

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

<b>In re:</b>	)	
	)	<b>Chapter 11</b>
<b>SUGARFINA, INC., et al,</b>	)	<b>Case No. 19-11973 (MFW)</b>
	)	<b>(Jointly Administered)</b>
	)	<b>Hearing Date: October 24, 2019@10:30 a.m. (ET)</b>
	)	<b>Related to D.I. 239</b>
<b>Debtors.</b>	)	

**LIMITED OBJECTION OF FORTNA, INC. TO THE DEBTORS'  
NOTICE OF ASSUMPTION AND CURE COSTS WITH RESPECT TO EXECUTORY  
CONTRACTS POTENTIALLY TO BE ASSUMED AND ASSIGNED**

Fortna, Inc. ("Fortna"), by and through its undersigned counsel, asserts this Limited Objection to the Notice of Assumption and Cure Costs with respect to Executory Contracts Potentially to be Assumed and Assigned [Dkt. No. 239] (the "Cure Notice"). As grounds for this Limited Objection, Fortna states as follows:

1. Fortna and Sugarfina, Inc. are parties to the professional services agreement identified in the Cure Notice (the "Fortna Contract").
2. The Cure Notice alleges that the Cure Amount with respect to the Fortna Contract is \$29,110.06.
3. Fortna received the Cure Notice on or about October 15, 2019.
4. The Cure Notice advised Fortna that objections to the Cure Amount set forth in the Cure Notice with respect to the Fortna Contract could be filed and served in accordance with the "Bidding Procedures Order" or could be asserted at the hearing to be held on October 24, 2019.
5. The Bidding Procedures Order was not docketed until sometime after the hearing held at 2:00 p.m. on October 15, 2019, and Fortna did not receive a copy of the Bidding Procedures Order until October 21, 2019.

6. The October 15 Bidding Procedures Order established a deadline of October 21, 2019, for the filing and service of written objections to any Cure Amount set forth in Cure Notice, only 4 business days after its entry. The “Bidding Procedures Key Dates” schedule attached to the Bidding Procedures Order as Exhibit 2, however, required the service of the order itself by October 9, 2019.

7. No affidavit of service as to the Bidding Procedures Order appears yet on the docket, but it obviously was not on October 9 nor at any time before the order was entered. Receiving notice of a court-ordered deadline on the same day that such deadline expires is not reasonable nor does it afford due process, and this Limited Objection certainly has been filed and served in a timely manner under the circumstances.

8. Fortna objects to the Debtors’ proposed Cure Amount with respect to the Fortna Contract because the correct cure amount is \$98,461.75 as more fully set forth in the Proof of Claim that Fortna filed with the BMC Group on October 11, 2019, reflected as Claim No. 37.

October 22, 2019

STEVENS & LEE, P.C.

/s/Joseph H. Huston, Jr.

Joseph H. Huston, Jr. (No. 4035)  
919 North Market Street, Suite 1300  
Wilmington, Delaware 19801  
Tel: (302) 425-3310  
Fax: (610) 371-7972  
Email: [JHH@stevenslee.com](mailto:JHH@stevenslee.com)