

Dated: April 21, 2016



*Daniel P. Collins*

Daniel P. Collins, Chief Bankruptcy Judge

1 Carolyn J. Johnsen (#011894)  
[cjohnsen@dickinsonwright.com](mailto:cjohnsen@dickinsonwright.com)  
 2 Katherine Anderson Sanchez (#30051)  
[ksanchez@dickinsonwright.com](mailto:ksanchez@dickinsonwright.com)  
 3 **DICKINSON WRIGHT PLLC**  
 1850 North Central Avenue, Suite 1400  
 4 Phoenix, Arizona 85004  
 Phone: (602) 285-5000  
 5 Fax: (602) 285-5100  
 Attorneys for Debtor

7 **IN THE UNITED STATES BANKRUPTCY COURT**  
 8 **FOR THE DISTRICT OF ARIZONA**

9 In re:  
 10 THE ROOMSTORES OF PHOENIX,  
 L.L.C., d/b/a THE ROOMSTORE,  
 11 Debtor.

Chapter 11 Proceeding

No. 2:15-bk-15898-DPC

**ORDER SETTING MAY 20, 2016, AS LAST DATE TO FILE PROOFS OF CLAIM**

12  
 13 This matter comes before the Court pursuant to the *Motion to Set Claims Bar Date of May 20,*  
 14 *2016* (the “Motion”) brought by The RoomStores of Phoenix, L.L.C., d/b/a The RoomStore  
 15 (“Debtor”). Based on the Motion and the record in this case, this Court finds that: (i) it has  
 16 jurisdiction over the matters raised in the Motion under 28 U.S.C. §§ 157 and 1334; (ii) venue of this  
 17 matter is proper under 28 U.S.C. §§ 1408 and 1409; (iii) this matter is a core proceeding under 28  
 18 U.S.C. § 157(b)(2); (iv) the relief requested in the Motion is in the best interests of the Debtor, its  
 19 estate, its creditors, and other parties in interest; (v) adequate and proper notice of the Motion has  
 20 been given, and no other or further notice is necessary; and (vi) good and sufficient cause exists for  
 granting the relief requested in the Motion as set forth in this Order,

21 **IT IS ORDERED** that:

22 1. The Motion is **GRANTED**.

23 2. **BAR DATE**: The proof of claim deadline is **May 20, 2016** (the “Bar Date”) with  
 24 respect to any “claim” as defined in 11 U.S.C. § 101(5) against the Debtor arising from any event  
 25 occurring before and until the Petition Date of December 18, 2015.  
 26

1 a. The following creditors do not need to file a proof of claim: (i) any creditor  
2 that has already properly filed a proof of claim or interest; (ii) any creditor whose claim is set forth in  
3 the Debtor's Schedules and Amended Schedules, who agrees with the amount of the claim and  
4 whose claim is not designated as unliquidated, disputed, contingent or unknown; (iii) any creditor  
5 whose claim against the Debtor has previously been allowed; and (iv) any creditor asserting an  
6 administrative claim pursuant to 11 U.S.C. § 503(b), except that **any creditor asserting a claim**  
7 **under 11 U.S.C. § 503(b)(9) must do so prior to the Bar Date or be subject to this Order.**

8 b. Executory Contract and Lease Rejection Damages: Any claims arising out of  
9 or otherwise related to a Debtor's rejection of any executory contract or unexpired lease under  
10 Bankruptcy Code § 365 must be filed on or before the earlier of: (i) the time limit set forth in the  
11 Order of the Court approving such rejection if the effectiveness of such order has not been stayed; or  
12 (ii) 30 days following the effective date of any Chapter 11 plan confirmed by the Court. The Debtor  
13 will provide notice to claimants under a rejected contract or lease of the claims bar date set forth  
14 above as part of the order approving rejection of such contract or lease or as part of the disclosure  
15 statement describing the Chapter 11 plan.

16 3. **BAR DATE NOTICE PROCEDURES:** The Debtor must serve on all creditors and  
17 parties-in-interest on the Debtor's Master Mailing Matrix via First-Class U.S. or electronic mail, and  
18 file a Certificate of Service with the Bankruptcy Court evidencing such service, the following:

19 a. Notice of the Bar Date substantially in the form attached as Exhibit B to the  
20 Motion ("Bar Date Notice").

21 b. A copy of Official Proof of Claim Form No. 410 ("Proof of Claim Form").

22 4. Notice of the Bar Date as provided in Paragraph 3 above is satisfactory, adequate and  
23 proper under Fed.R.Bankr.P. 2002 and 3003.

24 5. **ADDRESS FOR FILING PROOFS OF CLAIM:** Except as otherwise specifically  
25 provided herein, all persons or entities wishing to assert a claim against the Debtor must file a proof  
26 of claim, so that it is **received** no later than **May 20, 2016** by the Bankruptcy Court at the following  
address:

1 United States Bankruptcy Court, District of Arizona  
2 Office of the Clerk of the Court  
3 230 N. First Avenue, Suite 101  
4 Phoenix, Arizona 85003-1706

5 Claims may be hand-delivered or sent by mail to the Clerk of the United States Bankruptcy  
6 Court for the District of Arizona, at the address above, sent by fax to 602-682-4004 or by using the  
7 Court's on-line Proof of Claim application, available by following the link at  
8 <http://www.azb.uscourts.gov/proof-claim-form-and-instructions>. Creditors with Electronic Case  
9 Filing ("ECF") passwords may also electronically file a proof of claim with the Bankruptcy Court's  
10 ECF system.

11 6. **FAILURE TO FILE PROOF OF CLAIM:** Any holder of a claim that fails to file a  
12 proof of claim on or before **May 20, 2016**, if required to do so by this Order, shall be discharged and  
13 disallowed for all purposes under the Bankruptcy Code, so that the holder of such claim shall be  
14 forever barred, estopped, and enjoined from: (i) participating in the Debtor's bankruptcy case; (ii)  
15 objecting to and voting on any plan of reorganization; (iii) receiving any distribution under any such  
16 plan; and (iv) asserting the claim in any manner against the Debtor or any successor or assignee of  
17 the Debtor or its property whenever acquired.

18 7. **RESERVATION OF RIGHTS:** Nothing in this Order is to be deemed to limit or  
19 prejudice, in any way, the Debtor's rights to object to, dispute, or assert defenses or offsets to any  
20 claim filed or deemed filed in this case.

21 **DATED AND SIGNED ABOVE.**

22 PHOENIX 53406-11 289909v1  
23  
24  
25  
26