

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
9/27/2012
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 Sharon L. Stolte, Paul M. Hoffman, Timothy M. Swanson representing
Dickinson Theatres, Inc. (Debtor)
X Robert J. Rayburn III, General Corporate and Conflicts Counsel for Debtor
X Joyce Owen representing U. S. Trustee
X Wesley F. Smith representing Peoples Bank
X Robert D. Maher representing Prize Properties LLC; Hartley Executive Cleaners
X Susan P. DeCoursey representing Marks Nelson Vohland Campbell Radetic LLC
X Robert LeHane representing GGA & Cinedigm ****via www.tele-court.com****
Also Present: Ronald J. Horton, CEO/President of Debtor; Charlie Wooten with Peoples Bank;
Gary Eastman and Juan Swart with Prize Properties/Hartley Executive Cleaners

Issue#1: [6] Motion for 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) Pay Employees' Pre-Petition Reimbursable Business Expenses, (3) Continue Employee Benefit Plans, and (4) 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 Filed on behalf of Debtor Dickinson Theatres, Inc.. (Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: **Agenda No. 11 - Addressed by Mr. Swanson. Motion is granted with Rule 6003 21 day notice and 6004(h) 14 day stay waiver.**

Issue#2: [7] Motion for /Debtor's Motion for Entry of an Order Under U.S.C. Sec. 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 Use of Existing Cash Management Systems Filed on behalf of Debtor Dickinson Theatres, Inc., with Certificate of Service. (Stolte, Sharon) (Entered: 09/21/2012)

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

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
9/27/2012
Hon. Dale L. Somers, Presiding

Issue#3: [8] Amended Motion for /Debtor's Motion for Entry of an Order Under U.S.C. Sec. 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 Use of Existing Cash Management Systems Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A List of Bank Accounts).(Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: **Agenda No. 12 - Addressed by Mr. Swanson. Motions are granted with Rule 6003 21 day notice and 6004(h) 14 day stay waiver.**

Issue#4: [9] Motion for /Motion of the Debtor Pursuant to 11 U.S.C. Sec. 105(a) and 363(b) for Authorization to Pay Claims of Critical Trade Vendors Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A List of Critical Trade Vendors).(Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: **Agenda No. 9 - Addressed by Ms. Stolte. Payment to critical vendors granted; ruling on special provisions related to Paramount and Universal to be withheld until further review by the Court. Counsel will be contacted via email.**

Issue#5: [10] Motion for /Debtor's Motion Pursuant to 11 U.S.C. Sec. 105(a), for Authorization to Continue Customer Programs Filed on behalf of Debtor Dickinson Theatres, Inc., with Certificate of Service.(Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: **Agenda No. 10 - Addressed by Mr. Swanson. Motion is granted.**

Issue#6: [11] Motion for /Motion of Debtor Dickinson Theatres, Inc. for an Order: (A) Authorizing, But Not Directing, the Debtors to Pay Prepetition Taxes and Regulatory Fees; and (B) Directing Financial Institutions to Honor and Process Checks Related to Prepetition Taxes and Regulatory Fees Filed on behalf of Debtor Dickinson Theatres, Inc., with Certificate of Service. (Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: **Agenda No. 15 - Addressed by Mr. Swanson. Motion is granted pursuant to Rule 6003; 6004 and 7062.**

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

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
9/27/2012
Hon. Dale L. Somers, Presiding

Issue#7: [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)

Notes/Decision: Agenda No. 7 - Addressed by Ms. Stolte; Mr. Smith; Mr. Maher; Mr. LeHane. Court wants the credit agreement and proposed form of order widely circulated. Interim cash collateral order approved. Final hearing scheduled for 10/25/2012 @ 1:30 p.m..

Issue#8: [13] Motion for /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 Filed on behalf of Debtor Dickinson Theatres, Inc., with Certificate of Service.(Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: Agenda No. 8 - Addressed by Mr. Rayburn. Interim cash collateral order approved. Court wants the credit agreement and proposed form of order widely circulated. Final hearing scheduled for 10/25/2012 @ 1:30 p.m..

Issue#9: [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)

Notes/Decision: Agenda No. 14 - Addressed by Mr. Swanson. Motion is granted; Final hearing scheduled for 10/25/2012 @ 1:30 p.m..

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

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
9/27/2012
Hon. Dale L. Somers, Presiding

Issue#10: [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) (Entered: 09/21/2012)

Notes/Decision: Agenda No. 13 - Addressed by Ms. Stolte; Mr. Maher obo of 1901 North 7 Highway - Blue Springs#8 has an agreement with debtor to shortened effective rejection date of 10/12/2012 - motion granted. Motion is also granted as to the remainder of the motion. Re: Contract for deed with Olathe Christian School; some discussion with First Community Bank regarding real estate. Debtor requests this issue be reserved and set over to 10/25/2012 @ 1:30 p.m..

Issue#11: [17] Motion for /Debtor's Motion Ex Parte Motion for an Order Establishing Noticing Requirements with Respect to All Proceedings Herein Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A Form Notice).(Stolte, Sharon) (Entered: 09/21/2012)

Notes/Decision: Agenda No. 4 - Addressed by Mr. Swanson. Court to review motion and order. Counsel will be contacted via email.

Issue#12: [18] Motion to Set Last Day to File Proofs of Claim /Motion of the Debtor for Entry of an Order Establishing Bar Dates for Filing Proofs of Prepetition Secured and Unsecured and Sec. 503 (B)(9) Administrative Expense Claims Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit A Notice# (2) Exhibit B Proof of Claim), with Certificate of Service.(Stolte, Sharon) (Entered: 09/22/2012)

Notes/Decision: Agenda No. 5 - Addressed by Mr. Swanson; Mr. LeHane; Ms. Owens; Ms. Stolte. Court will set POC bar date for 11/16/2012. Court will review motion and order regarding govt. bar date. Counsel will be contacted via email.

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

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
9/27/2012
Hon. Dale L. Somers, Presiding

Issue#13: [20] Motion for Robert J. Rayburn, III to Appear Pro Hac Vice by Sharon L. Stolte. Fee Amount \$50 Filed on behalf of Debtor Dickinson Theatres, Inc. (Attachments: # (1) Exhibit Affidavit# (2) Exhibit Order to Appear Pro Hac Vice), with Certificate of Service. (Stolte, Sharon) (Entered: 09/22/2012)

Notes/Decision: Agenda No. 3 - Addressed by Ms. Stolte. Motion has been withdrawn.

Issue#14: [21] Motion for 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 Filed on behalf of Debtor Dickinson Theatres, Inc., with Certificate of Service.(Stolte, Sharon) (Entered: 09/22/2012)

Notes/Decision: Agenda No. 6 - Addressed by Mr. Swanson; Ms. Owens. Court will review proposed order. Counsel will be contacted via email.

Notes/Decision:

Agenda No. 1 [Doc#28]: Addressed by Ms. Stolte. Emergency motion for expedited hearing. Proposed order has been submitted.

Agenda No. 2 [Doc#19]: Addressed by Ms. Stolte. Declaration of Ron Horton, President and CEO of Debtor.

Agenda No. 16 [Doc#15]: Addressed by Ms. Stolte. Continued to 10/04/2012 @ 1:30 p.m..

History of debtor and events leading to chapter 11 filing addressed by Ms. Stolte.

U. S. Trustee will be working on forming unsecured creditors committee.

Court will provide dates for disclosure statement and confirmation hearing on October 4, 2012.

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