



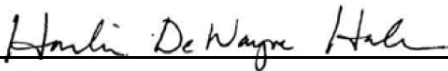
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

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 September 15,
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 (I) AUTHORIZING THE DEBTORS TO REJECT CERTAIN
EXECUTORY CONTRACTS AND/OR UNEXPIRED NON-
RESIDENTIAL REAL PROPERTY LEASES EFFECTIVE AS OF THE
REJECTION DATE, (II) ABANDONING PERSONAL PROPERTY, AND
(III) GRANTING RELATED RELIEF**

Upon the *Debtors' Notice No. 6 of Rejection of Certain Executory Contracts and/or Unexpired Leases* dated August 26, 2020 (the "Rejection Notice No. 6")² of Tuesday Morning Corporation, *et al.* (collectively, the "Debtors"); and the Debtors having followed the procedures

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.

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

set forth in the Procedures Motion and any subsequent order approving the Procedures Motion;³ and the Court having jurisdiction to approve the rejections 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 Rejection Notice 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 Rejection Notices having been provided, and it appearing that no other or further notice need be provided; and the Court having reviewed the Rejection Notice; and all objections, if any, to the Rejection Notice have been withdrawn, resolved, or overruled; and the Court having determined that the legal and factual bases set forth in the Procedures 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. Pursuant to Bankruptcy Code § 365, the contracts and/or leases included on **Schedule 1** (collectively, the “Contracts”) shall be deemed rejected effective as of the Rejection Date listed on **Schedule 1** without further order of the Court and without the need for further action by the Debtors or any other party.

2. Pursuant to Bankruptcy Code § 554, any property remaining on the premises of the Leases as of the Rejection Date shall be deemed abandoned as of the Rejection Date, 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.

³ “Procedures Motion” means the *Debtors’ Motion for Entry of an Order (I) Authorizing and Approving Procedures to Reject or Assume Executory Contracts and Unexpired Leases, (II) Abandoning Property as Rejected Premises, and (III) Granting Related Relief* [Docket No. 415].

3. 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.

4. 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.

5. Notwithstanding any other provision of this Order, (A) the Debtors may not abandon, and are directed to remove, on or before the Rejection Date, 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.

6. 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.

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

END OF ORDER

Submitted by:

HAYNES AND BOONE, LLP

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ATTORNEYS FOR DEBTORS

SCHEDULE 1**Rejected Contracts**

Counterparty	Debtor Counterparty	Description of Contract¹	Abandoned Personal Property	Rejection Date
Asana Partners, LLC Attn: Property Management- Oswego Village 802 Gervais Street, Suite 200 Columbia, SC 29201	Tuesday Morning, Inc.	Store No. 454 Non-Residential Real Property Lease Location: 101 S. State St. Lake Oswego, OR 97034-3965	Store signage and misc. FF&E	08/31/20
Baker Katz 3700 Buffalo Speedway Suite 400 Houston, TX 77098	Tuesday Morning, Inc.	Store No. 951 Non-Residential Real Property Lease Location: 28519 Tomball Pkwy. Tomball, TX 77375- 4545	Store signage and misc. FF&E	08/31/20
Bernard Shaw 3102 Maple Avenue Suite 500 Dallas, TX 75201	Tuesday Morning, Inc.	Store No. 417 Non-Residential Real Property Lease Location: 12817 Preston Rd. Dallas, TX 75230- 7205	Store signage and misc. FF&E	08/31/20
Brad Sanditen 3314 East 51st Street Suite 200 ^a Tulsa, OK 74135	Tuesday Morning, Inc.	Store No. 768 Non-Residential Real Property Lease Location: 816 S. Aspen Ave. Broken Arrow, OK 74012-4803	Store signage and misc. FF&E	08/31/20

¹ The inclusion of a Contract on this list does not constitute an admission as to the executory or non-executory nature of the Contract, or as to the existence or validity of any claims held by the counterparty or counterparties to such Contract.

