## IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

In re:	Chapter 11
IGNITE RESTAURANT GROUP, INC., et al., 1	Case No. 17-33550
)	
Debtors.	(Jointly Administered)

## NOTICE OF DESIGNATION AS ASSIGNED CONTRACTS AND HEARING ON ASSIGNMENT AND ASSUMPTION

## PLEASE TAKE NOTICE OF THE FOLLOWING:

- 1. On August 17, 2017, the United States Bankruptcy Court for the Southern District of Texas (the "Bankruptcy Court") entered the Order (A) Approving Asset Purchase Agreement and Authorizing the Sale of Assets of the Debtors Outside the Ordinary Course of Business, (B) Authorizing the Sale of Assets Free and Clear of All Liens, Claims, Encumbrances and Interests, (C) Authorizing the Assumption and Sale and Assignment of Certain Executory Contracts and Unexpired Leases, and (D) Granting Related Relief [Docket No. 615] (the "Sale Order").
- 2. On August 29, 2017, the Debtors closed the sale of substantially all of their assets pursuant to that certain Asset Purchase Agreement by and among the Debtors and Landry's, Inc., dated as of August 11, 2017 (the "Asset Purchase Agreement"). A copy of the Asset Purchase Agreement was filed with the Court as Exhibit A to the *Notice of Asset Purchase Agreement* [Docket No. 561]. Capitalized terms used herein but not otherwise defined shall have the meaning given to such terms in the Asset Purchase Agreement.
- 3. As provided for by the Sale Order and the Agreed Order Extending the DRA Deadline for Certain Locations under the Sale Order [Docket No. 797], the Purchaser may, at any time and from time to time through (and including) November 15, 2017, notify the Sellers to include in the definition of Assigned Contracts, any of the Contracts listed as Designation Rights Assets. On September 5, 2017, the Debtors filed the Notice of Designation Rights Assets and Assigned Contracts [Docket No. 666], which listed, among other things, the Contracts listed on Exhibit A (the "Leases") hereto as Designation Rights Assets.

<sup>&</sup>lt;sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number (if any), are: Ignite Restaurant Group, Inc. (1359); Ignite Restaurant Group – RSC LLC (1791); Joe's Crab Shack, LLC (4189); Joe's Crab Shack – Redondo Beach, Inc. (5107); BHTT Entertainment, LLC (9818); Ignite Restaurants – New Jersey, LLC (5907); Joe's Crab Shack – Maryland, LLC (5297); Joe's Crab Shack – Anne Arundel MD, LLC (9318); Brick House Development, LLC (2944); JCS Monmouth Mall – NJ, LLC (3509); JCS Development LLC (4235). The Debtors' service address is: 10555 Richmond Avenue, Houston, Texas 77042.

- 4. The Purchaser, through its assigns, has assigned certain of its rights under the Asset Purchase Agreement to KRG BHTT, LLC and KRG JCS, LLC (the "<u>Assignees</u>") with respect to Leases.
- 5. As of the filing of this notice, the Assignees have notified the Debtors of their election to include the Leases within the definition of Assigned Contracts pursuant to <u>Section 7.5(d)</u> of the Asset Purchase Agreement.
- 6. A hearing to consider the authorization of the assumption and assignment of the Leases to the applicable Assignee as indicated on <u>Exhibit A</u>, subject to the terms and conditions of the Sale Order and the Asset Purchase Agreement, will commence on <u>November 29, 2017 at 9 a.m.</u>, prevailing Central time (the "<u>Hearing</u>"), before the Honorable David R. Jones, United States Bankruptcy Court for the Southern District of Texas, 515 Rusk Avenue, Courtroom 400, Houston, Texas 77002. The Hearing may be continued from time to time by announcing such continuance in open court or otherwise, without further notice to parties in interest.
- 7. The Sale Order and the Motion are available free of charge by visiting www.gardencitygroup.com/cases/IRG. You may also obtain copies of any pleadings filed in these chapter 11 cases by visiting the Court's website at https://ecf.txsb.uscourts.gov in accordance with the procedures and fees set forth therein.

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Date: November 15, 2017

Houston, Texas

Respectfully submitted,

KING & SPALDING LLP

/s/ Edward L. Ripley\_

Edward L. Ripley (Texas Bar No. 16935950)

1100 Louisiana Street, Suite 4000

Houston, Texas 77002 Telephone: 713-751-3200 Facsimile: 713-751-3290 Email: ERipley@kslaw.com

-and-

Sarah R. Borders (admitted *pro hac vice*) Jeffrey R. Dutson (admitted *pro hac vice*) Elizabeth T. Dechant (admitted *pro hac vice*) 1180 Peachtree Street, NE

Atlanta, Georgia 30309 Telephone: 404-572-4600 Email: SBorders@kslaw.com

JDutson@kslaw.com EDechant@kslaw.com

Counsel for the Debtors and Debtors-in-Possession

## Exhibit A

The following real property leases have been designated as Assigned Contracts by KRG JCS, LLC:

<b>Store</b>	<u>Unit</u>	<b>Location</b>	<b>Landlord</b>
Joe's Crab Shack	Aurora	14025 E Evans Ave. Aurora, CO 80014	Marc A. Robinson Trust
Joe's Crab Shack	Beaumont	3825 Interstate 10 South Beaumont, TX 77705	Spirit Master Funding, LLC
Joe's Crab Shack	Cedar Hill	735 N Hwy 67 Cedar Hill, TX 75104	PRTC Pleasant Run Towne Crossing, L.P.
Joe's Crab Shack	Columbus	3720 W Dublin Granville Rd. Columbus, OH 43235	JSD Sawmill, LLC
Joe's Crab Shack	Mesquite	1340 N Peachtree Rd. Mesquite, TX 75149	Rutter and Wilbanks Corporation
Joe's Crab Shack	Westminster	8911 N. Yates St. Westminster, CO 80031	ARC JCWSTO001, LLC

The following real property leases have been designated as Assigned Contracts by KRG BHTT, LLC:

<u>Store</u>	<u>Unit</u>	<b>Location</b>	<u>Landlord</u>
Brick House Tavern and Tap	Chesterfield	2 McBride & Son Center Dr. Chesterfield, MO 63005	JCS Chesterfield, LLC
Brick House Tavern and Tap	Grapevine	700 W State Hwy 114 Grapevine, TX 76051	Mcgrape, LP