

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

IN RE:	§	
	§	
COUNTRY FRESH HOLDING COMPANY, INC., et. al.¹	§	Case No.: 21-30574
	§	
Debtors.	§	
	§	Jointly Administered

**CHAPTER 7 TRUSTEE’S *EXPEDITED* MOTION
TO ESTABLISH ADMINISTRATIVE EXPENSE BAR DATE
FOR 11 U.S.C. § 503(b) CLAIMS ARISING BEFORE JUNE 21, 2021**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

¹ The Debtors in these Chapter 7 cases and the last four digits of each Debtors’ taxpayer identification number are as follows: Country Fresh Holding Company Inc. (7822); Country Fresh Midco Corp. (0702); Country Fresh Acquisition Corp. (5936); Country Fresh Holdings, LLC (7551); Country Fresh LLC (1258); Country Fresh Dallas, LLC (7237); Country Fresh Carolina, LLC (8026); Country Fresh Midwest, LLC (0065); Country Fresh Orlando, LLC (7876); Country Fresh Transportation LLC (8244) CF Products, LLC (8404) Country Fresh Manufacturing, LLC (7839); Champlain Valley Specialty of New York, Inc. (9030); Country Fresh Pennsylvania, LLC (7969); Sun Rich Fresh Foods (NV) Inc. (5526); Sun Rich Fresh Foods (USA) Inc. (0429); and Sun Rich Fresh Foods (PA) Inc. (4661). The Debtors’ principal place of business is 3200 Research Forest Drive, Suite A5, The Woodlands, TX, 77381.

***** Expedited consideration is requested as soon as the Court's calendar will allow.**

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

TO THE HONORABLE MARVIN ISGUR, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Janet S. Northrup, the Chapter 7 Trustee (the "**Trustee**") of the bankruptcy estate of Country Fresh Holding Company, Inc *et. al.* ("**Country Fresh**" or "**Debtors**"), Debtors in the above-styled Chapter 7 case (the "**Case**"), and files this *Chapter 7 Trustee's Expedited Motion To Establish Administrative Expense Bar Date For 11 U.S.C. § 503(b) Claims Arising Before June 21, 2021* (the "**Motion**") and represents as follows:

Summary of Relief Requested

1. Trustee requests that the Court establish a deadline of August 31, 2021 for parties to file motions seeking approval of administrative expense claims under 11 U.S.C. § 503(b) which arose prior to June 21, 2021.

Jurisdiction

2. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. §§ 157(b)(2)(A), (B) and (O). The relief requested herein is authorized under Sections 105 and 503 of the Bankruptcy Code.

Background

3. On February 15, 2021 (the “**Petition Date**”), the Debtors filed a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code.²

4. The Debtors operated as a debtor-in-possession from February 15, 2021 until June 21, 2021, when the Court entered its order of conversion to Chapter 7—*Order (I) Authorizing and approving the Conversion of the Chapter 11 Cases, (II) Extending the Designation Rights Period, and (III) Granting Related Relief* [Docket No. 719] (the “**Conversion Order**”). Thereafter, Janet S. Northrup was appointed as the Chapter 7 Trustee.

5. The initial 341 Meeting of Creditors is scheduled for July 22, 2021.

Requested Relief

6. The Trustee requests that the Court enter an order establishing a deadline of August 31, 2021 for filings seeking approval of administrative expense claims under 11 U.S.C. § 503(b) that arose prior to the Trustee’s appointment on June 21, 2021 (the “**Administrative Expense Bar Date**”). The Administrative Expense Bar Date will apply to both non-governmental creditors and governmental units.

7. The proposed Administrative Expense Bar Date will assist the Trustee in analyzing claims and administering the Chapter 7 estate.

Prayer

Wherefore, premises considered, Trustee requests the Court enter the attached order setting the Administrative Bar Date and for such further and other relief as the Court deems just.

² Additional information about the Debtors and their business can be found in the *Declaration of Stephen Marotta in Support of First-Day Motions* filed at Docket No. 18 in this Case.

Dated July 15, 2021

Respectfully Submitted,

/s/ Heather Heath McIntyre

Wayne Kitchens TBN 11541110

wkitchens@hwa.com

Heather McIntyre TBN 24041076

hmcintyre@hwa.com

Hughes Watters Askanase, LLP

Total Plaza

1201 Louisiana St, 28th Floor

Houston, TX 77002

Phone: (713) 759-0818

Facsimile: (713) 759-6834

PROPOSED ATTORNEYS FOR TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 15, 2021, a true and correct copy of the foregoing document was served on

- (i) parties receiving ECF notice via ECF in the above-referenced case;
- (ii) parties listed on the attached Master Service List via first-class, U.S. mail, postage prepaid to the extent not sent via ECF;
- (iii) parties listed on the attached Service List of All Executory Contracts via first-class, U.S. mail, postage prepaid to the extent not sent via ECF; and
- (iv) parties listed on the attached Service List of Unpaid Debts per Docket No. 761 via first-class, U.S. mail, postage prepaid to the extent not sent via ECF.

/s/ Heather Heath McIntyre

Heather Heath McIntyre