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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>In re</b>	:
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	:
<b>THE GREAT ATLANTIC &amp; PACIFIC TEA COMPANY, INC., et al.,</b>	:
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	:
<b>Debtors.<sup>1</sup></b>	:
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**Chapter 11**

**Case No. 15-23007 (RDD)**

**(Jointly Administered)**

**NOTICE OF AGENDA OF MATTERS SCHEDULED  
FOR THE HEARING ON NOVEMBER 5, 2015 AT 2:00 P.M.**

Location of Hearing: United States Bankruptcy Court for the Southern District of New York,  
before the Honorable Robert D. Drain, United States Bankruptcy Court,  
300 Quarropas Street, White Plains, New York, 10601

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are as follows: 2008 Broadway, Inc. (0986); The Great Atlantic & Pacific Tea Company, Inc. (0974); A&P Live Better, LLC (0799); A&P Real Property, LLC (0973); APW Supermarket Corporation (7132); APW Supermarkets, Inc. (9509); Borman's, Inc. (9761); Delaware County Dairies, Inc. (7090); Food Basics, Inc. (1210); Kwik Save Inc. (8636); McLean Avenue Plaza Corp. (5227); Montvale Holdings, Inc. (6664); Montvale-Para Holdings, Inc. (2947); Onpoint, Inc. (6589); Pathmark Stores, Inc. (9612); Plainbridge LLC (5965); Shopwell, Inc.(3304); Super Fresh Food Markets, Inc. (2491); The Old Wine Emporium of Westport, Inc. (0724); Tradewell Foods of Conn., Inc. (5748); and Waldbaum, Inc. (8599). The international subsidiaries of The Great Atlantic & Pacific Tea Company, Inc. are not debtors in these chapter 11 cases. The location of the Debtors' corporate headquarters is Two Paragon Drive, Montvale, New Jersey 07645.

**I. SALE MATTERS – (NO UNION OBJECTION):**

**1. CVS (1 Store) (Store No. 70185 – Yonkers, NY)**

**A. Global Sale Motion [ECF No. 26]**

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 13, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Responses Received:

- B. Objection of RLJ Group LLC [ECF No. 833] (Related to Store No. 70185 – Yonkers, NY)
- C. Letters of Mike Spano and Yonkers community petitioners [ECF No. 1420] (Related to Store No. 70185 – Yonkers, NY)
- D. Letters of John J. Larkin and Yonkers Community Petitioners [ECF Nos. 1423, 1432, 1575] (Related to Store No. 70185 – Yonkers, NY)
- E. Letters of Robert Rogan [ECF Nos. 1359, 1442] (Related to Store No. 70185 – Yonkers, NY)
- F. Letters of Yonkers Community Petitioners [ECF No. 1481] (Related to Store No. 70185 – Yonkers, NY)
- G. Letter of Liam J. McLaughlin [ECF No. 1531] (Related to Store No. 70185 – Yonkers, NY)
- H. Letter of Elizabeth C. Morgan [ECF No. 1529] (Related to Store No. 70185 – Yonkers, NY)
- I. Letter of Kathy Kuhnel [ECF No. 1528] (Related to Store No. 70185 – Yonkers, NY)
- J. Letter of Keith Olson [ECF No. 1527] (Related to Store No. 70185 – Yonkers, NY)
- K. Letter of Michael Sabatino [ECF No. 1526] (Related to Store No. 70185 – Yonkers, NY)
- L. Letter of Virginia Deckelmann [ECF No. 1525] (Related to Store No. 70185 – Yonkers, NY)

Related Documents:

- M. Declaration of Michael Buckless in Support [ECF No. 1542]

- N. Notice of Filing of Sale Order and Agreement [**ECF No. 1699**]
- O. Supplemental Declaration of Syed Husain in Support [**ECF No. 1700**]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

2. **Food Emporium Acquisition Corp. (Gristedes) (1 Store) (Store No. 36706)**

- A. Global Sale Motion [**ECF No. 26**]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 13, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Responses Received:

- B. Objection of 170 East 83rd Street LLC [**ECF No. 1282**]
- C. Ombudsman Report [**ECF No. 1727**]

Related Documents:

- D. Notice of Filing of Sale Order and Agreement [**ECF No. 1702**]
- E. Declaration of Mark Kassner in Support [**ECF No. 1695**]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

3. **Estevez Markets, Inc. (1 Store) (Store No. 70441)**

- A. Global Sale Motion [**ECF No. 26**]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 13, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Response Received:

