

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
10/4/2012
Hon. Dale L. Somers, Presiding

10:00 AM

Case Information:

12-22602 Dickinson Theatres, Inc. Chapter: 11

Judge: DLS Filed: 09/21/2012 Pln Confirmed:

Appearances:

XXX Paul M. Hoffmann, Sharon L. Stolte, Timothy M. Swanson representing
Dickinson Theatres, Inc. (Debtor)
X Robert J. Rayburn III, General Corporate and Conflicts Counsel for Debtor
XXX Scott M. Brinkman, Douglas Bacon, Alicia C. Davis representing
Spirit Master Funding LLC
X Scott B. Haines obo Arrowhead Mall 2005 LLC ; J. Herzog & Sons, Inc.
X Thomas M. Mullinix for Jack Waters; Oak Meadows, LLC
X Wesley F. Smith representing Peoples Bank
X Robert LeHane representing GGA & Cinedigm **via www.tele-court.com**
X Joseph A. DiPietro representing U. S. Trustee **via www.tele-court.com**

Also present: Ronald J. Horton, CEO/President of Debtor;
Gregg A. Seibert, Corporate Representative of Sprit Master Funding LLC

Issue#1: [15] Motion to Reject Lease or Executory Contract /Debtor's Motion for Order Rejecting, In Part, the Amended and Restated Master Lease Agreement with Spirit Master Funding, LLC Filed on behalf of Debtor Dickinson Theatres, Inc..(Stolte, Sharon) (Entered: 09/21/2012)

[86] Objection to (related document(s): 15 Motion to Reject Lease or Executory Contract /Debtor's Motion for Order Rejecting, In Part, the Amended and Restated Master Lease Agreement with Spirit Master Funding, LLC filed by Debtor Dickinson Theatres, Inc.) Filed by Creditor Spirit Master Funding LLC (Brinkman, Scott) (Entered: 10/03/2012)

Courtroom Deputy: Susan A. Franklin
ECRO Reporter: Dawn Cockrell, John M. Bowen & Associates

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Issue#2: [26] Motion for Order Approving (I) The Form And Manner Of Notice Of The Disclosure Statement Hearing, (Ii) The Disclosure Statement, (Iii) Cure Procedures For Executory Contracts Or Unexpired Leases To Be Assumed Pursuant To The Plan, (Iv) The Record Date, Voting Deadline And Certain Other Procedures, (V) The Form And Manner Of Notice Of The Confirmation Hearing And Procedures For Filing Objections To The Plan, And (Vi) Solicitation Procedures For Confirmation Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A - Order and Notice for Hearing on Disclosure Statement# (2) Exhibit B - Notice of Cure Amount With Respect To Executory Contract Or Unexpired Lease To Be Assumed Pursuant To Plan Of Reorganization# (3) Exhibit C - Notice Of (1) Approval Of Disclosure Statement; (2) Hearing On Confirmation Of Plan; (3) Deadline And Procedures For Filing Objections To Confirmation Of Plan; (4) Record Date; And (5) Voting Deadline For Receipt Of Ballots# (4) Exhibit D - Class - Ballot For Accepting Or Rejecting Plan Of Reorganization# (5) Exhibit E - Notice Of Non-Voting Status# (6) Exhibit F - Order Approving (I) The Form And Manner Of Notice Of The), with Certificate of Service. .(Stolte, Sharon) (Entered: 09/22/2012)

Related Pleadings:

[25] Disclosure Statement Filed by Debtor Dickinson Theatres, Inc.. (Attachments: # 1 Appendix Proposed Plan# 2 Appendix 2 - Liquidation Analysis# 3 Appendix 3 - Financial Information# 4 Appendix 4 - Financial Projections)(Stolte, Sharon) (Entered: 09/22/2012)

[29] Chapter 11 Plan of Reorganization Filed by Debtor Dickinson Theatres, Inc.. (Stolte, Sharon) (Entered: 09/22/2012)

Notes/Decision:

Ms. Stolte addresses orders that have been entered on the record to date. Mr. DiPietro addresses status of unsecured creditors committee. Mr. Hoffman, Mr. Bacon address motion and objection [Doc 15 and Doc 86].

Opening statement by Mr. Hoffman. Stipulation between the parties read into the record.

Opening statement by Mr. Bacon. Mr. Bacon stipulates to the admission of Debtor Exhibit Nos. 1- 11 with all other objections reserved; No stipulation on Debtor Exhibit Nos. 12-16.

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Debtor's case. Witness Bruce Wittman, CFO and Treasurer of Dickinson is called and sworn. Direct examination by Mr. Hoffman. Cross-examination by Mr. Bacon. Debtor Exhibit No. 4, 8, identified and admitted by stipulation; Exhibit Nos. 12, 13, 14, 16, identified/offered/admitted into evidence. Exhibit No. 15 identified/offered - objection by Mr. Bacon; exhibit will be admitted with the portion regarding the lease stricken. Testimony concluded, witness is excused. Court in recess at 12:15 p.m., reconvenes at 1:15 p.m.. Witness Ronald J. Horton, CEO and President of Debtor is called and sworn. Direct examination by Mr. Hoffman. Debtor Exhibit No. 10, 11, identified and admitted by stipulation. Cross-examination by Mr. Bacon. Testimony is concluded, witness is excused. Debtor rests.

Spirit's case. Mr. Bacon calls the Court's attention to lease provisions: Exhibit No. 1, Section 1.03 and Section 7.01(a) romanette (ii). Exhibit No. 2, Section 1.03, and Section 7.01(a). Exhibit No. 3 Section 1.03 and related Exhibit No. 8, Section 4(B) romanette (ii). Exhibit No. 5, page 27, Section 31(B) romanette (i) and (iii) related Exhibit No. 8, Section 31(B) romanette (i) and (iii). Exhibit No. 9, page 28, Section 31(B) romanette (i) and (iii). The three 31(B) provisions are identical. Spirit rests.

Court goes off the record @ 2:00 p.m., to conduct previously scheduled telephone conference in another case; reconvenes at 2:30 p.m..

Closing argument by Mr. Hoffman, Mr. Bacon. Matter taken under advisement; Court will probably issue oral ruling. Mr. Bacon requests permission to appear telephonically, permission is granted.

Ms. Stolte addresses request for hearing date on disclosure statement and plan confirmation. Disclosure statement hearing scheduled for October 25, 2012 at 1:30 p.m.. Confirmation hearing scheduled for November 21, 2012 at 9:30 a.m. - motion to shorten notice time to be filed. Court is adjourned at 3:30 p.m..

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