



**Dated: October 27, 2017**

**The following is ORDERED:**

Sarah A Hall  
United States Bankruptcy Judge

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

In re: )  
)  
EATERIES, INC., et al.<sup>1</sup> ) Case No. 17-11444-SAH  
)  
Debtors. ) Chapter 11  
) Jointly Administered

**ORDER VACATING ORDER (A) AUTHORIZING AND APPROVING  
(I) THE ASSET PURCHASE AGREEMENT; (II) THE SALE OF THE DEBTOR'S  
ASSETS FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES AND  
INTERESTS; AND (III) THE ASSUMPTION AND ASSIGNMENT OF CERTAIN  
EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND  
(B) GRANTING EXPEDITED RELIEF [DOC. 215]**

On October 26, 2017, the Court was notified by Debtors' counsel that not all interested parties were served with notice of Debtors' motion to sell assets free and clear and/or other related documents underlying the Court's Order (A) Authorizing and Approving (I) the Asset Purchase Agreement; (II) The Sale of the Debtor's Assets Free and Clear of All liens, Claims,

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<sup>1</sup>The Debtors are Eateries, Inc., Case No. 17-11444, and GRP of Zanesville, LLC, Case No. 17-11445. The chapter 11 cases are consolidated for procedural purposes and shall be jointly administered by the Court.

Encumbrances and Interests; and (III) The Assumption and Assignment of Certain Executory Contracts and Unexpired Leases; and (B) Granting Expedited Relief [Doc. 215] (the “Order”). Therefore, because required service of notice was not in compliance with the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court and/or the Court’s previous orders, the Order must be, and hereby is, VACATED.

IT IS SO ORDERED.