- B. Objection of A&R, L.L.C. [**ECF No. 1340**] (Related to Store No. 70441 – Old Tappan, NJ)

Related Documents:

- C. Notice of Filing Sale Order and Agreement Governing Transaction [**ECF No. 1312**]

D. Declaration of Robin Estevez in Support [ECF No. 1434]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

4. **PSK Supermarkets, Inc. (2 Stores) (Store Nos. 72603 and 70611)**

Motion of Debtors Pursuant to 11 U.S.C. §§ 105, 363 and 365 and Fed R. Bankr. P. 2002, 6004 and 6006 for an Order (I) Approving the Asset Purchase Agreement Between Sellers and PSK Supermarkets, Inc. and the Transactions Contemplated Therein, (II) Authorizing the Assumption and Assignment of Certain Unexpired Leases in Connection Therewith, (III) Authorizing the Sale of Certain of the Debtors Assets Free and Clear of Liens, Claims, Interests and Encumbrances, and (IV) Granting Related Relief [ECF No. 1556]

Response Deadline: October 30, 2015 at 12:00 p.m.

Responses Received:

- A. Response of Carver Federal Savings Bank [ECF No. 1658]
- B. Ombudsman Report [ECF No. 1665]

Related Documents:

- C. Notice of Auction Pursuant to Discrete Sale and Lease Rationalization Procedures [ECF No. 1126]
- D. Declaration of Daniel Katz in Support [ECF No. 1713]
- E. Notice of Filing Revised Proposed Order [ECF No. 1717]

Status: This matter is going forward.

5. **PSK Supermarkets, Inc. (1 Store – Private Transaction) (Store No. 70784)**

- A. Notice of Proposed Transaction [ECF No. 1551]

Response Deadline: August 14, 2015 at 4:00 p.m. (Cure Objections)  
October 30, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Response Received:

- B. Ombudsman report [ECF No. 1664]

Related Documents:

- C. Declaration of Daniel Katz in Support [ECF No. 1713]

- D. Notice of Revised Proposed Order Approving Asset Purchase Agreement Among Sellers and PSK Supermarkets, Inc. [ECF No. 1723]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

6. **Fox Hill II, Inc. (1 Store) (Store No. 72682)**

- A. Notice of Proposed Transaction with Fox Hill II, Inc. Pursuant to Discrete Sale and Lease Rationalization Procedures and (II) Rejection of Certain Unexpired Nonresidential Real Property Leases Global Sale Motion [ECF No. 1479]

Response Deadline: October 29, 2015 at 4:00 p.m.

Response Received:

- B. Objection of New York Community Bank [ECF No. 1597]

Related Documents: None.

Status: This matter is going forward. The objection of New York Community Bank is resolved.

7. **KAM Food Stores Inc. (1 Store) (Store No. 59503)**

- A. Global Sale Motion [ECF No. 26]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 13, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Responses Received: None.

Related Document:

- B. Notice of Filing of Sale Order and Agreement Governing Transaction with Kam Food Stores Inc. [ECF No. 1729]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

8. **Millwood Merchant LLC (1 Store) (Store No. 70208)**

- A. Global Sale Motion [ECF No. 26]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)

October 30, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Response Received:

- B. Objections of Millwood Center LLC [ECF Nos. 830, 1666]  
(Related to Store No. 70208– Millwood, NY)

Related Documents:

- C. Notice of Filing Sale Order and Agreement Governing Transaction  
[ECF No. 1573]
- D. Declaration of Jaime Luna in Support [ECF No. 1572]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

9. **Bogopa Service Corp. ("Food Bazaar") (1 Store) (Store No. 72600)**

- A. Notice of Proposed Transaction [ECF No. 1333]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 22, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Responses Received:

- B. Objection of Basser-Kaufman, Inc. [ECF Nos. 1271, 1347, 1524]
- C. Objection of Aurora Grocery Group, LLC [ECF No. 1532]

Related Document:

- D. Cure Notice [ECF No. 1090]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

**II. SALE MATTERS – (UNION OBJECTIONS):**

10. **H Mart (1 Store) (Store No. 70289)**

- A. Global Sale Motion [ECF No. 26]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 13, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Unresolved Responses Received:

- B. See Union Objections (Agenda Item No. 13)

Related Documents:

- C. Notice of Filing of Sale Order and Agreement Governing Transaction with H Mart [ECF No. 1328]
- D. Declaration of Woojin Choi in Support [ECF No. 1413]

Status: This matter is going forward with respect to the approval of the sale transaction and the union objections thereto. All other objections, to the extent not resolved or adjourned, were overruled by the Court.

