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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)

**DEBTORS’ MOTION FOR EXPEDITED HEARINGS ON  
THEIR (I) MOTION TO EXTEND THE EXCLUSIVE PERIOD TO  
FILE A CHAPTER 11 PLAN AND SOLICIT ACCEPTANCES THEREOF;  
AND (II) MOTION TO EXTEND PERIOD WITHIN WHICH TO ASSUME  
OR REJECT UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY**

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. On August 5, 2021, the Debtors filed (a) the *Debtors' Expedited Motion to Extend the Exclusive Period to file a Chapter 11 Plan and Solicit Acceptances Thereof* [Docket No. 334] and (b) the *Debtors' Expedited Motion for Order Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Period Within Which They Must Assume or Reject Purported Unexpired Leases of Nonresidential Real Property* [Docket No. 333] (collectively, the "Motions").<sup>2</sup>

2. The Debtors respectfully request that the Court consider the Motions on **August 17, 2021**. Both the exclusive period under which the Debtors can propose a chapter 11 plan and the period under which they must assume or reject nonresidential leases of real property expire on August 18, 2021.

3. This request is not the result of undue delay, but rather due to the recent continuance of the hearing on the sale of substantially all of the Debtors' assets. The Sale Hearing was continued to August 24, 2021, at 9:30 a.m.—after the aforementioned deadlines. The Sale Hearing will significantly impact the terms of a chapter 11 plan and which leases are assumed or rejected. The Debtors therefore request expedited hearings so that their Motions may be heard prior to the current August 18, 2021 deadlines.

4. As indicated in the certificate of conference below, the Debtors have conferred with the respective counsel to their postpetition lender, the U.S. Trustee, and the Official Committee of Unsecured Creditors regarding the relief requested herein. None of these parties are opposed to expedited consideration of the Motions.

5. 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

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motions.

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 hearings on the Motions on **August 17, 2021**, and granting such other relief the Court deems appropriate under the circumstances.

Respectfully submitted this 6th day of August, 2021.

**GRAY REED**

By: /s/ Jason S. Brookner

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**CERTIFICATE OF SERVICE**

I certify that on August 6, 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 August 5 and 6, 2021, I conferred with: (i) counsel to the United States Trustee for the Northern District of Texas; (ii) counsel to the Debtors' DIP Lender; and (iii) counsel to the Official Committee of Unsecured Creditors. None of these parties are opposed to expedited consideration of the Motions.

/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 DEBTORS’ MOTION FOR EXPEDITED HEARINGS  
ON THEIR (I) MOTION TO EXTEND THE EXCLUSIVE PERIOD TO  
FILE A CHAPTER 11 PLAN AND SOLICIT ACCEPTANCES THEREOF;  
AND (II) MOTION TO EXTEND PERIOD WITHIN WHICH TO ASSUME  
OR REJECT UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY**

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 to Extend the Exclusive Period to file a Chapter 11 Plan and Solicit Acceptances*

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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.

*Thereof* [Docket No. 334] and the *Debtors' Expedited Motion for Order Pursuant to Section 365(d)(4) of the Bankruptcy Code Extending Period Within Which They Must Assume or Reject Purported Unexpired Leases of Nonresidential Real Property* [Docket No. 333] (collectively, the "Motions"); 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 Motions (the "Hearing") shall be held on **August 17, 2021, at \_\_\_\_\_ (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:

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Aaron M. Kaufman

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Amber M. Carson

Texas Bar No. 24075610

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