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
Brixmor Property Group Attn: Vice President of Legal Services 1525 Faraday Avenue Suite 350 DALL-61 Carlsbad, CA 92008	Tuesday Morning, Inc.	Store No. 61 Non-Residential Real Property Lease Location: 3333 Preston Rd. Suite 1300 Frisco, TX 75034-9155	Store signage and misc. FF&E	08/31/20
Brixmor Property Group Attn: VP of Legal Services 1003 Holcomb Woods Parkway Roswell, GA 30076	Tuesday Morning, Inc.	Store No. 1114 Non-Residential Real Property Lease Location: 3772 N. Federal Hwy. Lighthouse Point, FL 33064-6610	Store signage and misc. FF&E	08/31/20
Centre Properties 9333 N Meridian Street Suite 275 Indianapolis, IN 46260	Tuesday Morning, Inc.	Store No. 456 Non-Residential Real Property Lease Location: 8628 E. 96th Street Fishers, IN 46038-9626	Store signage and misc. FF&E	08/31/20
Daniel Burns 24910 John Freemont Rd. Hidden Hills, CA 91302	Tuesday Morning, Inc.	Store No. 1008 Non-Residential Real Property Lease Location: 1500 Court St. Seguin, TX 78155-5267	Store signage and misc. FF&E	08/31/20
Denny Elwell Co. Attn: Blaine Tuttle 2401 SE Tones Dr # 17 Ankeny, IA 50021	Tuesday Morning, Inc.	Store No. 647 Non-Residential Real Property Lease Location: 1802 SE Delaware Ave., Suite 110a Ankeny, IA 50021-5603	Store signage and misc. FF&E	08/31/20

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
Equity One (Florida Portfolio) LLC Attn: Legal Department 1600 N.E. Miami Gardens Drive North Miami Beach, FL 33179	Tuesday Morning, Inc.	Store No. 1229 Non-Residential Real Property Lease Location: 19189 B South Dixie Hwy. Cutler Bay, FL 33157-7705	Store signage and misc. FF&E	08/31/20
Flaum Mgmt Company Inc. 400 Andrews St., Suite 500 Rochester, NY 14604	Tuesday Morning, Inc.	Store No. 1120 Non-Residential Real Property Lease Location: 756 Upper Glen St. Suite 4 Queensbury, NY 12804-2029	Store signage and misc. FF&E	08/31/20
General Manager 10315 Silverdale Way NW Silverdale, WA 98383	Tuesday Morning, Inc.	Store No. 859 Non-Residential Real Property Lease Location: 10300 Silverdale Way NW Silverdale, WA 98383-7990	Store signage and misc. FF&E	08/31/20
GFD Management Inc. Attn: Executive VP 6350 Quadrangle Drive Ste 205 Fayetteville, NC 29305	Tuesday Morning, Inc.	Store No. 695 Non-Residential Real Property Lease Location: 1800 Skibo Rd. Fayetteville, NC 28303-3280	Store signage and misc. FF&E	08/31/20
Hillside Village Attn: General Manager 305 W. FM 1382 Suite 590 Cedar Hill, TX 75104	Tuesday Morning, Inc.	Store No. 954 Non-Residential Real Property Lease Location: 305 W. FM 1382 Suite 548 Cedar Hill, TX 75104-1893	Store signage and misc. FF&E	08/31/20

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
Hilton Realty 902 Carnegie Center, Ste 400 Princeton, NJ 08540	Tuesday Morning, Inc.	Store No. 512 Non-Residential Real Property Lease Location: 1325 US Hwy. 206 Suite 6 Skillman, NJ 08558-1922	Store signage and misc. FF&E	08/31/20
Horizon Marketplace, LLC 8978 Spanish Ridge Suite 101 Las Vegas, NV 89148	Tuesday Morning, Inc.	Store No. 532 Non-Residential Real Property Lease Location: 10624 S. Eastern Ave. Henderson, NV 89052-2983	Store signage and misc. FF&E	08/31/20
J&B Building Company Attn: Matt Landes 8933 E. Union Ave. #216 Greenwood Village, CO 80111	Tuesday Morning, Inc.	Store No. 896 Non-Residential Real Property Lease Location: 560 S. Holly St. Denver, CO 80246-1486	Store signage and misc. FF&E	08/31/20
Kali Sparks 1457 130th Avenue, NE Bellevue, WA 98005	Tuesday Morning, Inc.	Store No. 1201 Non-Residential Real Property Lease Location: 2529 172nd St. NE Marysville, WA 98271-4824	Store signage and misc. FF&E	08/31/20
Kimco Realty Corporation Attn: Rachel Sohlstrom 500 North Broadway Suite 201 Jericho, NY 11753	Tuesday Morning, Inc.	Store No. 763 Non-Residential Real Property Lease Location: 1145 E. Sunset Dr. Bellingham, WA 98226-3563	Store signage and misc. FF&E	08/31/20

