

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

GARBER BROS., INC.,

Debtor

Chapter 11

Case No: 17-11802-MSH

**ORDER CONCERNING INTERIM USE OF CASH COLLATERAL
AND ADEQUATE PROTECTION**

Upon consideration of the Debtor's *Motion for Order Authorizing the Use of Cash Collateral and for Related Relief* dated July 26, 2017 (the "Motion") filed by Garber Bros., Inc. (the "Debtor"), pursuant to which the Debtor seeks authority to use funds and assets of the Debtor constituting cash collateral subject to the security interest claimed by Citizens Bank, N.A. (the "Lender"), Zurich American Insurance Company, and the Massachusetts Department of Revenue as well as funds received and other cash collateral that are subject to replacement liens granted by this Order (all of the foregoing, the "Cash Collateral"); the Debtor having filed the *Statement by Debtor in support of Further Use of Cash Collateral* [docket no. 295]; and after due deliberation and sufficient cause appearing therefor,

THE COURT FINDS AND RULES THAT:

- A. This Court has jurisdiction over these cases under 28 U.S.C. Section 1334(b).
- B. The Motion initiates a core proceeding pursuant to 28 U.S.C. Section 157(b)(2) as to which this Court may issue a final order.
- C. The form of the Motion and the Cash Collateral Stipulation¹ meet the requirements of Fed. R. Bankr. P. 4001(b)(1)(A) and (B) and MLBR 4001-2(a) and (c). Service thereof has been made

¹ All terms used in this Order with initial capitalization that are defined in the Motion shall have the same meaning when used in this Order as in the Motion.

in accordance with Fed. R. Bankr. P. 4001(b)(1)(C) and MLBR 4001-2(b). Notice of the hearing thereunder (the "Hearing") has been given in accordance with Fed. R. Bankr. P. 4001(b)(3) and MLBR 4001-2(e). Due and adequate notice has been given to all parties entitled thereto, and no other or further notice is necessary or required.

D. This Court has reviewed the Motion and the Cash Collateral Stipulation and has considered the representations of the Debtor regarding the relief requested therein. The Hearing was held before this Court on January 9, 2018. At the Hearing, this Court heard and considered arguments by all parties that wished to be heard.

E. The relief requested in the Motion and the Cash Collateral Stipulation is necessary pending the final hearing contemplated by Fed. R. Bankr. P. 4001(b)(2), and is in the best interest of the Debtor, its estate, its creditors and other parties in interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The use of Cash Collateral is approved on an interim basis through June 1, 2018 in accordance with the Motion, this Court's prior orders regarding Cash Collateral dated July 17, 2017 [docket no. 139], August 2, 2017 [docket no. 161] and October 4, 2017 [docket no. 229], and the budget attached to this order as Exhibit A (the "Budget"), and under the terms and conditions of the Cash Collateral Stipulation.

2. On or before the 15th day of each month, the Debtor shall submit to the Office of the United States Trustee and file with the Court a cash flow report showing a comparison for the prior calendar month of actual results of all items contained in the Budget to the amounts originally contained in the Budget.

3. Any and all objections to the Motion and the Cash Collateral Stipulation, insofar as they seek interim relief, are hereby overruled. All objections to the Motion and the Cash Collateral

Stipulation, insofar as they seek other than interim relief, are hereby expressly preserved to the final hearing on Cash Collateral, *provided* that any such objection shall be made in writing, filed with this Court and served upon the United States Trustee and upon counsel to the Debtor, the Lender, and all parties requesting notice in this case on or before the objection deadline as established by the Court.

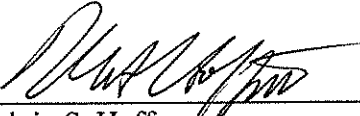
4. The further hearing on Cash Collateral is hereby scheduled for May 30, 2018 at 6:15 a.m. before the Court.

5. The Debtor shall file a budget for further use of cash collateral on or before May 18, 2018 at 4:30 p.m.

6. All objections to the further use of Cash Collateral shall be filed not later than May 23, 2018 at 4:30 p.m.

7. The Debtor shall serve a copy of this Order on all persons entitled to receive notice under Fed. R. Bankr. P. 4001(b)(3) and MLBR 4001-2(e).

Dated: January 9, 2018



Melvin S. Hoffman
United States Bankruptcy Judge

EXHIBIT A

