

U.S. Bankruptcy Court - District of Kansas
Court Room Minute Sheet
11/5/2012
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:

XX Paul M. Hoffmann, Sharon L. Stolte, representing Dickinson Theatres, Inc. (Debtor)
X Robert J. Rayburn, General Corporate and Conflicts Counsel for Debtor
X Cynthia F Grimes representing Unsecured Creditors Committee
X Wesley F. Smith representing Peoples Bank
X Michael D. Fielding representing Hawthorn Bank
X Scott M. Brinkman representing Spirit Master Funding, LLC
X Bruce E. Strauss representing First Community Bank
X Brian T. Fenimore representing John W. Hartley, Jr; John W. Hartley Jr. Revocable Trust
X Carl R. Clark representing Ron Horton; Ron Horton Revocable Trust
Also Present: Ronald J. Horton, CEO/President of Debtor

Appearing by Phone:

X Benjamin Blaustein representing Unsecured Creditors Committee
X Douglas Bacon representing Spirit Master Funding, LLC

Issue#1: [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) (Filed: 09/21/2012)

[99] Interim Order (A) Authorizing Debtor to Obtain Post-Petition Financing From 6801 West 107th LLC; (B) Granting Liens in Favor of 6801 West 107th LLC; (C) Scheduling Final Hearing (Related Doc # 13) Signed on 10/5/2012. (ksf)

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[126] Objection to (related document(s): 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 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. 1 - Addressed by Ms. Stolte. Continued to November 28, 2012 at 9:30 a.m..

Issue#2: [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. **** Exhibit B - Contract for Deed with Olathe Christian School****

Notes/Decision: Agenda No. 2 - Addressed by Ms. Stolte. Continued to November 28, 2012 at 9:30 a.m..

Issue#3: [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) (Filed: 09/22/2012)

Notes/Decision: Agenda No. 3 - Addressed by Ms. Stolte. Debtor will be entering into Agreed Amended Restated Lease on Port Arthur, Texas property. Continued to November 28, 2012 at 9:30 a.m..

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Issue#4: [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)

[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.

[190] Objection to (related document(s): 25 Disclosure Statement filed by Debtor Dickinson Theatres, Inc.) Filed by Creditor Spirit Master Funding LLC (Brinkman, Scott) (Entered: 11/02/2012)

Notes/Decision: Agenda No. 5 - First Amended Disclosure Statement [Doc#195] filed today. Addressed by Mr. Hoffman. Mr. Brinkman, Spirit's issues with disclosure statement resolved. Mr. Blaustein, Mr. Smith, Mr. Fenimore in support; No other comments. First Amended Chapter 11 Plan [Doc#194] filed today. Issues related to confirmation addressed by Mr. Hoffman. Ms. Stolte addresses notices with regard to the solicitation packet to be mailed to creditors. Court rules everyone with interest is represented, has had input, and an opportunity to review the disclosure statement and is present at this hearing, and has either supported the disclosure statement and the process or have withdrawn their objection and what remains would be plan objections to be filed. Court will approve the disclosure statement and related items necessary to go along with seeking confirmation. Order to be submitted today for approval.

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Confirmation hearing scheduled for November 28, 2012 at 9:30 a.m.. Court still has 11/21/2012 @ 9:30 a.m. set aside for other issues if necessary; parties to notify the Court if there is no need for a hearing on this date.

Issue#5 [30] Motion to Abandon /Debtor's Motion For The Entry Of An Order, Pursuant To Sections 105(a) And 554 Of The Bankruptcy Code, Authorizing The Debtor To Abandon Its Right, Title, And Interest In, And To, Certain Real Property And All Improvements Located Thereon In Favor of First Community Bank. Filed on behalf of Debtor Dickinson Theatres, Inc., with Certificate of Service. (Stolte, Sharon) (Filed: 09/24/2012)

Notes/Decision: Agenda No. 6 - Addressed by Ms. Stolte. Continued to November 28, 2012 at 9:30 a.m..

Issue#6: [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., with Certificate of Service.****Executory Contract with Cinema Scene****

Notes/Decision: Agenda No. 4 - Addressed by Ms. Stolte. Motion to reject contract with Cinema Scene to be withdrawn. Continued to November 28, 2012 at 9:30 a.m..

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