

ENTERED

November 24, 2021

Nathan Ochsner, Clerk

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

In re:)	
)	Chapter 7
COUNTRY FRESH HOLDING COMPANY)	
INC., <i>et. al.</i> , ¹)	Case No. 21-30574
)	
)	(Jointly Administered)
)	
)	

**AMENDED STIPULATION AND AGREED ORDER REGARDING THE REQUEST
FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM OF
IRON MOUNTAIN INFORMATION MANAGEMENT, LLC**

This stipulation and agreed order (“Stipulation and Agreed Order”) regarding the Request for Allowance and Payment of Administrative Expense Claim of Iron Mountain Information Management, LLC. (“Claimant”) is by and between Janet, Northup, Chapter 7 Trustee (“Trustee”) for the bankruptcy estate of Country Fresh Holding Company Inc., *et al.* (“Debtors”), and Claimant (Claimant and the Trustee on behalf of the Debtors are the “Parties”). The Parties hereby stipulate and agree as follows:

RECITALS

WHEREAS, on June 21, 2021, the Court entered an *Order (I) Authorizing and Approving the Conversion of the Chapter 11 Cases, (II) Extending the Designation Rights Period, and (III) Granting Related Relief* at Docket No. 719;

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: 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 (NC) Inc. (5526), Sun Rich Fresh Foods (USA) Inc. (0429), Sun Rich Fresh Foods (PA) Inc. (4661). The Debtors’ principal place of business is 3200 Research Forest Drive, Suite A5, The Woodlands, TX, 77381.

WHEREAS, on June 21, 2021, the Trustee was appointed as the Chapter 7 Trustee in the above-referenced case;

WHEREAS, Claimant is a Delaware corporation engaged in the business of, *inter alia*, storing business records and providing services such as removal and destruction of records for entities such as the Debtors;

WHEREAS, the Debtors have certain accounts with Claimant, one of which, is comprised of 1,830 cubic feet of hardcopy records in 1,525 boxes ("Records").

WHEREAS, on September 15, 2021, the Trustee filed a *Notice of Abandonment of All Property of the Debtors' Bankruptcy Estates Currently Held or Stored by Iron Mountain and Public Storage Filed by Janet S Casciato-Northrup* ("Notice of Abandonment") at Docket No. 969;

WHEREAS, the Notice of Abandonment stated that the Trustee intended to abandon all Records, which would have included documents such as invoices, financial reports, tax documents and employee records.

WHEREAS, these Records include personal identifying information and/or confidential consumer information and as such, the Records must be securely destroyed in compliance with state and federal laws.

WHEREAS, the Notice of Abandonment did not provide for any compensation to Claimant for such secure destruction.

WHEREAS, Claimant has asserted a claim for storage and eventual destruction of the Records belonging to the Debtors for post-petition periods from between June 30, 2021 and September 24, 2021 in the amount of \$48,795.96;

WHEREAS, on September 24, 2021, Claimant provided a Termination Worksheet detailing Claimant's proposed charges;

WHEREAS, the Trustee has had an opportunity to review the Termination Worksheet;

WHEREAS, Trustee has disputed the amount of this claim;

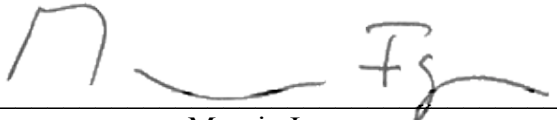
WHEREAS, Claimant did not object to the Notice of Abandonment due to the negotiations, the Records have been deemed abandoned on September 29, 2021; and

WHEREAS, through negotiation, the Parties have reached an agreement regarding the request for allowance and payment of Claimant's administrative expense claim in the full and final amount of \$20,000.00.

**NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED
AS FOLLOWS:**

1. Claimant shall have an allowed administrative expense claim pursuant to 11 U.S.C. § 503(b)(1) against Country Fresh LLC in the amount of \$20,000.00;
2. Payment of Claimant's allowed administrative claim shall be made at such time as distributions are made to other administrative creditors, and in accordance with the priorities under the Bankruptcy Code;
3. Claimant is hereby authorized and directed to securely destroy all the Records in the manner and on the timeline it determines appropriate in its sole discretion; and
4. The Debtors, Trustee, and Claimant are authorized to take all actions as are necessary or appropriate to implement the terms of this Stipulation and Agreed Order.

Signed: November 24, 2021


Marvin Isgur
United States Bankruptcy Judge

AGREED AND ACCEPTED:

Hughes Watters Askanase, LLP

By: /s/ Wayne Kitchens

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