

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

In re:

LYDIA CLADEK, INC.,

Case No. 3:10-bk-02805-PMG

Debtor.

(Consolidated by Prior Court Order with Case  
No. 10-bk-02800-PMG)

**MOTION OF CHAPTER 11 TRUSTEE TO EXTEND THE CLAIMS BAR DATE**

Michael Phelan, as the Chapter 11 Trustee of the consolidated Chapter 11 cases of Lydia Cladek, Inc. (the "Chapter 11 Trustee"), pursuant to 11 U.S.C. § 105(a) and Rule 3003(c), Federal Rules of Bankruptcy Procedure, moves the Court for entry of an order extending the deadline for creditors to file proofs of claim, and in support thereof states as follows:

**Factual Background**

1. On April 2, 2010, several petitioning creditors filed an involuntary Chapter 11 petition against Lydia Cladek, Inc., case styled as *In re Lydia Cladek, Inc.*, Case No. 10-bk-02800-PMG, in the United States Bankruptcy Court, Middle District of Florida, Jacksonville Division (the "Involuntary Case").

2. Subsequently, on April 5, 2010, Lydia Cladek, Inc. ("LCI" or the "Debtor") filed the instant voluntary Chapter 11 petition, case styled as *In re Lydia Cladek, Inc.*, Case No. 10-bk-02805-PMG, in the United States Bankruptcy Court, Middle District of Florida, Jacksonville Division (the "Voluntary Case").

3. On April 7, 2010, several creditors filed an Emergency Motion to Consolidate the Involuntary and Voluntary Chapter 11 cases of Lydia Cladek, Inc. [Docket No. 13]

4. On April 7, 2010, several creditors filed an Emergency Motion to Appoint a Chapter 11 Trustee. [Docket No. 11]

5. On April 12, 2010, the Court entered its Order Granting Motion To Consolidate, consolidating the Voluntary and Involuntary Chapter 11 cases of the Debtor, and providing that the Voluntary Case, Case No. 10-02805, shall be the lead case. [Docket No. 32]

6. On April 12, 2010, the Court entered its Order Granting Motion to Appoint Chapter 11 Trustee (the "Appointment Order"). [Docket No. 31]

7. On April 13, 2010, the United States Trustee filed its Appointment of Chapter 11 Trustee and Setting Bond, and its Application for Approval to Appoint Michael Phelan as Chapter 11 Trustee. [Docket Nos. 44 and 46]

8. On April 13, 2010, Michael Phelan filed a Notice of Acceptance as Chapter 11 Trustee. [Docket No. 45]

9. On April 14, 2010, the Court entered its Order Approving Appointment of Chapter 11 Trustee and Setting of Bond. [Docket No. 47]

10. Incident to the filing of the Voluntary Case, on April 12, 2010, counsel for the former debtor-in-possession filed a Summary of Schedules on behalf of the Debtor [Docket No. 39]; however, those schedules were materially deficient.

11. Prior to the appointment of the Chapter 11 Trustee, on April 5, 2010, the Court entered its Notice of Commencement of Case, Section 341 Meeting of Creditors, and Fixing Deadlines, which established August 3, 2010, as the deadline for creditors to file proofs of claim (the "Claims Bar Date"). [Docket No. 9]

### **Relief Requested**

12. The Chapter 11 Trustee requests that the Court enter an order providing a 90-day extension of the Claims Bar Date, without prejudice to the Chapter 11 Trustee's right to seek further extensions as the circumstances may warrant.

13. Rule 3003(c)(3), Federal Rules of Bankruptcy Procedure, provides that "[t]he court shall fix and for cause shown may extend the time within which proofs of claim or interest may be filed." Fed. R. Bankr. P. 3003(c)(3).

14. In light of the complexity of the Involuntary and Voluntary Chapter 11 Cases and the thousands of creditors of the Debtor, and in order to correct the deficiencies of the previously filed schedules, the Chapter 11 Trustee has prepared amended schedules of the Debtor and is filing the amended schedules contemporaneously herewith.

15. In preparing the amended schedules, the Chapter 11 Trustee has worked diligently to assemble the necessary information to identify all known creditors of the Debtor in order to ensure that all creditors receive proper notice.

16. As a consequence of filing the amended schedules, the Chapter 11 Trustee submits that ample cause exists for an extension of the Claims Bar Date in order to ensure reasonable notice to all creditors of their rights and obligations in connection with claims they may assert against the Debtor.

WHEREFORE, the Chapter 11 Trustee respectfully requests the entry of an order, in substantially the form attached hereto as Exhibit A, extending the Claims Bar Date 90 days, and granting such other relief as the Court deems just and proper.

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Dated: July 30, 2010.

AKERMAN SENTERFITT

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished either by electronic notification or U.S. mail, this 30th day of July, 2010 to all parties on the attached Amended Official Service list.

/s/ Steven R. Wirth

Attorney

Lydia Cladek, Inc.  
Case No.: 3:10-bk-2805-PMG  
**AMENDED OFFICIAL SERVICE LIST**  
**(amended as of July 30, 2010)**

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LYDIA CLADEK, INC.,

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Debtor.

(Consolidated by Prior Court Order with Case  
No. 10-bk-02800-PMG)

**ORDER GRANTING MOTION OF CHAPTER 11 TRUSTEE TO EXTEND  
THE CLAIMS BAR DATE**

This Chapter 11 case is before the Court upon the motion of Michael Phelan, as the Chapter 11 Trustee of the consolidated Chapter 11 cases of Lydia Cladek, Inc. (the "Chapter 11 Trustee"), seeking the entry of an order extending the deadline for creditors to file proofs of claim (the "Claims Bar Date"). Upon consideration of the Motion, and sufficient cause appearing, it is

ORDERED:

1. The Motion is granted.
2. The Claims Bar Date shall be extended through and including November 1, 2010.
3. This Order is entered without prejudice to the Chapter 11 Trustee's right to seek further extensions of the Claims Bar Date as the circumstances may warrant.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2010, in Jacksonville, Florida.

\_\_\_\_\_  
Paul M. Glenn  
Chief United States Bankruptcy Judge

Copies furnished to:  
All Interested Parties