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## Notice Recipients

District/Off: 1087-5

User: tkan

Date Created: 10/27/2017

Case: 17-11444

Form ID: pdf003

Total: 120

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Eateries, Inc.	14504 Hertz Quail Springs Parkway	Oklahoma City, OK 73134
ust	United States Trustee	United States Trustee	215 Dean A. McGee Ave., 4th Floor Oklahoma City, OK 73102
aty	Crowe & Dunlevy P.C.	500 Kennedy Building	321 South Boston Avenue Tulsa, OK 74103-3313
aty	Lysbeth L George	Crowe & Dunlevy	Braniff Building 324 North Robinson Avenue, Suite 100 Oklahoma City, OK 73102
aty	Marjorie J. Creasey	US Trustee Office	215 Dean A McGee Avenue Oklahoma City, OK 73102
aty	Mark A. Craig	Crowe & Dunlevy	500 Kennedy Building 321 S. Boston Tulsa, OK 74103
aty	William H. Hoch	Crowe & Dunlevy	324 North Robinson Avenue, Suite 100 Oklahoma City, OK 73102
smg	Jolene M. Wise	Securities and Exchange Commission	175 W. Jackson Blvd., Suite 900 Chicago, IL 60604
smg	Internal Revenue Service	55 N Robinson Stop 5024	Oklahoma City, OK 73102
smg	Oklahoma Employment Security Commission	PO Box 53039	Oklahoma City, OK 73152-3039
5982630	*Fiesta Holdings, Inc.	14504 Hertz	Quail Springs Parkway Oklahoma City OK 73134
5982635	*First Insurance Funding	450 Skokie Blvd	Northbrook IL 60062
5982657	*Fresh Capital, LLC	14504 Hertz	Quail Springs Parkway Oklahoma City OK 73134
5983192	*Practical Investors, LLC	14504 Hertz	Quail Springs Parkway Oklahoma City OK 73134
6045236	*Kevin Blaney	Attorney for SpiritBank	P O Box 657 Oklahoma City, OK 73101-0657
6045237	*Eric G Odom	Attorney for SpiritBank	P O Box 657 Oklahoma City, OK 73101-0657
6045238	*Jared D. Giddens	Attorney for Fresh Capital, Practical In	& Fiesta Holdings Inc 1700 One Leadership Square 211 N Robinson Oklahoma City, OK 73102
6045239	*J Dillon Curran	Attorney for Fresh Capital, Practical In	& Fiesta Holdings Inc 1700 One Leadership Square 211 N Robinson Oklahoma City, OK 73102
6045240	*Jeffrey Kurtzman	Attorney for Susquehanna	Valley Mall Assoc 401 S 2nd St Ste 200 Philadelphia, PA 19147
6045241	*Richard T Davis	The Cafaro Co	5577 Youngstown Warren Rd Niles, OH 44446
5982279	*A & W PLUMBING & HEATING, INC	11 ALLIANCE AVE	MURPHYSBORO IL 62966
5982290	*Alabama Dept of Rev	P O Box 327790	Montgomery AL 36132-7790
5982301	*ALLIED REFRIGERATION INC	PO BOX 184	ANMOORE WV 26323
5996201	*CLEARVIEW MALL ASSOC	Dana Rapneth, Legal Department	1051 Brinton Road Pittsburgh PA 15221
5982822	*Illinois Dept of Revenue	100 W Randolph St	Chicago IL 60601-3274
5982823	*Internal Revenue Service	District Director	Chief SpF Stop 5024 55 No Robinson Oklahoma City OK 73102
6045252	*Jasper Retail Group	Jasper Mall Ofc	300 Hwy 78East Ste 204 Jasper, AL 35501
5983057	*Mississippi Dept of Rev	P O Box 22808	Jackson MS 39225-2808
6045255	*Missouri Dept of Revenue	301 W High St Rm 192	Jefferson City, MO 65101
5983109	*NITTANY CENTRE REALTY LLC	C/O NAMDAR REALTY GROUP	150 GREAT NECK RD STE 304 GREAT NECK NY 11021
5983117	*NORTH PARK MALL/JOPLIN	CBL #0684	PO BOX 955607 ST. LOUIS MO 63195-5607
5983124	*Ohio Dept of Taxation	P O Box 530	Columbus OH 43216-0530
5983159	*Pennsylvania Dept of Labo	Ofc of UC Tax Svcs	651 Boas St Harrisburg PA 17121-0750
5983160	*Pennsylvania Dept of Rev	Bureau of Business Trust	Fund Taxes P O Box 280901 Harrisburg PA 17128-0901
5983165	*PERFORMANCE FOOD GROUP	P O BOX 951080	DALLAS TX 75395-1080
5983191	*PR WASHINGTON CROWN LTD	MANAGEMENT OFFICE	1500 WEST CHESTNUT ST WASHINGTON PA 15301
5992058	*SUSQUEHANNA VALLEY MALL ASSOC	PO BOX 932172	CLEVELAND, OH 44193
5983438	*UNIVERSITY MALL	C/O NAMDAR REALTY GROUP	150 GREAT NECK RD STE 304 GREAT NECK NY 11021
5992109	*WEST VIRGINIA STATE TAX DEPT	1001 LEE STREET EAST	CHARLESTON, WV 25391
5982455	*CBL & Assoc Mgt Inc	101 N Range Line Rd	Joplin MO 64801
5982501	*Colony Square TEI Inv LLC	c/o Urab Retail Prop	3575 Maple Ave Zanesville OH 43701
5982602	*ECOLAB CHICAGO	PO BOX 70343	CHICAGO IL 60673
5982641	*Five Properties Holding	1651 Highway 1 South	Ste 21 Greenville MS 38701
5982679	*German American Capital	One Susquehanna Valley	Mall Drive Space 223 Selinsgrove PA 17870
5982834	*Jasper Mall Retail Group	300 Highway 78 E	Ste 344 Jasper AL 35501
5983025	*Meadowbrook Mall Co	2400 Meadowbrook Mall	Bridgeport WV 26330
5983083	*Morgantown Mall Assoc	Ltd Partnership	9801 Mall Road Morgantown WV 26501
5983110	*Nittany Centre Realty LLC	Nittany Nassim LLC	2901 E College Ave Ste 62 State College PA 16801
5983127	*Ohio Valley Mall Co	67800 Mall Rd Ste 695	Saint Clairsville OH 43950
5983392	*T Adrian Mall MI, LLC	1357 S Main St #1264	Adrian MI 49221
5983394	*T Danville Mall LLC	2917 N Vermilion St	Danville IL 61832
5983439	*University Mall Realty LL	c/o Namdar Realty Group	1237 E Main St Ste 1030 Carbondale IL 62901