11. **Lee & Associates NYC LLC (2 Stores) (Store Nos. 72634, 59512)**

- A. Bogopa Stalking Horse Sale Motion [ECF No. 1115]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 29, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Responses Received:

- B. Sheradel Associates [ECF Nos. 1216, 1625, 1626, 1662]
- C. Objections by North Bergen UE LLC [ECF Nos. 1263, 1674]
- D. See Union Objections (Agenda Item No. 13)

Related Document:

- E. Notice of Successful Bidders for Bogopa Stalking Horse Package [ECF No. 1314]

Status: This matter is going forward with respect to approval of the sale transaction. All cure objections (as identified in the Debtors' reply) are adjourned.

12. **Tawa (2 Stores) (Store Nos. 72114, 72535)**

- A. Global Sale Motion [ECF No. 26]

Response Deadline: October 9, 2015 at 4:00 p.m. (Cure Objections)  
October 13, 2015 at 4:00 p.m. (Adequate Assurance/Sale)

Responses Received:

- B. Objection of Bank of America, National Association [ECF No. **264**] (Related to Store No. 72114 – Jersey City, NJ)
- C. Objection of National Realty & Development Corp., as Agent for Grand Street Realty, LLC [ECF No. **1265**] (Related to Store No. 72114 – Jersey City, NJ)
- D. Objection of Wick Shopping Plaza Associates, L.L.C. [ECF Nos. **1099, 1221, 1343**] (Related to Store No. 72535 – Edison, NJ)
- E. Objection of Wick Shopping Plaza Associates, L.L.C. [ECF No. **1343**] (Related to Store No. 72535 – Edison, NJ)
- F. Supplement to Initial Objection and Reservation of Rights of National Realty & Development Corp. as Agent For Grand Street Realty, L.L.C. [ECF No. **1714**]
- G. Declaration of John G. Orrico in Support of the Initial Objection and Reservation of Rights of National Realty & Development Corp. as Agent For Grand Street Realty, L.L.C. [ECF No. **1715**]
- H. See Union Objections (Agenda Item No. 13)

Related Documents:

- I. Notice of Filing Sale Order and Agreement Governing Transaction with Tawa [ECF No. **1341**]
- J. Declaration of Jonson Chen in Support [ECF No. **1709**]

Status: This matter is going forward with respect to approval of the sale transaction. Other than the cure objection of Wick Shopping Plaza Associates, all other cure objections (as identified in the Debtors' reply) are adjourned.

**13. Union Objections**

- A. Opposition and Limited Objection of United Food and Commercial Workers Local Union 1500 to the Motion of Debtors [ECF No. **1284**]
- B. Objection to Motion to Sale Assets and Notice of Successful Bidders [ECF No. **1285**]
- C. Objection of United Food and Commercial Workers International Union [ECF No. **1274**]



- D. Local 338, RWDSU/UFCW [ECF Nos. 1289, 1292]
- E. Creditor and Party in Interest United Food and Commercial Workers Local 152 [ECF Nos. 1295, 1296]
- F. UFCW Local 27, UFCW Local 371, and UFCW Local 464A and UFCW Local 1262 [ECF Nos. 1297, 1298]
- G. United Food and Commercial Workers Union Local 1776 and Tri-State Pension Fund [ECF No. 1301, 1306]
- H. United Food and Commercial Workers Union, Local 1245 [ECF No. 1331]
- I. Supplemental of United Food and Commercial Workers International Union [ECF No. 1408]
- J. Second Supplement of United Food and Commercial Workers International Union [ECF No. 1411]
- K. Supplemental of United Food and Commercial Workers Local 464A [ECF No. 1464]

14. **Related Documents (Applicable to All Sale Matters)**

- A. Debtors' Second Omnibus Supplemental Reply [ECF No. 1693]
- B. Debtors' Omnibus Supplemental Reply [ECF No. 1543]
- C. Debtors' Omnibus Reply [ECF No. 1424]
- D. Goldstein Declaration in Support of Reply [ECF No. 1428]
- E. McDonagh Declaration in Support of Reply [ECF No. 1425]
- F. McGarry Declaration in Support of Reply [ECF No. 1427]
- G. Kaufman Declaration in Support of Reply [ECF No. 1430]
- H. Goldstein Declaration in Support of Global Sale Motion [ECF No. 251]
- I. Order Approving Global Bidding Procedures [ECF No. 495]
- J. Notice of Sale of Substantially All Assets [ECF No. 562]
- K. Notice Extending Global Bid Deadline [ECF No. 896]
- L. Second Notice Extending Global Bid Deadline [ECF No. 988]

