

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

FILED  
2013 JUL -8 AM 11:24  
U.S. BANKRUPTCY COURT  
MIDDLE DISTRICT OF TN

In re	)	
	)	Case No. 13-04006
ORECK CORPORATION, <i>et al.</i> ,	)	(Jointly Consolidated)
	)	Chapter 11
Debtors.	)	Judge Keith M. Ludin
	)	

**OBJECTION OF PK I RAINBOW PROMENADE LLC  
TO PROPOSED CURE AMOUNT AND RESERVATION OF  
RIGHTS RE: ADEQUATE ASSURANCE**

PK I Rainbow Promenade LLC (the "Landlord") hereby objects to the cure amount proposed by the Debtors in the *Notice of Filing Schedules to Amended and Restated APA with Oreck Acquisition Holdings* [Docket No. 370] (the "Cure Notice"). In further support of this Objection, the Landlord states as follows:

1. The Landlord and Oreck HomeCare, LLC (the "Debtor"), one of the above-captioned debtors (collectively with the other debtors, the "Debtors" or "Tenant"), are parties to an unexpired lease of nonresidential real property (the "Lease") located at 2021 N. Rainbow Blvd., Suite 104, Las Vegas, Nevada (the "Premises").

2. In the Cure Notice, the Debtors assert that the cure amount with respect to the Lease is \$0.00 (the "Proposed Cure Amount").

3. The Landlord objects to the Proposed Cure Amount and states that the amount outstanding under the Lease as of July 2, 2013 is at least \$12,829.23, as shown in Exhibit A hereto (the "Cure Claim").

4. In addition, the Landlord's Cure Claim shall include obligations under the Lease that may have accrued prior to the closing of the assignment thereof, but not become payable

until after the closing (the "Accrued Lease Obligations"). Accrued Lease Obligations include, without limitation, common area maintenance adjustments, real estate tax adjustments and percentage rent obligations that may not become payable in the ordinary course under the Lease until a later date. An order approving the assumption and assignment of the Lease should provide that the assignee will be responsible for paying all Accrued Lease Obligations at the time such obligations become due and payable under the Lease.

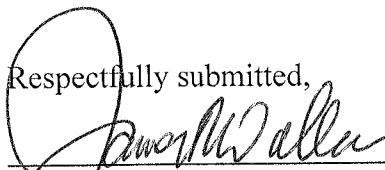
### **RESERVATION OF RIGHTS**

5. The Landlord reserves the right to supplement the Cure Claim with additional costs that arise under the Lease prior to the assumption and assignment of such lease.

6. The Landlord further reserves its right to object to the adequate assurance of future performance of the assignee.

WHEREFORE, the Landlord respectfully requests that the Court enter an order (i) allowing in full the Landlord's Cure Claims in the amounts set forth herein (as may be supplemented); (ii) providing that any assignee of the Lease be responsible for paying all Accrued Lease Obligations when due and payable; and (iii) granting to the Landlord such further relief as this Court deems just and proper.

Respectfully submitted,



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James F. Wallack, Esq. (MA BBO #557061)  
Goulston & Storrs, P.C.  
400 Atlantic Avenue  
Boston, MA 02110-3333  
Tel: (617) 482-1776  
Fax: (617) 574-4112

Dated: July 3, 2013

*Counsel for Landlord*

**Exhibit A**

**Statement of Account**

**Date:** 7/2/2013  
**Tenant:** Oreck Homecare, LLC dba Oreck Floor Care Center  
**Location:** 2021 N Rainbow BL  
**CSZ:** Las Vegas, NV 89108  
**Unit:** 104

<b>Date</b>	<b>Charge</b>	<b>Chg Amt</b>	<b>Pmt</b>	<b>Balance</b>
1/30/2013				0
2/1/2013	Base Rent	3,206.24		3,206.24
2/1/2013	CAM	880.00		4,086.24
2/1/2013	Taxes	190.17		4,276.41
3/1/2013	Base Rent	3,206.24		7,482.65
3/1/2013	CAM	880.00		8,362.65
3/1/2013	Taxes	190.17		8,552.82
4/1/2013	Base Rent	3,206.24		11,759.06
4/1/2013	CAM	880.00		12,639.06
4/1/2013	Taxes	190.17		12,829.23
5/1/2013	Base Rent	3,206.24		16,035.47
5/1/2013	CAM	880.00		16,915.47
5/1/2013	Taxes	190.17		17,105.64
6/4/2013	Pmt		4,276.41	12,829.23