5983467 \*Washington Crown Center Realty Holdings LLC 1500 W Chestnut St Ste 636 Washington PA 15301

5983468 \*Washington Park Mall LLC 2350 SE Washington Blvd # Bartlesville OK 74006

6045283 \*William C Liedtke III 14504 Hertz Quail Springs Pkwy Oklahoma City, OK 73134

6045284 \*Preston Stockton 14504 Hertz Quail Springs Pkwy Oklahoma City, OK 73134

5982288 \*Alabama Alcoholic Control Board 2715 Gunter Park Dr W Montgomery AL 36109

5982289 \*Alabama Dept of Labor Unempl Comp Div Montgomery AL 36131

5982371 \*Berkheimer Tax Adm HAB-EIT P O Box 25160 Lehigh Valley PA 18002

5982372 \*Berkheimer Tax Administra 325-A N Pottstown Pike Exton PA 19341-2290

5982459 \*Centre Tax Agency P O Box 437 State College PA 16804

5982474 \*City of Bridgeport 515 W Main St Bridgeport WV 26330

5982476 \*City of Danville Finance Dept 17 W Main Danville IL 61832

5982477 \*City of Jasper City Clerk's Ofc P O Box 1589 Jasper AL 35502

5982478 \*City of Westover 500 Dupont Rd Westover WV 26501

5982479 \*City of Zanesville Income Tax Dept 401 Market St Zanesville OH 43701-3576

5982821 \*Illinois Dept of Empl Sec 33 So State St 10th Fl Chicago IL 60603

5982888 \*Keystone Collections Grou P O Box 559 Irwin PA 15642

5982929 \*Laura Kiesling, Collector 550 Washington Rd Washington PA 15301

5983038 \*Michigan Dept of Treasury P O Box 30324 Lansing MI 48909-7824

5983039 \*Michigan Unempl Ins Agcy Tax Ofc-UIA 3024 W Grand Blvd Ste 11-500 Detroit MI 48202

5983056 \*Mississippi Dept of Empl MDES Tax Dept P O Box 22781 Jackson MS 39225-2781

5983058 \*Missouri Dept of Labor P O Box 59 Jefferson City MO 65104-0059

5983060 \*Missouri Div of Alcohol and Tobacco Control 1738 E Elm St Lower Level East Jefferson City MO 65101

5983068 \*Monroe Township 39 Municipal Dr Selinsgrove PA 17870

5983116 \*North Franklin Township Mercantile Attn Laura Kiesling, Coll 550 Washington Rd Washington PA 15301

5983123 \*Ohio Dept of Job and Family Svcs Contribution Section P O Box 182404 Columbus OH 43218-2404

5983125 \*Ohio Dept of Taxation P O Box 16158 Columbus OH 43216-0530

5983126 \*Ohio Dept of Taxation 4485 Northland Ridge Blvd Columbus OH 43229

5983128 \*OK ABLE Commission 3812 N Santa Fe Ave Ste 200 Oklahoma City OK 73118

5983129 \*Oklahoma Empl Sec Comm P O Box 53039 Oklahoma City OK 73152-3039

5983130 \*Oklahoma Tax Commission 100 N Broadway Ave Ste 15 Oklahoma City OK 73102

5983179 \*PLCB P O Box 8940 Harrisburg PA 17105-8940

5983216 \*Regional Income Tax Agenc 10107 Brecksville Rd Brecksville OH 44141

5991783 \*ILLINOIS LIQUOR CONTROL COMM 101 W. JEFFERSON - SUITE 3-525 SPRINGFIELD, IL 62702

5983343 \*St of Michigan Liquor Control Comm 525 W Allegan St P O Box 30005 Lansing MI 48909

