

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
10/25/2012
Hon. Dale L. Somers, Presiding

01:30 PM

Case Information:

12-22602 Dickinson Theatres, Inc. Chapter: 11

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

Appearances:

XX Paul M. Hoffmann, Sharon L. Stolte representing Dickinson Theatres, Inc. (Debtor)
X Robert J. Rayburn III, General Corporate and Conflicts Counsel for Debtor
X Benjamin Blaustein representing Unsecured Creditors Committee
X Michael D. Fielding representing Hawthorn Bank
X Wesley F. Smith representing Peoples Bank
X Carl R. Clark representing Ronald Horton individually; Horton Trust
X Brian T. Fenimore representing John W. Hartley Jr.; Hartley Trust

Also Present: Ronald J. Horton, CEO/President of Debtor

Issue#1: [2] Application to Employ Stinson Morrison Hecker LLP as Primary Reorganization Counsel for Debtor Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A Order Granting Application# (2) Exhibit B Disclosure of Compensation# (3) Exhibit C Declarations of Paul M. Hoffmann, Sharon L. Stolte and Timothy M. Swanson), with Certificate of Service. (Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: Agenda No. 1 - Addressed by Ms. Stolte. No objections filed. Motion granted. Order to be submitted.

Issue#2: [3] Application to Employ Robert J. Rayburn III as General Corporate and Conflicts Counsel for the Debtor Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit 1 Disclosure of Compensation# (2) Exhibit 2 Declaration of Robert J. Rayburn III).(Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: Agenda No. 2 - Addressed by Ms. Stolte. No objections filed. Motion granted. Order to be submitted.

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Issue#3: [12] Motion for /Motion of Debtor for Entry of Interim and Final Order: (A) Authorizing Debtor to Obtain Post-Petition Financing From People's Bank; (B) Granting Liens and Superpriority Claims In Favor of People's Bank; (C) Authorizing Use of People's Bank's Cash Collateral; (D) Granting Adequate Protection to People's Bank; and (E) Scheduling a Final Hearing Filed on behalf of Debtor Dickinson Theatres, Inc..(Stolte, Sharon) (Entered: 09/21/2012)

[100] Interim Order: (A) Authorizing Debtor to Obtain Post-Petition Financing From People's Bank; (B) Granting Liens and Superpriority Claims In Favor of People's Bank; (C) Authorizing Use of People's Bank's Cash Collateral; (D) Granting Adequate Protection to People's Bank; and (E) Scheduling a Final Hearing (Related Doc # 12) Signed on 10/5/2012. (ksf)

[125] Objection to (related document(s): 12 Motion for /Motion of Debtor for Entry of Interim and Final Order: (A) Authorizing Debtor to Obtain Post-Petition Financing From People's Bank; (B) Granting Liens and Superpriority Claims In Favor of People's Bank; (C) Authorizing Use of P filed by Debtor Dickinson Theatres, Inc.) Filed by Creditor Hawthorn Bank (Attachments: # (1) Exhibit 1# (2) Exhibit 2# (3) Exhibit 3# (4) Exhibit 4) (Fielding, Michael)

Notes/Decision: Agenda No. 5 - Addressed by Ms. Stolte; Mr. Fielding; Mr. Smith; Mr. Blaustein; Mr. Hoffman. Agreed order to be submitted. Continued to 11/28/2012 @ 9:30 a.m..

Issue#4: [14] Motion for /Debtor's Motion for Entry of Interim and Final Orders Pursuant to Sec. 366 of the Bankruptcy Code (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Services on Account of Pre-Petition Invoices; (II) Determining That the Utilities Are Adequately Assured of Future Payment; (III) Establishing Procedures for Determining Requests for Additional Assurance of Future Payment; and (IV) Granting Certain Related Relief; and (V) Scheduling a Final Hearing Date Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A List of Utilities# (2) Exhibit B Landlord Utility List), with Certificate of Service. (Stolte, Sharon) (Entered: 09/21/2012)

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[82] Interim and Proposed Final Order Pursuant to Section 366 of the Bankruptcy Code: (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Services on Account of Pre-Petition Invoices; (II) Determining That the Utilities Are Adequately Assured of Future Payment; (III) Establishing Procedures for Determining Requests for Additional Assurance of Future Payment; and (IV) Granting Certain Related Relief; and (V) Scheduling a Final Hearing Date (Related Doc # 14) Signed on 10/2/2012. (ksf)

Notes/Decision: Agenda No. 8 - Addressed by Ms. Stolte. All outstanding issues resolved. . Motion granted. Final Order to be submitted.