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
Kimco Realty Corporation Attn: Lisa Spalt 500 North Broadway Suite 201 Jericho, NY 11753	Tuesday Morning, Inc.	Store No. 1147 Non-Residential Real Property Lease Location: 636 W. Cuthbert Blvd. Haddon Township, NJ 08108-3642	Store signage and misc. FF&E	08/31/20
Kimco Realty Corporation Attn: Justin Lopez 500 North Broadway Suite 201 Jericho, NY 11753	Tuesday Morning, Inc.	Store No. 1230 Non-Residential Real Property Lease Location: 29 Colma Blvd. Colma, CA 94014-3231	Store signage and misc. FF&E	08/31/20
M&J Wilkow Properties, LLC Attn: Marc R. Wilkow 20 South Clark, Suite 3000 Chicago, IL 60603	Tuesday Morning, Inc.	Store No. 330 Non-Residential Real Property Lease Location: 314 S. Towanda Ave. Suite 320 Normal, IL 61761-7606	Store signage and misc. FF&E	08/31/20
Marquita DeLoach Trinity Interests 12740 Hillcrest Road Suite 101 Dallas, TX 75230	Tuesday Morning, Inc.	Store No. 41 Non-Residential Real Property Lease Location: 10233 E. NW Hwy. Dallas, TX 75238-4407	Store signage and misc. FF&E	08/31/20
Maryland Financial Investors, Inc. Attn: Beverly Dobrochowski 2800 Quarry Lake Drive Suite 340 Baltimore, MD 21209	Tuesday Morning, Inc.	Store No. 172 Non-Residential Real Property Lease Location: 9968 York Rd. Cockeysville, MD 21030-3401	Store signage and misc. FF&E	08/31/20

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
Maryland Financial Investors, Inc. Attn: Beverly Dobrochowski 2800 Quarry Lake Drive Suite 340 Baltimore, MD 21209	Tuesday Morning, Inc.	Store No. 267 Non-Residential Real Property Lease Location: 139 Ritchie Hwy. Suite C Severna Park, MD 21146-4127	Store signage and misc. FF&E	08/31/20
Morris Realty Attn: Scott Marcum 113 Hidden Glen Way Dothan, AL 36303	Tuesday Morning, Inc.	Store No. 832 Non-Residential Real Property Lease Location: 1716 Opelika Rd. Auburn, AL 36830-2866	Store signage and misc. FF&E	08/31/20
New Hartford Shopping Center 120 Genesee Street New Hartford, NY 13413	Tuesday Morning, Inc.	Store No. 829 Non-Residential Real Property Lease Location: 43 New Hartford Shopping Center New Hartford, NY 13413-2144	Store signage and misc. FF&E	08/31/20
Pacifica Enterprises Attn.: Dario De Luca 5505 Cancha De Golf Rancho Santa Fe, CA 92091	Tuesday Morning, Inc.	Store No. 1157 Non-Residential Real Property Lease Location: 760 Sycamore Ave. Suite B Vista, CA 92083-7905	Store signage and misc. FF&E	08/31/20
Peterson Properties, LLC Attn: Louis Kawesch 2325 San Pedro NE #2A Albuquerque, NM 87110	Tuesday Morning, Inc.	Store No. 787 Non-Residential Real Property Lease Location: 3030 E. Main St. Farmington, NM 87402-7636	Store signage and misc. FF&E	08/31/20

