



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed April 22, 2021


United States Bankruptcy Judge

**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> , ¹	§	Case No. 21-30721 (SGJ)
Debtors.	§	(Jointly Administered)
	§	Re: Docket No. 6

ORDER (I) AUTHORIZING THE DEBTORS TO FILE A CONSOLIDATED LIST OF CREDITORS AND A CONSOLIDATED LIST OF THE 30 LARGEST UNSECURED CREDITORS, (II) AUTHORIZING THE DEBTORS TO REDACT CERTAIN PERSONAL IDENTIFICATION INFORMATION, (III) APPROVING THE FORM AND MANNER OF NOTIFYING CREDITORS OF THE COMMENCEMENT OF THE DEBTORS' CHAPTER 11 CASES AND BAR DATES, AND (IV) GRANTING RELATED RELIEF

¹ 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.

Upon the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”): (a) authorizing the Debtors to file a consolidated creditor matrix and list of the 30 largest general unsecured creditors in lieu of submitting separate mailing matrices and creditor lists for each Debtor; (b) authorizing the Debtors to redact certain personal identification information; (c) approving the form and manner of notifying creditors of the commencement of the Debtors’ chapter 11 cases; and (d) granting related relief, all as more fully set forth in the Motion; and upon the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that venue of this proceeding and the Motion 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 is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and this Court having found that the Debtors’ notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein, including cause exists to shorten the period set forth in section 502(b)(9); and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

2. The Debtors are authorized to file a single consolidated Creditor Matrix for all of these chapter 11 cases.

3. The Debtors are authorized to file a consolidated Top 30 List.

4. The Debtors are authorized to redact the home addresses of individuals listed on the Creditor Matrix or other documents filed with the Court. The Debtors shall provide an unredacted version of the Creditor Matrix and any other filings redacted pursuant to this Order to (x) the Court, the U.S. Trustee, and counsel to any official committee appointed in these chapter 11 cases, and (y) any party in interest, upon a request to the Debtors (email is sufficient) or to the Court that is reasonably related to these chapter 11 cases; provided that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. The Debtors shall inform the U.S. Trustee and the Court promptly after denying any request for an unredacted document pursuant to this Order.

5. The Notice of Commencement, substantially in the form attached hereto as **Exhibit 1**, is hereby approved.

6. The Debtors shall serve the Notice of Commencement on all parties listed on the Creditor Matrix within seven (7) days from entry of this Order.

7. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Bankruptcy Rules and the Local Rules are satisfied by such notice.

8. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

9. 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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**PROPOSED COUNSEL TO THE
DEBTORS AND DEBTORS IN POSSESSION**

Exhibit 1

Notice of Commencement

Information to identify the case:	
Debtor: <u>Fresh Acquisitions, LLC</u>	EIN: <u>46-5412795</u>
United States Bankruptcy Court for the Northern District of Texas	Date case filed for Chapter 11 <u>April 20, 2021</u>
Case number: <u>21-30721 (SGJ)</u>	

Official Form 309F (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

12/17

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below, through PACER (Public Access to Court Electronic Records at www.pacer.gov), or at the website established by the Debtors' claims and noticing agent at www.bmcgroup.com/fresh.

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. Debtors' full name: See chart below
List of jointly administered cases:

NO.	DEBTOR	Prior Names	CASE NO.	EIN #
1	Fresh Acquisitions, LLC	N/A	21-30721	46-5412795
2	Alamo Fresh Payroll, LLC	Furr's, Furr's Fresh Buffet	21-30720	83-2861590
3	Alamo Ovation, LLC	N/A	21-30722	47-4309002
4	Buffets LLC	Ovation Brands	21-30723	41-1462294
5	Hometown Buffet, Inc.	Home Town Buffets	21-30724	33-0463002
6	Tahoe Joe's Inc.	Tahoe Joe's	21-30725	91-1957129
7	OCB Restaurant Company, LLC	Old Country Buffet	21-30726	41-1777607
8	OCB Purchasing, Co.	N/A	21-30727	41-1777610
9	Ryan's Restaurant Group, LLC	Ryan's	21-30728	57-0657895
10	Fire Mountain Restaurants, LLC	Fire Mountain	21-30729	57-0968003
11	Food Management Partners, Inc.	Food Management Partners	21-30730	20-1867374
12	FMP SA Management Group, LLC	Food Management Partners	21-30731	46-3413031
13	FMP-Fresh Payroll, LLC	N/A	21-30732	81-0848962
14	FMP-Ovation Payroll, LLC	N/A	21-30733	47-4811728
15	Alamo Buffets Payroll, LLC	N/A	21-30734	83-2860998

2. **All other names used in the last 8 years:** See chart above

3. **Address:** 2338 N. Loop 1604 W., Suite 350, San Antonio, TX 78248

For more information, see page 2 ►

4. **Debtors' attorney**

Jason S. Brookner (Texas Bar No. 24033684)
 Aaron M. Kaufman (Texas Bar No. 24060067)
 Amber M. Carson (Texas Bar No. 24075610)

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Debtors' notice and claims agent (for court documents and case information inquiries):

If by First-Class Mail, Hand Delivery or Overnight Mail:

BMC Group
 Attn: Fresh Acquisitions
 PO Box 90100
 Los Angeles, CA 90009

Telephone: 888.909.0100

Email: fresh@bmcgroup.com
 Case website: www.bmcgroup.com/fresh

5. **Bankruptcy clerk's office**

Documents in this case may be filed at this address.

You may inspect all records filed in this case at this office or online at www.pacer.gov.

Earle Cabell Federal Building
 1100 Commerce Street
 Rm 1254
 Dallas, Texas 75242-1496

Hours open Monday - Friday 8:30-4:30

Contact phone 214.753.2000

6. **Meeting of creditors**

The debtor's representative must attend the meeting to be questioned under oath.

Creditors may attend, but are not required to do so.

A meeting has not been scheduled. If a meeting of creditors is set, notice will be sent at a later time.

For more information, see page 3 ►

Debtor Fresh Acquisitions, LLC
Name

Case number (if known) 21-30721

7. Proof of claim deadline

Deadline for filing proof of claim: _____

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office.

Your claim will be allowed in the amount scheduled unless:

- your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- you file a proof of claim in a different amount; or
- you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office or online at www.pacer.gov.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

8. Exception to discharge deadline

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

Deadline for filing the complaint: To be determined

9. Creditors with a foreign address

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

10. Filing a Chapter 11 bankruptcy case

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.