

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

JENNIFER CONVERTIBLES, INC.,

Case No. 10-13779 (ALG)

Debtor.

Jointly Administered

-----X

ORDER PURSUANT TO U.S.C. § 362
GRANTING RELIEF FROM THE AUTOMATIC STAY

Upon the motion, dated February 3, 2011 (the "Motion") of JP Morgan Chase Bank, N.A. (the "Movant") for an order modifying the automatic stay of section 362, Title 11 of the United States Code (the "Bankruptcy Code"): (i) to permit Movant to continue prosecution of a non-payment summary proceeding before the Civil Court of the State, City and County of New York and/or to commence new litigation, seeking, *inter alia*, recovery of possession of the nonresidential real property known as Store #8 and basement located in the building known as 2420 Broadway a/k/a 2420-2438 Broadway a/k/a 2424 Broadway, New York, New York (the "Premises"); (ii) to enforce any possessory judgment issued thereon; and (iii) granting Movant such further relief as this Court may deem just and proper; and upon the declaration of Michael Stengel, an associate in the Lease Administration Department of Movant, filed in support of the Motion; and proper notice of the hearing (the "Hearing") on the Motion having been given to (a) Jennifer Convertibles, Inc. (the "Debtor"), (b) Debtor's Counsel, (c) the Office of the United States Trustee, (d) counsel for the official committee of unsecured creditors and (e) those who have filed and notice of appearance and request for service in this proceeding; **and it appearing that the Debtor may be occupying space at the Premises but that it claims to have no lease with the actual Tenant and it is named a party to the State Court litigation, if at all, as a**

“John Doe” defendant; and the Debtors having no opposition to the relief requested; and a hearing having been held on February 22, 2011; it is

ORDERED, that the Motion is hereby granted to the extent set forth herein; and it is further

ORDERED, that the automatic stay of Bankruptcy Code § 362 is modified (i) to permit Movant to continue prosecution of a non-payment summary proceeding before the Civil Court of the State, City and County of New York and/or to commence new litigation, seeking, *inter alia*, recovery of possession of the Premises; and (ii) to enforce any possessory judgment issued thereon; and it is further

ORDERED, that pursuant to Bankruptcy Rule 4001(a)(3), this order shall be effective immediately; **and it is further**

ORDERED, that nothing herein shall affect any substantive rights of the parties in the State Court litigation, it being the intent of this order to permit Movant to proceed in the State Court without regard to the bankruptcy stay.

Dated: New York, New York
February 22, 2011

/s/ Allan L. Gropper
Honorable Allan L. Gropper