



Honorable Laurel E. Davis
United States Bankruptcy Judge



Entered on Docket
March 15, 2017

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UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

In re:) Case No.: 16-16771-LED
)
Nutrition Rush, LLC) Chapter 11
)
Debtor.) Hearing Date: February 21, 2017
) Hearing Time: 9:30 a.m.

**ORDER APPROVING DEBTOR’S MOTION FOR ENTRY OF AN
ORDER UNDER 11 U.S.C. §§ 105 AND 363(B) AND FED. R.
BANKR. P. 6004 APPROVING THE SALE OF THE DEBTOR’S
COOLER EQUIPMENT LOCATED IN THE DEBTOR’S RETAIL STORES**

Upon the motion (the “**Motion**”)¹ of the debtor and debtor-in-possession, in the above captioned case (the “**Debtor**”), for the entry of an order under 11 U.S.C. §§ 105, 363(b), and 506(c) and Fed. R. Bankr. P. 6004 approving the sale of the Debtors’ commercial-grade coolers

¹ Any capitalized term not expressly defined herein shall have the meaning ascribed to that term in the Motion.

1 (the “**Equipment**”) located in their retailer stores to EOS Fitness Brand, LLC (the
2 “**Purchaser**”); and it appearing that proper and adequate notice of the Motion has been given
3 and that no other or further notice is necessary; and good and sufficient cause existing to grant
4 the sale of the Property; it is hereby:
5

6 **ORDERED** that the Motion is **GRANTED**; and it is further
7

8 **ORDERED** that pursuant to §§ 105(a) and 363(b) of the Bankruptcy Code, the Debtor
9 is authorized to take all actions necessary to consummate the sale of the Equipment listed on
10 **Exhibit A**, attached hereto, to the Purchaser; and it is further
11

12 **ORDERED** that pursuant to §§ 105(a) and 363(b) of the Bankruptcy Code, the Debtors
13 are authorized to sell the Equipment to the Purchaser for the total purchase price of \$22,400.00:
14 and it is further
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16 **ORDERED** that the sale of the Equipment shall, upon full payment of the proceeds,
17 after costs, be free and clear of all liens, claims, encumbrances and interests which may be
18 asserted against the Equipment (collectively, the “**Encumbrances**”), with all such
19 Encumbrances attaching only to the proceeds (the “**Proceeds**”) of the sale of the Equipment;
20 and it is further
21

22 **ORDERED** that upon consummation of the sale, the Purchaser shall pay the Proceeds
23 directly to the Internal Revenue Service (“**IRS**”) and the Nevada Department of Taxation
24 (“**Department**”), each of whose liens attach to the Proceeds, as follows: 58.3% of the Proceeds,
25 or \$13,059.20, shall be paid directly to the Department, and 41.7% of the Proceeds, or
26 \$9,340.80, shall be paid directly to the IRS; and it is further
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1 **ORDERED** that as provided by Federal Rule of Bankruptcy Procedure 7062, this Order
2 shall become effective immediately upon its entry and the fourteen (14) day stay period under
3 Federal Rule of Bankruptcy Procedure 6004(h) is hereby waived; and it is further
4

5 **ORDERED** that this Court shall retain jurisdiction to hear and determine all matters
6 arising from the implementation of this order.
7

8 Submitted by:

9 SCHWARTZ FLANSBURG PLLC

10 By: /s/ Samuel Schwartz
11 Samuel A. Schwartz, Esq.
12 Nevada Bar No. 10985
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14 Nevada Bar No. 10662
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22 Attorney for the Debtor
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EXHIBIT A

STORE	QUANTITY			
	Single-Door	Double-Door	Triple-Door	
#2 Lake Mead		1		
#12 Centennial			1	
#21 Stephanie	1	1		
#26 Serene		1		
#29 Aliante	2			
#36 Durango	1	1		
#38 Cimarron		1		
#17 Murrieta	1	1		
#28 San Diego	1	1		
#32 Temecula		1		
#34 Airport		3		
#35 Palm Desert		2		
#22 Dysart	1	1		
#23 Thunderbird	1	1		
#24 Northsight	1	1		
#25 Washington			1	
#30 Elliot	1	1		
#31 Gilbert	2	1		
#33 Warner		1		
Total Quantity	12	19	2	
Sale Price per Unit	\$400.00	\$800.00	\$1,200.00	
Total Sale Price	\$4,800.00	\$15,200.00	\$2,400.00	\$22,400.00

SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

The court has waived the requirement set forth in LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

APPROVED: Robert Werbicky, Esq.; Mark Woolf, Esq.

DISAPPROVED:

FAILED TO RESPOND:

Submitted by:

SCHWARTZ FLANSBURG PLLC

By: /s/ Samuel Schwartz
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