



Order Filed on December 17, 2014
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)
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Debtors-in-Possession

In re:

CRUMBS BAKE SHOP, INC., *et al.*,¹

Debtor-in-Possession.

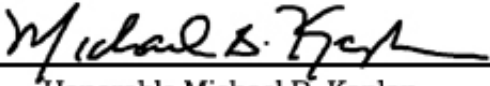
Case No. 14-24287 (MBK)

Judge: Hon. Michael B. Kaplan

**ORDER FIXING A BAR DATE FOR FILING CERTAIN ADMINISTRATIVE CLAIMS,
INCLUDING ADMINISTRATIVE CLAIMS PURSUANT TO SECTION 503(B)(9) OF
THE BANKRUPTCY CODE, APPROVING THE FORM AND MANNER OF NOTICE
THEREOF AND APPROVING PROOF OF ADMINISTRATIVE CLAIM FORM**

The relief set forth on the following pages, numbered two (2) through eight (8), is hereby
ORDERED.

DATED: December 17, 2014



Honorable Michael B. Kaplan
United States Bankruptcy Judge

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THIS MATTER having been opened to the Court by Crumbs Bake Shop, Inc., *et al.*, the within debtors and debtors-in-possession (the “Debtors”), by and through their counsel, Cole, Schotz, Meisel, Forman & Leonard, P.A., upon ex-parte application for an Order establishing a bar date for filing certain administrative expense claims including administrative claims pursuant to Section 503(b)(9) of the Bankruptcy Code, approving the form and manner of notice thereof and approving proof of administrative claim form (the “Application”)²; and the Court having considered the Application; and the Court having determined that the relief requested in the Application is in the best interest of the Debtors and their estates; and good cause appearing for the entry of this Order,

IT IS ORDERED as follows:

1. Pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure, all entities, including individuals, partnerships, corporations, estates, trusts and governmental units holding a claim as defined in 11 U.S.C. § 101(5) against the Debtors that constitutes an Administrative Expense Claim (hereinafter defined), including a Section 503(b)(9) Administrative Expense Claim (hereinafter defined), must file a request for an allowance of such

² Terms not otherwise defined herein shall be given the meanings ascribed to them in the Motion.

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Administrative Expense Claim or Section 503(b)(9) Administrative Claim within thirty-five (35) days of entry of this Order (the “Administrative Bar Date”) with the Debtors’ court-approved claims and noticing agent, Crumbs Bake Shop Claims Processing Center, c/o Prime Clerk, LLC, 830 3rd Avenue, 9th Floor, New York, New York 10022. Such Administrative Expense Claims and/or Section 503(b)(9) Administrative Claims shall be deemed filed only when actually received and any such Administrative Expense Claims and/or Section 503(b)(9) Administrative Claims sent in any other manner, such as by facsimile, telecopy or other electronic submission, including electronic mail transmission, shall not be deemed accepted and Prime Clerk, LLC shall not be required to accept any such Administrative Expense Claims and/or Section 503(b)(9) Administrative Claims, sent in any manner other than regular mail, overnight mail or hand delivery.

2. For purposes of this Order, an Administrative Expense Claim is a Claim (as defined in 11 U.S.C. § 101(5), and hereinafter, “Claim” or “claim”) for payment of an administrative expense of a kind specified in Section 503(b) of the Bankruptcy Code and entitled to priority pursuant to Section 507(a)(2) of the Bankruptcy Code, including, but not limited to, the actual, necessary costs and expenses, incurred on or after the Filing Date, of preserving the Debtors’ estates and operating the business of the Debtors, including wages, salaries or

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commissions for services rendered after the commencement of these Chapter 11 cases. **Claims or causes of action arising after the Filing Date, from alleged personal injuries are Administrative Expense Claims whether or not such claim is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured.** Notwithstanding the foregoing, this definition is for illustration purposes only and without prejudice to the Debtors' right to assert that any claim or cause of action entitled to priority pursuant to Section 507(a)(2) of the Bankruptcy Code was required to be filed by the Administrative Expense Claims Bar Date. Notwithstanding the foregoing, the following Administrative Expense Claims need not be filed prior to the Administrative Expense Claims Bar Date:

