC, as the landlord (the “Landlord”), will have the right to dispose of the same as it deems appropriate,

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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.

{N2589983.2}

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 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, or implementation of this Order.

###

This Order was prepared and is being submitted by:

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ELIZABETH J. FUTRELL (#05863)  
MARK A. MINTZ (#31878)  
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**Attorneys for Piccadilly Restaurants, LLC,  
Piccadilly Food Service, LLC, and  
Piccadilly Investments, LLC**

**EXHIBIT 1**

**DESCRIPTION OF REJECTED REAL PROPERTY LEASE**

That certain Lease by and between Flagler and 82<sup>nd</sup>, Ltd., a Florida limited partnership, as Landlord, and Piccadilly Cafeterias, Inc., a Louisiana corporation, as Tenant, as the same has been amended and modified from time to time before the Petition Date.

Notice to the Landlord:           **Flagler S.C., LLC** (as the successor to Flagler and 82<sup>nd</sup> Ltd.)  
  c/o Kimco Realty Corp.  
  P.O. Box 5020  
  3333 New Hyde Park Rd., Suite 100  
  New Hyde Park, NY 11042-0020  
  Project ID SFLM1589  
  Lease ID LPICCA00  
  Tenant ID TIPICCA00

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: lchamp  
Form ID: pdf8

Page 1 of 2  
Total Noticed: 2

Date Rcvd: Mar 28, 2013

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 30, 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

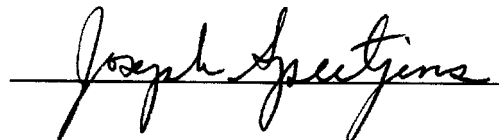
Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

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 30, 2013

Signature:



The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 28, 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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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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Dannie P. Garrett on behalf of Creditor The Merchants Company d/b/a Merchants Foodservice  
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zfrederick@mcglinchey.com

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  
Creditors hancockb@gtlaw.com

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mmcadory@joneswalker.com;sliberio@joneswalker.com

Office of U. S. Trustee USTPRegion05.SH.ECF@usdoj.gov

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slavelle@winstead.com;ecolumbus@winstead.com;whsu@winstead.com

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paul@debaillonmiley.com

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dschulte@joneswalker.com

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kurzweild@gtlaw.com;hartle@gtlaw.com;eastlaked@gtlaw.com

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Stephen W. Rosenblatt on behalf of Creditor The Merchants Company d/b/a Merchants Foodservice  
steve.rosenblatt@butlersnow.com

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Wayne A. Shullaw on behalf of Creditor Poss Select Produce, Inc c/o Wayne A. Shullaw Attorney  
shullaw@bellsouth.net

William A. Frazell on behalf of Creditor Texas Comptroller of Public Accounts  
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William H. Patrick on behalf of Interested Party CB Agency Services, LLC  
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TOTAL: 42