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*Proposed Counsel for the Official Committee
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

FRESH ACQUISITIONS, LLC, <i>et al.</i> , ¹	§	Case No. 21-30721 (SGJ)
	§	Chapter 11
Debtors.	§	(Jointly Administered)

EMERGENCY MOTION FOR EXPEDITED HEARING

The Official Committee of Unsecured Creditors (the “Committee”), by its undersigned proposed counsel, files this motion seeking an order from the court expediting the hearing on its *Motion for Order Directing Arizona Bank & Trust to Produce Documents and Appear for Examination Pursuant to Bankruptcy Rule 2004* (“2004 Motion”)

¹ The Debtors in these Chapter 11 cases (“Debtors”) and the last four digits of each Debtor’s Taxpayer Identification Number are as follows: Alamo Fresh Payroll, LLC (1590); Fresh Acquisitions, LLC (2795); Alamo Ovation, LLC (9002); Buffets LLC (2294); Hometown Buffet, Inc. (3002); Tahoe Joe’s Inc. (7129); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan’s Restaurant Group, LLC (7895); Fire Mountain Restaurants, LLC (8003); Food Management Partners, Inc. (7374); FMP SA Management Group, LLC (3031); FMP-Fresh Payroll, LLC (8962); FMP-Ovation Payroll, LLC (1728); and Alamo Buffets Payroll, LLC (0998). The Debtors’ principal offices are located at: 2338 N. Loop 1604 W., Suite 350, San Antonio TX, 78248, United States.

[Docket No. 228]. Specifically, the Committee requests the Court set the hearing for June 23, 2021 at 9:30 a.m., the Omnibus Hearing already scheduled in this case.

JURISDICTION AND VENUE

1. On April 20, 2021 (the "Petition Date"), each of the Debtors filed Voluntary Petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors are operating their businesses and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. On April 30, 2021, the United States Trustee for the Northern District of Texas appointed the Committee pursuant to Section 1102 of the Bankruptcy Code.

3. The Court has jurisdiction of the motion under 28 U.S.C. § 1334, and the motion constitutes a core proceeding under 28 U.S.C. § 157(b).

4. Venue is proper in this Court under 28 U.S.C. § § 1408 and 1409.

5. The statutory predicate for the relief requested in this motion is section 105 of the Bankruptcy Code.

RELIEF REQUESTED

6. As more fully set forth in the 2004 Motion, the Committee seeks an order requiring Arizona Bank & Trust ("ABT") (a) to produce the documents set forth in Exhibit A to Committee counsel no later than 5:00 p.m. Pacific Time, June 25, 2021, and (b) to be examined on a date and time as mutually agreed by the parties.

7. The Committee must be able to review the ABT loan documents in order to determine the extent and validity of ABT's secured claim. In addition, the Committee must be able to review the Debtors' bank records held by ABT in order to determine the appropriateness of the Debtors' financial transactions prior to the Petition Date.

8. The need for expedited consideration is because the Committee has upcoming deadlines in early July to challenge the relief granted to Arizona Bank & Trust and VitaNova Brands, LLC in the *Final Order (I) Authorizing the Debtors to (A) Obtain Postpetition financing*

and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (iii) Granting Adequate Protection, (IV) Modifying the Automatic Stay, and (V) Granting Related Relief [Docket No. 157] and to object to the sale of the Debtors' assets to VitaNova [Docket Nos. 165,178]. The Committee needs to obtain the documents quickly in order to have time to review them and prepare any necessary objection. Undersigned counsel has conferred with counsel for Arizona Bank & Trust and the parties are working to resolve any objection.

CONCLUSION

Based on the foregoing, the Committee request the Court set the 2004 Motion for hearing on June 23, 2021 at 9:30 a.m. Central Time or such other time as the Court's schedule permits. A proposed form of Order is attached.

Dated: June 14, 2021.

Respectfully submitted,

/s/ Carolyn J. Johnsen
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CERTIFICATE OF SERVICE

I hereby certify that Notice of this document was electronically filed and served to the parties that are registered or otherwise entitled to receive electronic notices in this case pursuant to the Electronic Filing Procedures in this District on June 14, 2021.

/s/ Carolyn J. Johnsen
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4851-1299-6590 v1 [97257-1]