(a) any Administrative Expense Claims of professionals retained by the Debtors or the Committee pursuant to Orders of this Court who may seek fees and expenses for their services pursuant to 11 U.S.C. §§ 330 and 331;

(b) any entity that has already properly filed a motion requesting allowance of an administrative expense claim pursuant to Section 503(b) related to the Postpetition Period or on account of a 20 Day Claim;

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- (c) any entity that has already filed a proof of claim asserting an administrative expense claim or 20 Day Claim;
- (d) a holder of an Administrative Expense Claim related to or incurred during the Postpetition Period or a 20 Day Claim that previously has been allowed by Order of the Court;
- (e) a holder of an Administrative Expense Claim that has been paid in full by the Debtors pursuant to the Bankruptcy Code or in accordance with an Order of the Court; and
- (f) all fees payable and unpaid pursuant to 28 U.S.C. § 1930.

3. For purposes of this Order, a Section 503(b)(9) Administrative Claim is a Claim entitled to treatment in accordance with Section 503(b)(9) of the Bankruptcy Code and is a Claim for the “value of any goods received by the debtor, within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor’s business.”

4. Any claimant allegedly holding an Administrative Expense Claim and/or a Section 503(b)(9) Administrative Claim against the Debtors that is required to file a request for such Claim in these Chapter 11 cases on or before the Administrative Expense Claims Bar Date but fails to do so in a timely manner shall be forever barred, estopped and enjoined from

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asserting an administrative expense claim against the Debtors or the Debtors' estates (or filing any request with respect thereto) for Claims that were incurred, accrued, or arose either (i) from and after the July 11, 2014 Filing Date through and including December 16, 2014, or (ii) during the period from and including 20 days before the July 11, 2014 Filing Date and alleged to be entitled to an administrative expense priority under 11 U.S.C. § 503(b)(9), and any holder of such a Claim shall not be entitled to any payment or permitted to participate in any distribution in these Chapter 11 cases on account of such Claim and shall not be entitled to receive any further notices regarding such Claim, and consistent with any confirmed Chapter 11 plan, the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to such Claim.

5. The Proof of Administrative Expense Claim Form (the "Proof of Administrative Expense Claim Form"), substantially in the form attached as **Exhibit A** hereto, is approved and may be served with the Administrative Expense Claims Bar Date Notice as set forth below.

6. The Notice of Administrative Expense Claims Bar Date (the "Administrative Expense Claims Bar Date Notice"), substantially in the form attached as **Exhibit B** hereto, is hereby approved and shall be deemed adequate and sufficient if served pursuant to the terms of this Order on: (a) the Office of the United States Trustee for the District of New Jersey; (b)

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counsel to the Committee; (c) all known creditors and counterparties to the Debtors' executory contracts and leases; (d) all parties known by the Debtors to have provided post-petition goods and/or services to the Debtors after the Filing Date; (e) all creditors the Debtors reasonably believe may have supplied goods that the Debtors received in the 20 day period preceding the Filing Date, (f) the Internal Revenue Service; (g) the Securities and Exchange Commission, (h) the Debtors' taxing authorities; and (i) all parties on the Core and Master Service Lists not otherwise identified above.

7. The Debtors shall cause copies of the Administrative Expense Claims Bar Date Notice, together with the Proof of Administrative Expense Claim Form, to be mailed as soon as possible after the entry of this Order, but in no event later than three (3) business days thereafter, to the creditors and parties-in-interest identified in the preceding decretal paragraph, by first class United States mail, postage prepaid.

8. In accordance with Rule 2002(a)(7) and 11 U.S.C. § 105(a), service of the Administrative Expense Claims Bar Date Notice in the manner set forth in the manner set forth above shall be deemed good and sufficient notice of the Administrative Bar Date to known creditors.

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9. The Debtors shall retain the right to dispute or assert offsets or defenses against any filed Administrative Expense Claim or Section 503(b)(9) Administrative Expense Claim.

10. The Debtors are authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order.

11. A true copy of this Order shall be served on all parties-in-interest within seven (7) days hereof.