



**SO ORDERED.**

**SIGNED this 2nd day of October, 2012.**

*Dale L. Somers*

Dale L. Somers  
United States Bankruptcy Judge

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

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

**ORDER ESTABLISHING PROCEDURES FOR THE  
ASSERTION OF SECTION 503(b)(9) CLAIMS RELATING TO GOODS  
RECEIVED WITHIN TWENTY DAYS PRIOR TO THE PETITION DATE**

This matter having come before the Court upon the motion (the "Motion") (Docket No. 21)<sup>1</sup> filed by the above-captioned debtor and debtor-in-possession (collectively, the "Debtor"), for entry of an order pursuant to Sections 105(a) and 503 of the Bankruptcy Code and Rules 3002 and 3003 of the Bankruptcy Rules establishing an orderly process for the assertion of any claims under Section 503(b)(9) of the Bankruptcy Code (the "Twenty-Day Claims") relating to goods received by the Debtors within twenty days prior to the Petition Date (the "Twenty-Day

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

Period"); and the Court having reviewed the Motion and 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 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 good and sufficient cause appearing therefor, it is hereby:

**ORDERED, ADJUDGED AND DECREED THAT:**

1. The Motion is **GRANTED** and approved in its entirety.
2. Except as may otherwise be provided in orders of the Court authorizing procedures for Section 503(b)(9) claims, the Debtors are authorized to resolve all Section 503(b)(9) claims in accordance with the following Procedures (the "Procedures"):
  - (a) In connection with filing the Schedules and Statements, the Debtor listed all Twenty-Day Claims for which they believe its estate is liable.
  - (b) If a Twenty-Day Claimant disputes the amount or classification of its scheduled Twenty-Day Claim, if any, then and only then should they file a proof of claim asserting a Twenty-Day Claim.
  - (c) All Twenty-Day Claims shall be filed by the general claims bar date, **November 16, 2012**, as provided for in this Court's order granting the Debtor's Motion for Entry of an Order Establishing Bar Dates for Filing Proofs of Pre-petition Secured and Unsecured and § 503(b)(9) Administrative Expense Claims (the "Bar Date Motion") (Docket No. 18).
  - (d) Twenty-Day Claimants shall utilize the proof of claim form attached to the Bar Date Motion (Docket No. 18), which form will permit all

parties to assert their claims, and priority (including priority under Section 503(b)(9) of the Bankruptcy Code) of such claims, in one standardized form.

- (e) The Twenty-Day Claimants shall not file a motion to compel allowance or payment of administrative expenses for their Twenty-Day Claims or schedule a hearing to consider such claims. All timely filed Twenty-Day Claims shall be deemed accepted unless objected to by the Debtor or any other party-in-interest pursuant to Section 502(c) of the Bankruptcy Code, Bankruptcy Rule 3007, or in accordance with further procedures for claim allowance established by the Court. Should such an objection be filed, such claim shall be adjudicated and allowed in accordance with the further procedures for claim allowance established by the Court.
- (f) To the extent a Twenty-Day Claim is allowed, the claim shall be paid (i) pursuant to, and as set forth in, such plan of reorganization as confirmed by the Court, or (ii) at the sole discretion of the Debtor, but subject to the terms and conditions of any order authorizing the use of cash collateral, at any time prior to the confirmation of a plan of reorganization.
- (g) Nothing in these Procedures shall affect the rights and remedies of the Debtor, the United States Trustee, or any other party-in-interest, including with respect to any avoidance action, and nothing in these Procedures shall provide any Twenty-Day Claimant a *prima facie* defense to the same.

3. The foregoing Procedures are the sole and exclusive method for the assertion and determination of the Twenty-Day Claims. All Twenty-Day Claimants are prohibited from seeking or utilizing any other means for the allowance or treatment of their Twenty-Day Claims, including the filing of motions with the Court seeking allowance and/or payment on account of such claims.

4. All Twenty-Day Claim proceedings, whether currently pending or initiated in the future, except those proceedings initiated by the Debtor in accordance with these Procedures or those that the Debtor has already consensually resolved, are stayed, and the Twenty-Day Claims

asserted therein shall be resolved exclusively by the Procedures set forth herein, unless otherwise ordered by the Court.

5. 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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s/ Sharon L. Stolte

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*-and-*

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