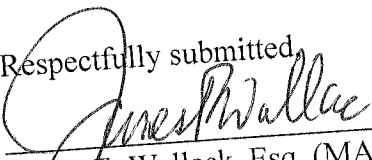
UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

\_\_\_\_\_  
In re \_\_\_\_\_ )  
ORECK CORPORATION, *et al.*, )  
Debtors. \_\_\_\_\_ )

Case No. 13-04006  
(Jointly Consolidated)  
Chapter 11  
Judge Keith M. Ludin

CERTIFICATE OF SERVICE

I, James F. Wallack, hereby certify that on this 3<sup>rd</sup> day of July, 2013, I caused to be served a true and correct copy of the ***Objection of PK I Rainbow Promenade LLC to Proposed Cure Amount and Reservation of Rights Re: Adequate Assurance*** via email or first-class mail, postage prepaid, as indicated.

Respectfully submitted,  
  
\_\_\_\_\_  
James F. Wallack, Esq. (MA BBO #557061)  
Goulston & Storrs, P.C.  
400 Atlantic Avenue  
Boston, MA 02110-3333  
Tel: (617) 482-1776  
Fax: (617) 574-4112

*Counsel for Landlord*

Dated: July 3, 2013

**Service List**

<p>Oreck Corporation 565 Marriot Drive, Suite 300 Nashville, TN 37214 <b>Debtor</b> (served via first-class mail)</p>	<p>William L. Norton III Bradley Arant Boult Cummings, LLP 1600 Division Street, Suite 700 Nashville, TN 27203 Email: <a href="mailto:bnorton@babco.com">bnorton@babco.com</a> <b>Attorneys for the Debtors</b> (served via email)</p>
<p>Christopher F. Graham McKenna Long &amp; Aldridge, LLP 230 Park Avenue New York, New York 10169 Email: <a href="mailto:cgraham@mckennalong.com">cgraham@mckennalong.com</a></p> <p>David Gordon McKenna Long &amp; Alridge, LLP 303 Peachtree Street, Suite 5300 Atlanta, GA 30308 Email: <a href="mailto:dgordon@mckennalong.com">dgordon@mckennalong.com</a> <b>Attorneys for the Purchaser</b> (served via email)</p>	<p>Dan McGuire Winston &amp; Strawn, LLP 35 W. Wacker Drive Chicago, IL 60601 Email: <a href="mailto:dmcguire@winston.com">dmcguire@winston.com</a> <b>Attorneys for the DIP Lender</b> (served via email)</p>
<p>Lloyd Mueller United States Trustee 701 Broadway, Suite 318 Nashville, TN 37203 <b>U.S. Trustee</b> (served via first-class mail)</p>	<p>S. Jason Teele Sharon Levine Lowenstein Sandler 65 Livingston Avenue Roseland, New Jersey 07068 Email: <a href="mailto:steele@lowenstein.com">steele@lowenstein.com</a>, <a href="mailto:slevine@lowenstein.com">slevine@lowenstein.com</a> <b>Attorneys for the Creditors Committee</b> (served via email)</p>
<p>Richard A. Stieglitz Cahill Gordon &amp; Reindel, LLP 80 Pine Street New York, NY 10005 Email: <a href="mailto:rstieglitz@cahill.com">rstieglitz@cahill.com</a> <b>Attorneys for the Second Lien Lenders</b> (served via email)</p>	

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counsellors at law

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July 3, 2013

**VIA OVERNIGHT DELIVERY**

Clerk's Office  
United States Bankruptcy Court  
Middle District of Tennessee  
Nashville Division  
701 Broadway, Room 170  
Nashville, TN 37203

Re: In re Oreck Corporation, et al.,  
Chapter 11, Case No. 13-04006

Dear Sir or Madam:

Enclosed please for filing in the above-referenced case please find the ***Objection of PK I Rainbow Promenade LLC to Proposed Cure Amount and Reservation of Rights Re: Adequate Assurance.***

Thank you for your prompt attention to this.

Very truly yours,



Stacey A. Mordas  
Paralegal

Enclosure