



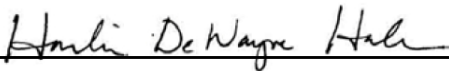
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed August 4, 2020


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:	§	Chapter 11
	§	
Tuesday Morning Corporation, <i>et al.</i> , ¹	§	Case No. 20-31476
	§	
Debtors.	§	Jointly Administered

**ORDER GRANTING DEBTORS' MOTION FOR ENTRY OF AN ORDER
(I) AUTHORIZING THE DEBTORS TO REJECT CERTAIN UNEXPIRED
NONRESIDENTIAL REAL PROPERTY LEASES RELATED TO
CLOSING STORE NOS. 657 AND 1176 EFFECTIVE AS OF THE
SURRENDER DATE AND (II) GRANTING RELATED RELIEF**

Upon the *Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Reject
Certain Unexpired Nonresidential Real Property Leases Related to Closing Store Nos. 657 and*

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: Tuesday Morning Corporation (8532) ("TM Corp."); TMI Holdings, Inc. (6658) ("TMI Holdings"); Tuesday Morning, Inc. (2994) ("TMI"); Friday Morning, LLC (3440) ("FM LLC"); Days of the Week, Inc. (4231) ("DOTW"); Nights of the Week, Inc. (7141) ("NOTW"); and Tuesday Morning Partners, Ltd. (4232) ("TMP"). The location of the Debtors' service address is 6250 LBJ Freeway, Dallas, TX 75240.

1176 Effective as of the Surrender Date and (II) Granting Related Relief the “Motion”² of Tuesday Morning Corporation, *et al.* (collectively, the “Debtors”); and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and the *Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc*, Miscellaneous Rule No. 33 (N.D. Tex. Aug. 3, 1984); and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion; and the Court having held a hearing on the Motion; and all objections, if any, to the Motion have been withdrawn, resolved, or overruled; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. Pursuant to Bankruptcy Code § 365, the leases included on Exhibit B to the Motion, which has been attached to this Order as Exhibit A (collectively, the “Leases”) shall be deemed rejected effective as of the Surrender Date without further order of the Court and without the need for further action by the Debtors or any other party.
3. Pursuant to Bankruptcy Code § 554, any property remaining on the premises of the Leases as of the Surrender Date shall be deemed abandoned as of the Surrender Date,

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

including, without limitation, equipment, fixtures, furniture, and other personal property that may be located on, or have been installed in, the premises that are the subject of the Leases.

4. Nothing in this Order authorizes the Debtors to abandon personal identifying information (which means information which alone or in conjunction with other information identifies an individual, including but not limited to an individual's first name (or initial) and last name, physical address, electronic address, telephone number, social security number, date of birth, government-issued identification number, account number and credit or debit card number (the "PII") of any employee or any customer. Nothing in this Order relieves the Debtors' of their obligation to comply with state or federal privacy and/or identity theft prevention laws and rules with respect to PII.

5. Prior to abandonment of any personal property, the Debtors shall remove or cause to be removed any confidential and/or PII in any of the Debtors' hardware, software, computers, cash registers, or similar equipment which are to be abandoned or otherwise disposed of so as to render the PII unreadable or undecipherable.

6. Notwithstanding any other provision of this Order, (A) the Debtors may not abandon, and are directed to remove, any personal property that is not property of the Debtors or property of the landlord of the location at which such personal property is abandoned, and (B) the Debtors are not authorized to abandon, and are directed to remove, any hazardous materials as defined under applicable law from any leased premises as and to the extent they are required to do so by applicable law.

7. The landlords may, in their sole discretion and without further notice or order of this Court, utilize and/or dispose of any abandoned property without liability to the Debtors or

third parties and, to the extent applicable, the automatic stay is modified to allow such disposition.

8. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

END OF ORDER

Submitted by:

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ATTORNEYS FOR DEBTORS

EXHIBIT A**Rejected Store Locations**

Lease	Address	Landlord
Store No. 657, Non-Residential Real Property	3860-2 Broad Street, Suite 1 San Luis Obispo, CA 93401	DS Marigold LP 5082 N. Palm Ave, Suite A ATTN: Property Manager Fresno, CA 93704
Store No. 1176, Non-Residential Real Property	3170 Santa Rita Rd. Pleasanton, CA	Santa Rita Square I, LLC c/o Cardoza Properties, Inc. 101 Ellinwood Dr. Pleasant Hill, CA 94523