



SO ORDERED.

SIGNED this 27th day of September, 2012.

Dale L. Somers

Dale L. Somers
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

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|---------------------------|---|-------------------|
| In re: |) | |
| |) | |
| |) | Case No. 12-22602 |
| DICKINSON THEATRES, INC., |) | |
| a Kansas corporation, |) | Chapter 11 |
| |) | |
| Debtor. |) | |

**ORDER GRANTING THE DEBTOR'S EMERGENCY
MOTION FOR EXPEDITED HEARINGS ON CERTAIN MOTIONS**

Upon consideration of the motion (the "Motion")¹ of Dickinson Theatres, Inc. (the "Debtor"), for entry of an order, pursuant to Section 105 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code"), requesting expedited hearings on certain motions filed at the on-set of this case (the "First Day Motions"); and the Court having reviewed the Motion and the Bankruptcy Rule 9011 Certification Regarding Request for Emergency Hearing (the "Rule 9011 Certification") filed contemporaneously with the Motion by Debtor's undersigned Counsel; having determined that the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors and other parties in-interest and to avoid immediate

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

and irreparable harm to the Debtor, its business, employees, estate, creditors and other parties-in-interest; and having considered the statements of counsel and the evidence adduced with respect to the Motion at a hearing before the Court; and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue for this matter is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, and (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that notice of the Motion was good and sufficient under the particular circumstances and that no other or further notice need be given; and upon the record herein; and after due deliberation thereon; and all objections to the Motion having been overruled, withdrawn, or otherwise resolved; and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

The Motion is **GRANTED** in its entirety.

The Court shall hear the following First Day Motions on an expedited basis as set forth in the Motion:

I. Administrative Motions

1. Ex Parte Motion for an Order Establishing Noticing Requirements with Respect to All Proceedings Herein (the "Minimum Notice Motion") - *Doc #17*.
2. Motion of the Debtor for Entry of an Order Establishing Bar Dates for Filing Proofs of Prepetition Secured and Unsecured and § 503(b)(9) Administrative Expense Claims (the "Bar Date Motion") – *Doc #18*.
3. Motion of the Debtor for an Order Establishing Procedures for the Assertion of Section 503(b)(9) Claims Relating to Goods Received Within Twenty Days Prior to the Petition Date (the "503(b)(9) Procedures Motion") – *Doc #21*.

III. Financing Motions

4. Motion of Debtor for Entry of Interim and Final Orders: (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 (the "People's Post-petition Financing and Cash Collateral Motion") – *Doc #12*.
5. Motion of Debtor for Entry of Interim and Final Orders: (A) Authorizing Debtor to Obtain Post-petition Financing From 6801 West 107th, LLC; (B) Granting Liens and Superpriority Claims in Favor of 6801 West 107th, LLC; and (C) Scheduling a Final Hearing (the "6801 West Post-petition Financing Motion") – *Doc #13*.

IV. Operational Motions

6. Motion of the Debtor, Pursuant to 11 U.S.C. §§ 105(a) and 363(b) for Authorization to Pay Claims of Critical Trade Vendors (the "Critical Vendors Motion") – *Doc #9*.
7. Motion of the Debtor, Pursuant to 11 U.S.C. § 105(a), For Authorization to Continue Customer Programs (the "Customer Programs Motion") – *Doc #10*.
8. Debtor's Motion for an order: (A) Authorizing, But Not Directing, Dickinson Theatres, Inc., to (1) Pay Certain Accrued Pre-Petition Wages, Salaries and Employee Benefits, (2) Permit Employees to Use Accrued Pre-Petition Vacation Time, (3) Permit Employees' Pre-Petition Reimbursable Business Expenses, (4) Continue Employee Benefit Plans, and (5) Directing All Banks to Honor Pre-Petition Checks for Payment of Pre-Petition Obligations; (B) Authorizing Related Relief; and (C) Authorizing, But Not Directing, The Release of Withholding Taxes and Employee Contributions (the "Wage Motion") – *Doc #6*.
9. Debtor's Amended Motion for Entry of An Order Under 11 U.S.C. §§ 105, 363, 364, 1107 and 1108 Authorizing (i) Maintenance of Existing Bank Accounts, (ii) Continued Use of Existing Business Forms, and (iii) Continued Use of Existing Cash Management Systems (the "Cash Management Motion") – *Doc #8*.
10. Motion for Order Under Sections 105(a) and 365(a) Authorizing the Debtor-in-Possession to Reject Certain Unexpired Leases and Executory Contracts (the "Lease Rejection Motion") – *Doc #16*.
11. Motion for Entry of Interim and Final Orders, Pursuant to Section 366 of the Bankruptcy Code, (I) Prohibiting Utilities From Altering, Refusing or Discontinuing Services on Account of Prepetition Invoices; (II) Determining That The Utilities Are Adequately Assured of Future Payment; (III) Establishing Procedures for Determining Requests For Additional Assurance of Future

Payment; (IV) Granting Certain Related Relief; and (V) Scheduling a Final Hearing Date (the "Utilities Motion") – *Doc #14*.

12. Motion of Debtor For an Order: (A) Authorizing, but not Directing, the Debtor to Pay Prepetition Taxes and Regulatory Fees; and (B) Directing Financial Institutions to Honor and Process Checks Related to Prepetition Taxes and Regulatory Fees (the "Prepetition Taxes Motion") – *Doc #11*.
13. 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 (the "Motion to Approve Form, Content, and Notice of the Disclosure Statement") – *Doc #26*.

Regarding the Debtor's Motion for Order Assuming in Part, and Rejecting in Part, the Amended and Restated Master Lease Agreement with Spirit Master Funding, LLC (the "Spirit Rejection Motion") (*Doc #15*), the Debtor and Spirit Master Funding, LLC have reached an agreement to continue the Spirit Rejection Motion to **October 4, 2012, at 1:30 p.m. in Room 144**, and the Court has entered its Order reflecting such an agreement. (*See Doc #40.*)

This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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Order prepared by:

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