5983344 \*St of Mississippi P O Box 897 340 Main St Greenville MS 38701

5992108 \*WEST VIRGINIA OFFICE OF ALCOHOLIC BEVERAGES 900 PENNSYLVANIA AVE. CHARLESTON, WV 25302

5983354 \*State of Ohio Dept of Commerce Div of Liquor Control 77 So High St 18th Fl Columbus OH 43215

5992134 \*WORKFORCE WEST VIRGINIA CAPITOL COMPLEX BLDG - RM 609 CHARLESTON, WV 25305

6045319 \*US Securities & Exchange Commission Office of Reorganization 950 E Paces Ferry Rd ste 900 Atlanta, GA 30326-1382

5982680 \*GGP WASHINGTON PARK MALL SDS-12-3056 PO BOX 86 MINNEAPOLIS MN 55486

5982285 \*ADRIAN MALL PO BOX 209277 AUSTIN TX 78720-9277

5982513 \*COREY BROTHERS INC P O BOX 166 CHARLESTON WV 25321

5982464 \*CHARLIE BROWNS 6205 N BRYANT AVE OKC OK 73121

5983309 \*SIRNA & SONS 7176 STATE RT 88 RAVENNA OH 44266

5982872 \*KEGEL'S PRODUCE 2851 OLD TREE DRIVE LANCASTER PA 17603

5983071 \*MONTEVERDE'S 2 RUTGERS ROAD BLDG B CRAFTON PA 15205

5983236 \*ROBERTSON PRODUCE 1530 BUSINESS PARK DRIVE CLINTON MS 39056

5982815 \*HUGHES, RYAN 8324 NW 143RD ST. OKLAHOMA CITY OK 73142

5982646 \*FORESTWOOD FARM P O BOX 310728 BIRMINGHAM AL 35231

5982698 \*GOUGH, KELLY 300 N HIGHWAY D ORONGO MO 64855

5982889 \*KHOSHABA, DAVID Y. 8570 WEST 101ST TERRACE APT 201 PALOS HILLS IL 60465

5982893 \*Kimball & Thompson Produce Co 305 S Lincoln LOWELL AR 72745

5991517 \*ADRIAN MECHANICAL SERVICES 953 W BEECHER ST ADRIAN, MI 49221

5982278 \*A & J REFRIGERATION LLC JAMES LLOYD RHODES JR 9731 HWY 43 SENECA MO 64865

5983514 \*WILLIAMS, CORD A. 115 NORTH 1ST PO BOX 96 ELKVILLE IL 62932

5982918 \*LA GRASSO BROTHERS P O BOX 2638 DETROIT MI 48202

5982999 \*MCCARTNEY PRODUCE CO PO BOX 219 PARIS TN 38242

5982604 \*ECOLAB PEST ELIMINATION 26252 NEWTWORK PLACE CHICAGO IL 60673-1262

5982661 \*FRONTIER PRODUCE 10060 E 52ND ST TULSA OK 74146

5982941 \*LEROSE, ANTHONY 18 HIGHLAND STREET WESTOVER WV 26501

5982649 \*FOSTER, STEVEN 1318 N ST MARY'S CIRCLE GREENVILLE MS 38703

5982775 \*HERITAGE PRESS PO BOX 1457 EL RENO OK 73036

5982491 \*COBURN, MATTHEW 316 E MAUMEE ST ADRIAN MI 49221-2908

5982909 \*KOERNER DISTRIBUTOR INC P O BOX 67 EFFINGHAM IL 62401

5983299 \*SHOES FOR CREWS INC P O BOX 504634 ST LOUIS MO 63150-4634

5983120 \*NUCO2 INC PO BOX 417902 BOSTON MA 02241-7902  
5982900 \*KITTLE, IAN M. 196 B STREET KEYSER WV 26726  
5982611 \*ELLIOTT FOOD EQUIPMENT 2224 WEST WILLOW ST LANSING MI 48917

TOTAL: 120