



SO ORDERED.

SIGNED May 20, 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, PURSUANT TO SECTION 365 OF THE BANKRUPTCY CODE,  
AUTHORIZING THE DEBTORS TO (1) ASSUME CERTAIN UNEXPIRED  
LEASES OF NONRESIDENTIAL REAL PROPERTY, AND  
(2) SATISFY CURE AMOUNTS IN RESPECT THEREOF**

*Considering the Third Motion for an Order, Pursuant to Section 365 of the Bankruptcy Code, Authorizing the Debtors to (1) Assume Certain Unexpired Leases of Nonresidential Real Property, and (2) Satisfy Cure Amounts in Respect Thereof (the “Motion”) (Docket #733) filed*

<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).

herein on April 19, 2013, by the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”),<sup>2</sup> for an order to (i) assume, or assume as modified, the unexpired leases of nonresidential real property listed on Exhibit A to this Order (collectively, the “Leases” or individually, a “Lease”), and (ii) satisfy the proposed cure amounts for each such Lease to be assumed or assumed as modified, as applicable (the “Cure Amount”); the Court having subject matter jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334; and considering the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and no trustee or examiner having been appointed in these Chapter 11 cases; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and a hearing having been held to consider the relief requested in the Motion (the “Hearing”); and upon the record of the Hearing, and all of the proceedings had before the Court; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates and creditors, and all parties in interest, and that the legal and factual basis set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor; and the Debtors having represented to the Court that the Motion was filed and served in conformity with the Local Rules of this Court;

**IT IS ORDERED** that the Motion is **GRANTED**, as modified herein.

**IT IS FURTHER ORDERED** that the Debtors are authorized to assume the Leases set forth on Exhibit A to this Order, effective as of May 14, 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.

**IT IS FURTHER ORDERED** that the Debtors are authorized to satisfy the Cure Amounts in the amounts set forth in Exhibit A to this Order, as applicable, with respect to each such Lease.

**IT IS FURTHER ORDERED** that payment of the applicable Cure Amount shown on Exhibit A shall constitute the cure of all defaults arising under the applicable Lease that are required to be cured by the Debtors under section 365(b)(1)(A) of the Bankruptcy Code (after giving effect to section 365(b)(2) of the Bankruptcy Code).

**IT IS FURTHER ORDERED** that the Debtors shall pay the Cure Amounts, if any, to the respective Lease counterparties on Exhibit A within thirty (30) days of the entry of this Order, or such other dates as the parties may otherwise agree.

**IT IS FURTHER ORDERED** that, except with the payment of the Cure Amounts, all parties to the Leases listed on Exhibit A are forever barred from raising or asserting against the Debtors or their estates any default or breach under, or any claim or pecuniary loss arising under or related to, the Leases that existed prior to the date of entry of this Order.

**IT IS FURTHER ORDERED** the Debtors have demonstrated adequate assurance of future performance under the Leases and have satisfied the requirements set forth in section 365(b)(1)(C) of the Bankruptcy Code.

**IT IS FURTHER ORDERED** that, subject to appropriate notice and opportunity to object and this Court's approval, the Debtors retain their right to assign any of the Leases pursuant to and in accordance with the requirements of section 365 of the Bankruptcy Code.

**IT IS FURTHER ORDERED** that the Debtors do not waive any claims that they have against any of the counterparties to the Leases, regardless of whether such claims are related to the Leases.

**IT IS FURTHER ORDERED** that the terms of this Order shall be immediately effective and enforceable upon its entry.

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

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**This Order was prepared and is being submitted by:**

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**Agreed and Accepted:**

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**Attorneys for Hamilton Place Mall General Partnership,  
c/o CBL & Associates Management, Inc. and  
Volusia Mall, LLC c/o CBL & Associates Management, Inc.**

# EXHIBIT A

{N2632464.3}

**EXHIBIT A TO THE THIRD ASSUMPTION ORDER**

| TITLE OF LEASE AND LOCATION  | COUNTERPARTY NAME & ADDRESS   | RENT DUE           | REAL ESTATE TAXES DUE | PERSONAL PROPERTY TAXES DUE | COMMENT    |
|--|---|--------------------|-----------------------|-----------------------------|------------|
| <p>BRGON</p> <p>511 North Airline Highway<br/>Gonzales, LA 70737</p>               | <p>Alvin J. Millet<br/>908 Airline Highway<br/>Gonzales, LA 70737</p> <p>Alvin J. Millet<br/>2333 South Airline Hwy<br/>Gonzales, LA 70737</p> <p>Vincent Diez<br/>1406 Coon Trap Road<br/>Gonzales, LA 70737</p> <p>Vincent Diez<br/>318 South Burnside<br/>Gonzales, LA 70737</p>   | <p>\$4,333.34</p>  | <p>\$15,701.59</p>    | <p>\$3,334.91</p>           | <p>n/a</p> |
| <p>CHATH</p> <p>2100 Hamilton Place 201<br/>Chattanooga, TN 37421</p>              | <p>Hamilton Place Mall<br/>General Partnership<br/>c/o CBL &amp; Associates<br/>Management, Inc.</p> <p>2100 Hamilton Place Blvd.<br/>Suite 500<br/>Chattanooga, TN 37421</p> <p>Hamilton Place Mall<br/>General Partnership<br/>c/o CBL &amp; Associates<br/>Management, Inc.<br/>P.O. Box 74123<br/>Cleveland, OH 44194</p>   | <p>\$19,056.17</p> | <p>n/a</p>            | <p>\$1,067.71</p>           | <p>n/a</p> |
| <p>DAY</p> <p>1700 International<br/>Speedway Blvd<br/>Daytona Beach, FL 32114</p> | <p>Volusia Mall, LLC<br/>Attention: General Manager<br/>1700 West International<br/>Speedway Blvd<br/>Daytona Beach, FL 32114</p> <p>Volusia Mall, LLC<br/>c/o CBL &amp; Associates<br/>Management, Inc.<br/>2030 Hamilton Place Blvd<br/>Suite 500-CBL Center<br/>Chattanooga, TN 37421</p> <p>New York Life Insurance<br/>Company<br/>c/o New York Life<br/>Investment Management<br/>LLC</p> <p>Attention Real Estate Group<br/>51 Madison Avenue<br/>New York, New York<br/>10010</p> | <p>\$6,393.17</p>  | <p>n/a</p>            | <p>n/a</p>                  | <p>n/a</p> |

**EXHIBIT A TO THE THIRD ASSUMPTION ORDER**

|   |  |            |             |            |     |
|---|--|------------|-------------|------------|-----|
| FTLHW<br>4500 Hollywood Blvd<br>Hollywood, FL 33021 | Jasue, LLC<br>c/o Kin Properties, Inc.<br>185 NW Spanish River Blvd<br>Suite 100<br>Boca Raton, FL 33431 | \$9,085.08 | \$64,982.68 | \$2,278.60 | n/a |
|---|--|------------|-------------|------------|-----|