

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS
(Eastern Division)

In Re: Chapter 11
GARBER BROS., INC., Case No. 17-11802 (MSH)
Debtor.

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

Upon consideration of the Debtor's *Motion for Entry of Interim and Final Orders Authorizing Use of Cash Collateral* dated June 5, 2017 (the "**Motion**") filed by Garber Bros., Inc. (the "**Debtor**"), and the corresponding *Stipulation and Order Concerning Interim Use of Cash Collateral and Adequate Protection* (the "**Stipulation**"), 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 of the Petition Date¹ 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 Lender having assented to entry of this Order; 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.

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.

C. The forms of the Motion and the Stipulation 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 in accordance with Fed. R. Bankr. P. 4001(b)(1)(C) and MLBR 4001-2(b). Notice of the hearing on interim relief thereunder (the “**Interim 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 Stipulation and has considered the representations of the Debtor regarding the relief requested therein. The Interim Hearing was held before this Court on June 7, 2017. At the Interim Hearing, this Court heard and considered arguments by all parties that wished to be heard.

E. The relief requested in the Motion and the Stipulation is necessary in order to avoid immediate and irreparable harm pending the final hearing on the Motion contemplated by Fed. R. Bankr. P. 4001(b)(2) (the “**Final Hearing**”), 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 Motion is granted on an interim basis and the Stipulation is approved as an order of this Court on an interim basis, both subject to final approval at the Final Hearing.

2. Commencing on July 15, 2017, 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 Stipulation, insofar as they seek interim relief, are hereby overruled. All objections to the Motion and the Stipulation, insofar as they seek other

than interim relief, are hereby expressly preserved to the Final Hearing, *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 not later than two full business days before the Final Hearing (the “**Objection Deadline**”). The Final Hearing is hereby scheduled for **July 12, 2017 at 10:45 a.m.** before this Court. The Debtor shall serve notice thereof and of the Objection Deadline, together with 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: June 7, 2017



Melvin S. Hoffman
United States Bankruptcy Judge