- M. Notice Extending Designation Deadline [ECF No. 1082]
- N. Notice of Stores to Be Included in Global Auction [Docket No. 1097]
- O. Notice of Successful Bidders at October 1 and 2, 2015 Auction [ECF No. 1157]
- P. Notice of Successful Bidders at October 8, 2015 Auction [ECF No. 1313]
- Q. Additional Cure Notice [ECF No. 1090]

**III. OTHER MOTIONS:**

15. Motion in Support of An Immediate Stay and/or Temporary and/or Preliminary Injunction Directing A&P to Set Aside Proceeds to be Derived from the Impending Sale and/or Assignment of Store No. 15 Owned by Joseph Angelone as Described in the Stalking Horse Bid of Key Food Stores Co-Operative, Inc. Currently Scheduled to Close on October 26, 2015 [ECF No. 1548]

Response Deadline: November 3, 2015

Response Received:

- A. Debtors' Opposition [ECF No. 1691]

Related Documents: None.

Status: This matter is going forward.

16. Motion of Gator Monument Partners LLLP for (I) Reargument and Reconsideration of those Portions of Order Dated October 23, 2015 [Dkt. 1538] Regarding "Funding of the Purchase Price by any Designated Member", and Pre-Authorizing a Sublease of a Portion of the Premises by Wakefern Food Corp. ("Wakefern"), as Assignee/Lessee of the Lease, to an Undisclosed Designated Member on Undisclosed Terms that May Infringe Upon Gator's Rights Under the Lease; and (II) an Order Staying Wakefern from Subleasing any Portion of the Premises Pending a Determination of this Motion; and (III) Such Other and Further Relief as the Court Deems Just and Proper [ECF No. 1595]

Response Deadline: November 4, 2015 at 2:00 p.m.

Responses Received:

- A. Debtors' Response [ECF No. 1712]
- B. Wakefern's Response [ECF No. 1705]

Related Document:

- C. Declaration of Andrew B. Eckstein in Support of Order to Show Cause [ECF No. 1595-1]

Status: This matter is going forward.

- 17. Debtors' Motion Pursuant to 11 U.S.C. § 365 of the Bankruptcy Code Authorizing the Rejection of an Unexpired Lease and Related Sublease of Nonresidential Real Property Located at 160 East 125th Street, New York and Approving the Stipulation and Agreement Related Thereto [ECF No. 1535]

Response Deadline: October 29, 2015 at 4:00 p.m.

Responses Received:

- A. Objection of Carver Federal Savings Bank [ECF No. 1620]
- B. Objection of Rainbow USA, Inc. [ECF No. 1628]
- C. Letter of Rainbow USA, Inc. [ECF No. 1719]

Related Documents:

- D. Debtors' Reply to Objection of Rainbow USA, Inc. [ECF No. 1689]
- E. Debtors' Reply to Objection of Carver Federal Savings Bank [ECF No. 1692]
- F. Notice of Filing of Stipulation and Agreement Related to Rejection of Unexpired Lease and Related Sublease of Nonresidential Real Property Located at 160 East 125th Street, New York [ECF No. 1570]
- G. Notice of Rejection of Debtors' Unexpired License Agreement with Carver Federal Savings Bank [ECF No. 1596]

Status: This matter is going forward.

- 18. Debtors' Omnibus Notice of Store Closing Sales [ECF No. 1189]

Response Deadline: October 16, 2015 at 12:00 p.m.

Response Received:

- A. Objection of Rainbow USA, Inc. [ECF No. 1398]

Related Document:

B. Debtors' Reply [ECF No. 1689]

Status: This matter is going forward.

**IV. ADJOURNED MATTER:**

19. Janice Libow's Motion for Relief from Stay [ECF No. 827]

Response Deadline: October 9, 2015 at 4:00 p.m.

Response Received:

A. Omnibus Objection of Debtors to Motions of Personal-Injury Claimants to Lift the Automatic Stay [ECF No. 1305]

Related Documents: None.

Status: This matter has been adjourned to December 10, 2015 at 10:00 a.m.

Dated: November 4, 2015  
New York, New York

/s/ Garrett A. Fail  
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