



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

**The following constitutes the ruling of the court and has the force and effect therein described.**

**Signed November 6, 2017**

  
**United States Bankruptcy Judge**

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IN THE UNITED STATE BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE:

PLAZA BROADWAY RETAIL GROUP, LLC  
Debtor in Possession

Case no. 17-30266-bjh-11  
(Chapter 11)

**ORDER DENYING EMERGENCY MOTION FOR APPOINTMENT OF  
CHAPTER 11 TRUSTEE**

On October 27, 2017 this Court conducted a hearing on the Emergency Motion for Appointment of Chapter 11 Trustee (the “Motion”) filed by Vaquero Broadway Partners, LP (“Vaquero”). Based on the pleadings on file, including objections filed by Carlos Quintanilla (“Quintanilla”) and the debtor in possession, Plaza Broadway Retail Group, LLC (“PBRG” or the “Debtor”), the evidence adduced at the hearing, including testimony of Quintanilla and exhibits admitted into evidence this Court finds

- A. In this circuit, appointment of a chapter 11 trustee requires proof by clear and convincing evidence.

- B. Vaquero has not provided clear and convincing evidence that cause exists for the appointment of a chapter 11 trustee.
- C. The record indicates that the debtor has not complied with the transparency requirements of the bankruptcy code and such failure, if not remedied, could result in the appointment of a trustee. The debtor's principal is responsible for filing accurate schedules and statement of financial affairs. In this district, the debtor's principal's meet with the US Trustee's office right after the case is filed and they are given a set of requirements, which they sign. Those are his responsibilities, the debtor's responsibilities, which cannot be passed off to others.
- D. The terms of this Order shall be the final opportunity for the Debtor to fully comply with the duties of a chapter 11 debtor.
- E. Based on the foregoing and for additional reasons announced by this Court at the conclusion of the hearing on October 27, 2017,

IT IS ORDERED, ADJUDGED AND DECREED that the appointment of a chapter 11 trustee is DENIED without prejudice, subject to the provisions of this order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that commencing immediately the Debtor and all persons in custody or possession of any records of the Debtor shall provide immediate access to all non-privileged records and information of the Debtor, including electronically stored information or records (all such records and information in any format shall be the "Information"), to any party in interest in this case and/or the attorneys or accountants for any party in interest in this case provided that (a) any such party provide the Debtor's attorneys with reasonable notice of the request for Information and the date on which the Information is requested to be available for review and (b) that access to the information shall

be provided on the requested date at the Debtor's property located at 3161 Broadway Blvd., Garland, Texas during normal business hours in a location in which the information and records shall be reviewed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any party in interest requesting review of Information may obtain copies of such information, including scanning of Information of electronic copies of Information and may obtain such copying services from persons or parties other than the Debtor provided that such persons are compensated by the party requesting the information.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on or before November 3, 2017, the Debtor shall provide Micheal W. Bishop, attorney for various parties in this case, and Richard W. Ward with copies of every document granting any person or entity other than the Debtor any right to occupy or use any portion of the Property (the "Leases").

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on or before November 6, 2017, Quintanilla shall cause the Debtor to file amended (a) schedules of assets and liabilities and (b) statement of financial affairs with complete and accurate information.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that within (5) five business days from the date Debtor files its year 2016 Federal Income Tax Return, Debtor shall provide a copy to Micheal Bishop, Richard Ward and the office of the United States Trustee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED if any party in interest in this case asserts that the Debtor has failed to fully comply with the terms of this order, that party in interest shall be entitled to (a) file a motion specifying the grounds on which the Debtor has failed to comply with the terms of this Order; (b) and obtain a hearing on such motion before the Honorable Harlin D. Hale, United States Bankruptcy Judge.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that despite the foregoing paragraph, this case shall remain assigned to the Honorable Barbara J. Houser, Chief United States Bankruptcy Judge.

###END OF ORDER###

Order Prepared by

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