Issue#5: [16] Motion to Reject Lease or Executory Contract /Motion for Order Under Sections 105(a), 365(a) and 554 Authorizing the Debtor-in-Possession to (A) Reject Certain Unexpired Leases and Executory Contracts, and (B) Abandon Certain Property at the Premises Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # 1 Exhibit A Allied Waste Services# 2 Exhibit B Olathe Christian School).(Stolte, Sharon) (Filed: 09/21/2012)

[83] Order Authorizing the Rejection of Certain Executory Contracts and Unexpired Leases (Related Doc # 16) Signed on 10/2/2012. (ksf)

Notes/Decision: Agenda No. 9 - Addressed by Ms. Stolte. Order rejecting contract with Allied Waste Services to be submitted. Contract for Deed with Olathe Christian School to be adjourned to November 5, 2012 @ 10:00 a.m..

Issue#6: [22] Motion for Administrative Order Under 11 U.S.C. §§ 105(A) And 331 Establishing Procedures For Interim Compensation And Reimbursement Of Expenses Of Professionals Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit Proposed Order), with Certificate of Service. (Stolte, Sharon) (Entered: 09/22/2012)

Notes/Decision: Agenda No. 3 - Addressed by Ms. Stolte. No objections filed. Motion granted. Order to be submitted.

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Issue#7: [23] Motion for Entry of an Order Authorizing the Debtor to Retain and Employ Professionals Used in the Ordinary Course of Business, Nunc Pro Tunc to the Petition Date Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit Proposed Order), with Certificate of Service. (Stolte, Sharon) (Entered: 09/22/2012)

Notes/Decision: Agenda No. 4 - Addressed by Ms. Stolte. No objections filed. Motion granted. Order to be submitted.

Issue#8: [24] Motion to Reject Lease or Executory Contract of Real Property Located in (I) Port Arthur, Texas; (II) Hutchinson, Kansas; (III) Mesa, Arizona; and (IV) Muskogee, Oklahoma Filed on behalf of Debtor Dickinson Theatres, Inc., with Certificate of Service. (Stolte, Sharon) (Entered: 09/22/2012)

Notes/Decision: Agenda No. 10 - Addressed by Ms. Stolte. Request adjournment to November 5, 2012 @ 10:00 a.m..

Issue#9: [37] Motion to Reject Lease or Executory Contract /Motion for Order Under Sections 105(a), and 365(a) of the Bankruptcy Code Authorizing the Debtor-In-Possession to Reject Miscellaneous Executory Contracts with an Effective Date Fourteen (14) Days After the Entry of an Order Granting the Relief Requested Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A - Proposed Order), with Certificate of Service. (Stolte, Sharon) (Entered: 09/24/2012)

Notes/Decision: Agenda No. 11 - Addressed by Ms. Stolte. Motion is granted rejecting all contracts except contract with Cinema Scene which is adjourned to November 5, 2012 @ 10:00 a.m.. Order to be submitted.

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Issue#10: [71] Motion for Debtor for Entry of an Order Establishing November 16, 2012, as the Bar Date for All Governmental Units to File Pre-Petition Proofs of Claim Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit Mailing Matrix), with Certificate of Service. (Stolte, Sharon) (Entered: 10/01/2012)

Notes/Decision: Agenda No. 7 - Addressed by Ms. Stolte. No objections filed. Approved by Joyce Owen. Motion granted. Order to be submitted.

Notes/Decision:

Agenda No. 6 [Doc#13]: Previously adjourned to November 5, 2012 @ 10:00 a.m.

Agenda No. 12 [Doc#26]: Previously adjourned to November 5, 2012 @ 10:00 a.m.

Agenda No. 13 [Doc#30]: Previously adjourned to November 5, 2012 @ 10:00 a.m.

Update by Mr. Hoffman on status of amending the disclosure statement; confirmation of plan. Confirmation hearing moved to November 28, 2012 at 9:30 a.m.; Court will leave 11/21/2012 date open for any other pending issues.

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