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
Prestige Properties & Development Co., Inc. Attn: Eric Shalem 546 Fifth Ave. New York, NY 10036	Tuesday Morning, Inc.	Store No. 1051 Non-Residential Real Property Lease Location: 3180 Middle Country Rd. Lake Grove, NY 11755-2237	Store signage and misc. FF&E	08/31/20
Real Estate Manager 3200 N Central Ave. Suite 1170 Phoenix, AZ 85012	Tuesday Morning, Inc.	Store No. 158 Non-Residential Real Property Lease Location: 7000 E. Shea Blvd. Suite 120 Scottsdale, AZ 85254-6196	Store signage and misc. FF&E	08/31/20
Reed's of Columbus 2013 Highway 45 North Columbus, MS 39705	Tuesday Morning, Inc.	Store No. 923 Non-Residential Real Property Lease Location: 2003 Hwy 45 N. Columbus, MS 39705-2239	Store signage and misc. FF&E	08/31/20
Retail Property Group, Inc. Royal Palm Plaza, Suite 200 Boca Raton, FL 33432	Tuesday Morning, Inc.	Store No. 662 Non-Residential Real Property Lease Location: 1855 S. Federal Hwy. Unit 508 Delray Beach, FL 33483-3323	Store signage and misc. FF&E	08/31/20
Rubenstein Real Estate Co. 6310 Overland Park, Ste. 220 Overland Park, KS 66202	Tuesday Morning, Inc.	Store No. 1077 Non-Residential Real Property Lease Location: 2220-2230 N. Perkins Rd. Stillwater, OK 74075-3076	Store signage and misc. FF&E	08/31/20

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
SITE Centers Corp. Attn: General Counsel 3300 Enterprise Parkway Beachwood, OH 44122	Tuesday Morning, Inc.	Store No. 422 Non-Residential Real Property Lease Location: 863 E. Lancaster Ave. Downingtown, PA 19335-3327	Store signage and misc. FF&E	08/31/20
Stirling Properties LLC Attn: Ashlee White 109 Northpark Blvd, Ste 300 Covington, LA 70433	Tuesday Morning, Inc.	Store No. 1188 Non-Residential Real Property Lease Location: 1600 State Hwy. K O'Fallon, MO 63366-3900	Store signage and misc. FF&E	08/31/20
Susan Rogers 15280 Addison Road Suite 301 Addison, TX 75001	Tuesday Morning, Inc.	Store No. 356 Non-Residential Real Property Lease Location: 2231 E. Southlake Blvd. Southlake, TX 76092-6601	Store signage and misc. FF&E	08/31/20
The Kenmore Group, LLC Attn: Saf Sarich 2835 N. Sheffield Ave. Suite 403 Chicago, IL 60657	Tuesday Morning, Inc.	Store No. 1059 Non-Residential Real Property Lease Location: 690 Westfield Wy. Pewaukee, WI 53072-6915	Store signage and misc. FF&E	08/31/20
Timberhill Shopping Center Attn: Manager 2359 NW Kings Blvd. Corvallis, OR 97330	Tuesday Morning, Inc.	Store No. 1133 Non-Residential Real Property Lease Location: 2355 NW Kings Blvd. Corvallis, OR 97330-3986	Store signage and misc. FF&E	08/31/20

Counterparty	Debtor Counterparty	Description of Contract ¹	Abandoned Personal Property	Rejection Date
Tony Tannourji 916 Fountain Springs Lane Glendora, CA 91741	Tuesday Morning, Inc.	Store No. 972 Non-Residential Real Property Lease Location: 816 Dixieland Rd. Harlingen, TX 78552-5905	Store signage and misc. FF&E	08/31/20
Triyar Management of Texas 12300 North Freeway Suite 208 Houston, TX 77060	Tuesday Morning, Inc.	Store No. 36 Non-Residential Real Property Lease Location: 9741 FM 1960 Bypass E Humble, TX 77338-4067	Store signage and misc. FF&E	08/31/20
Voya Investment Management LLC Attn: Mortgage Asset Mgmt. 5780 Powers Ferry Rd. NW Suite 300 Atlanta, GA 30327	Tuesday Morning, Inc.	Store No. 493 Non-Residential Real Property Lease Location: 400 E. Expwy. 83 McAllen, TX 78503-1620	Store signage and misc. FF&E	08/31/20
White Realty Attn: Becky Mink 416 Bearden Rd. Knoxville, TN 37919	Tuesday Morning, Inc.	Store No. 509 Non-Residential Real Property Lease Location: 1125 Kingston Pike Knoxville, TN 37922-3918	Store signage and misc. FF&E	08/31/20