

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

In re:

PUMPKIN PATCH LLC,¹

Debtor.

)
) Chapter 11

)
) Case No. 09-12200 (BLS)

)
)
) Re: D.I. 9

**ORDER UNDER BANKRUPTCY CODE SECTIONS 105, 361, 362, 363,
1107(a) AND 1108 AUTHORIZING DEBTOR TO MAINTAIN EXISTING
INSURANCE POLICIES AND PAY ALL POLICY PREMIUMS AND
BROKERS' FEES ARISING THEREUNDER OR IN CONNECTION THEREWITH**

Upon the motion (the "Motion")² of the Debtor for an order, under Bankruptcy Code sections 105, 361, 362, 363, 1107(a), and 1108 authorizing the Debtor to maintain its existing insurance policies and pay all policy premiums and brokers' fees arising thereunder or in connection therewith; and upon the Declaration; and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice need be provided; and it appearing that the relief requested by the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is GRANTED as set forth in this Order.
2. The Debtor is authorized, but not directed, to continue its Insurance

Policies and to pay the premiums and related charges arising under or in connection with the

¹ The last four digits of Pumpkin Patch LLC's federal tax identification number are 4007. The mailing address for Pumpkin Patch LLC is 951 Mariners Island Boulevard, Suite 650, San Mateo, CA 94404.

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

Insurance Policies as such premiums and charges become due, in an amount not to exceed \$50,000.

3. The Debtor is authorized to pay brokerage fees arising under or in connection with the Insurance Policies as they become due, including brokerage fees attributable to prepetition periods.


4. Neither the provisions contained herein, nor any actions or payments made by the Debtor under this Order, shall be deemed an assumption of any executory contract arising out of an insurance program, agreement or contract, or otherwise shall constitute a waiver of the Debtor's rights under Bankruptcy Code section 365 or an admission by the Debtor that any such insurance program, agreement or contract constitutes an executory contract within the meaning of Bankruptcy Code section 365.

5. Neither the provisions contained herein, nor any actions or payments made by the Debtor under this Order, shall be deemed an admission as to the validity of the underlying obligation or a waiver of any rights the Debtor may have to subsequently dispute such obligation on any ground that applicable law permits.

6. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective and enforceable immediately upon entry hereof.

7. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: Wilmington, Delaware
June 30, 2009


The Honorable Brendan Linehan Shannon
United States Bankruptcy Judge