

  
Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
January 16, 2020

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In re:  
Jagged Peak, Inc., a Nevada corporation,  
☒ Affects this Debtor.

In re:  
TradeGlobal, LLC, a Delaware limited liability  
company,  
☐ Affects this Debtor.

In re:  
TradeGlobal North America Holding, Inc., a  
Delaware corporation,  
☐ Affects this Debtor.

Case No.: BK-S-19-15959-MKN  
Chapter 11

**LEAD CASE**

**Jointly Administered with:**

Case No.: BK-S-19-15960-MKN  
Chapter 11

Case No.: BK-S-19-15961-MKN  
Chapter 11

Hearing Date: January 14, 2020  
Hearing Time: 9:30 a.m.

**ORDER GRANTING MOTION OF JAGGED PEAK, INC.  
TO EXTEND DEADLINE PURSUANT TO 11 U.S.C. § 365(d)(4) TO  
ASSUME OR REJECT UNEXPIRED LEASE FOR REAL PROPERTY  
LOCATED AT 201 17th STREET SOUTH., ST. PETERSBURG, FLORIDA**

Upon consideration of the motion (the “Motion”)<sup>1</sup> of Jagged Peak, Inc. (“Jagged Peak” or “Debtor”) for entry of an order extending for 90 days the time period within which it must assume or reject the unexpired lease of nonresidential real property located at 201 17th Street S, St. Petersburg, Florida 33712 (the “Lease”) under 11 U.S.C. § 365(d)(4)(B)(ii), and good cause appearing therefor;

**IT IS HEREBY ORDERED:**

1. The Motion is granted as set forth herein.
2. The Debtor’s deadline to assume or reject the Lease pursuant to 11 U.S.C. § 365(d)(4) shall be extended through and including March 31, 2020.
3. On or before March 31, 2020, the Purchaser shall (i) vacate the St. Petersburg Premises, (ii) leave the Premises broom-swept and free of personal property other than any property the Landlord agrees may be left behind, and (iii) return the keys to the Premises to the Landlord. Notwithstanding anything to the contrary in the Lease or otherwise, the Purchaser shall not be responsible for taking any other actions in connection with vacating the Premises or returning possession of the Premises to the Debtor or Landlord.
4. The Landlord is holding a security deposit in the amount of \$240,624.99, which deposit is a Purchased Asset of the Purchaser under the Jagged Peak APA (the “Security Deposit”).
5. No later than January 31, 2020, the Debtor shall file a motion, in accordance with Bankruptcy Rules 6006 and 9014, for entry of an order authorizing rejection of the Lease on the following terms:
  - a. The Debtor shall reject the Lease effective as of March 31, 2020;
  - b. Within five (5) days of the date of entry of an order rejecting the Lease, the Debtor shall pay to Landlord the sum of \$771,210.27 comprised of the following

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<sup>1</sup> All capitalized terms not otherwise defined herein shall have those meanings ascribed to them in the Motion.

1 amounts: (i) \$607,554.72 for the rent reserved by the Lease for one year; (ii) \$21,439.66  
2 for the pre-petition rent owing under the Lease; (iii) \$7,215.89 for the Landlord's legal  
3 fees and costs; and (iv) provided that the Debtor did not perform the roof  
4 repair/replacement as provided by the Lease, \$135,000 for the obligation under the Lease  
5 to replace the roof of the Premises (to the extent the roof repair/replacement has been  
6 completed, the sum due to the Landlord shall be reduced by \$135,000), which total  
7 amount shall be paid (x) first by offsetting \$240,624.99 against the full amount of the  
8 Security Deposit, and (y) second by paying the balance from the escrow account  
9 established by the Jagged Peak APA and funded by the Purchaser (the "Escrow  
10 Account"); and

11 c. Payment of the foregoing amount shall be in full and final satisfaction of  
12 all claims of the Landlord under the Lease or against the Debtors, their estates or the  
13 Purchaser, other than as set forth in this Order extending the time period within which the  
14 Debtors must assume or reject the Lease (without duplication).

15 6. This Order shall not operate to approve the terms of the motion for entry of an  
16 order authorizing rejection of the Lease contemplated to be filed as detailed in Paragraph 5  
17 herein, nor shall this Order prejudice the rights of any party to oppose the relief requested in such  
18 a motion.

19 7. The Landlord shall not be required to file a proof of claim unless otherwise  
20 ordered by the Court.

21 8. Nothing in this Order shall waive or modify the Purchaser's obligations under  
22 Section 5.18 of the Jagged Peak APA and/or the TSA Lease Exhibit, and nothing in this Order  
23 shall modify or waive, or be deemed to be a modification or waiver of, the Jagged Peak APA or  
24 the orders of this Court approving the same.

25 9. This Order is effective as of January 14, 2020, notwithstanding the date of the  
26 entry of this Order on the docket, and the Court waives any and all stays upon the effectiveness  
27 of this Order, which shall be effective and enforceable immediately upon its entry; and  
28

10. The Court reserves jurisdiction over the interpretation and implementation of this Order.

**IT IS SO ORDERED.**

Prepared and submitted by:  
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10. The Court reserves jurisdiction over the interpretation and implementation of this Order.

**IT IS SO ORDERED.**

Prepared and submitted by:

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**LR 9021 CERTIFICATION**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- ☐ The court waived the requirement of approval under LR 9021(b)(1).
- ☐ No party appeared at the hearing or filed an objection to the motion.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated above.

Amanda M. Perach, McDonald Carano LLP                      Approved  
*Counsel for Official Committee of Unsecured Creditors*

Thomas H. Fell and Chelsie Adams, Fennemore Craig, P.C.    Approved  
*Counsel for Singapore Post Limited*

- ☐ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objection to the form or content of the order.

# # #

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