

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

EARTH FARE, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 20-10256 (KBO)

(Jointly Administered)

**CERTIFICATION OF COUNSEL REGARDING PROPOSED ORDER
APPROVING STIPULATION GRANTING CURTIS PEASE
LIMITED RELIEF FROM THE AUTOMATIC STAY AND THE PLAN INJUNCTION**

The undersigned hereby certifies as follows:

On February 4, 2020 (the “**Petition Date**”), Earth Fare, Inc. (“**Earth Fare**”) and EF Investment Holdings, Inc. (collectively, the “**Debtors**”), the debtors and debtors in possession in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the District of Delaware (the “**Bankruptcy Court**”). The Debtors’ *Combined Disclosure Statement and Joint Chapter 11 Plan of Liquidation* was confirmed by the Bankruptcy Court on June 29, 2021 [Docket No. 655].

Subsequent to the Petition Date, counsel for Curtis Pease (the “**Claimant**”) requested that the Debtors consent to the Bankruptcy Court’s entry of an order modifying the automatic stay and the Plan Injunction to permit the Claimant to proceed against the Debtors’ applicable insurance policies in satisfaction of his claim for personal injuries sustained at one of the Debtors’ premises (the “**Request**”). The Debtors and the Claimant worked together to address the Request, and have resolved the same through agreement to the entry of the proposed form of

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Earth Fare, Inc. (3936) and EF Investment Holdings, Inc. (8084). The mailing address for each of the Debtors is P.O. Box 1389, Fletcher, North Carolina 28732.

order attached hereto as Exhibit A (the “**Proposed Order**”) approving that certain *Stipulation Granting Curtis Pease Limited Relief From the Automatic Stay and Plan Injunction* (the “**Stipulation**”)² by and among the Claimant and the Debtors, a copy of which is attached to the Proposed Order as Exhibit 1.

The Debtors respectfully submit that entry of the Proposed Order approving the Stipulation is appropriate and consistent with the Debtors’ discussions with the Claimant. Counsel for the Claimant has consented to the Court’s entry of the Proposed Order.

Accordingly, the Debtors respectfully request that the Court enter the Proposed Order at its earliest convenience without further notice or a hearing.

Dated: October 18, 2021
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Shane M. Reil

Pauline K. Morgan (No. 3650)

M. Blake Cleary (No. 3614)

Sean T. Greecher (No. 4484)

Shane M. Reil (No. 6195)

Rodney Square

1000 North King Street

Wilmington, DE 19801

Telephone: (302) 571-6600

Facsimile: (302) 571-1253

EF@ycst.com

*Counsel to the Debtors
and Debtors-in-Possession*

² Capitalized terms used but not otherwise defined herein shall have the meanings given to such terms in the Stipulation.