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**COUNSEL TO THE DEBTORS  
AND DEBTORS IN POSSESSION**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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

**MOTION FOR AN EXPEDITED HEARING ON DEBTORS’ EXPEDITED  
MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING AND  
APPROVING THE SETTLEMENT BY AND BETWEEN THE DEBTORS  
AND ARIZONA BANK AND TRUST AND (II) GRANTING RELATED RELIEF**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) respectfully state as follows in support of this motion (this “Motion to Expedite”):

<sup>1</sup> The Debtors in these chapter 11 cases 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.

1. Contemporaneously herewith, the Debtors filed the *Debtors' Expedited Motion for Entry of an Order (I) Authorizing and Approving the Settlement by and Between the Debtors and Arizona Bank and Trust and (II) Granting Related Relief* [Docket No. 300] (the "9019 Motion").

2. The Debtors respectfully request that the Court consider the 9019 Motion on **July 27, 2021 at 9:30 a.m.** (prevailing Central Time). The 9019 Motion relates to a proposed settlement between the Debtors and Arizona Bank & Trust ("AB&T"), the Debtors' prepetition secured lender. Pursuant to the most recent forbearance agreement executed before the Petition Date, AB&T has extended the maturity date through July 31, 2021. The proposed settlement and modified forbearance agreement filed with the 9019 Motion would, among other things, extend that maturity date and release the Debtors from certain AB&T obligations. Accordingly, the Debtors request consideration of the 9019 Motion prior to the current maturity date, July 31, 2021.

3. As indicated in the certificate of conference below, the Debtors have conferred with the respective counsel to AB&T, their postpetition lender, the U.S. Trustee, and the Official Committee of Unsecured Creditors regarding the relief requested herein. None of these parties have indicated that they oppose expedited consideration of the 9019 Motion.

4. If this Motion to Expedite is granted, the Debtors will promptly file a notice of hearing, which will be served via electronic mail or U.S. First Class Mail on the limited service list maintained in these chapter all cases. Any additional notice will be provided as the Court directs.

WHEREFORE, the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, setting a hearing on the 9019 Motion on July 27, 2021 at 9:30 a.m. (prevailing Central Time) and granting such other relief the Court deems appropriate under the circumstances.

Respectfully submitted this 15th day of July, 2021.

**GRAY REED**

By: /s/ Jason S. Brookner  
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Aaron M. Kaufman  
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**COUNSEL TO THE DEBTORS  
AND DEBTORS IN POSSESSION**

**CERTIFICATE OF SERVICE**

I certify that on July 15, 2021, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

/s/ Jason Brookner  
Jason Brookner

**CERTIFICATE OF CONFERENCE**

I certify that on July 15, 2021, I conferred with: (i) counsel to the United States Trustee for the Northern District of Texas; (ii) counsel to Arizona Bank & Trust, the Debtors' prepetition lender; (iii) counsel to the Debtors' DIP Lender; and (iv) counsel to the Official Committee of Unsecured Creditors. None of these parties indicated that they are opposed to expedited consideration of the 9019 Motion.

/s/ Aaron M. Kaufman  
Aaron M. Kaufman

**Exhibit A**

**Proposed Order**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<p>In re:</p> <p>FRESH ACQUISITIONS, LLC, <i>et al.</i>,<sup>1</sup></p> <p style="text-align: center;">Debtors</p>	§ § § § § § § §	<p>Chapter 11</p> <p>Case No. 21-30721 (SGJ)</p> <p>(Jointly Administered)</p> <p><b>Re: Docket No. ___</b></p>
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**ORDER GRANTING THE MOTION FOR  
AN EXPEDITED HEARING ON DEBTORS’ EXPEDITED  
MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING AND  
APPROVING THE SETTLEMENT BY AND BETWEEN THE DEBTORS  
AND ARIZONA BANK AND TRUST AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “Motion to Expedite”) filed by the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for an expedited hearing on the *Debtors’ Expedited Motion for Entry of an Order (I) Authorizing and Approving the Settlement by and*

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<sup>1</sup> The Debtors in these chapter 11 cases 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.

*Between the Debtors and Arizona Bank and Trust and (II) Granting Related Relief* (the “9019 Motion”); and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that venue of this proceeding and the Motion to Expedite in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion to Expedite is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and this Court having reviewed the Motion to Expedite; and this Court having determined that the legal and factual bases set forth in the Motion to Expedite establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion to Expedite is granted as set forth herein.
2. A hearing on the 9019 Motion (the “Hearing”) shall be held on **July 27, 2021 at 9:30 a.m. (prevailing Central Time)** before the Honorable Stacey G. C. Jernigan, United States Bankruptcy Judge for the Northern District of Texas, at the Earle Cabell Federal Building, 1100 Commerce Street, 14th Floor, Courtroom #1, Dallas, Texas 75242.
3. The Debtors shall promptly provide notice of the Hearing to all parties on the limited service list maintained in these chapter 11 cases.
4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

### END OF ORDER ###

Submitted by:

Jason S. Brookner

Texas Bar No. 24033684

Aaron M. Kaufman

Texas Bar No. 24060067

Amber M. Carson

Texas Bar No. 24075610

**GRAY REED**

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