

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

In re:)	
)	Chapter 11
PUMPKIN PATCH LLC, ¹)	Case No. 09-12200 (BLS)
)	
Debtor.)	Objection deadline: August 10, 2009 at 4:00 p.m. EDT
)	Hearing Date: August 17, 2009 at 2:30 p.m. EDT
)	
)	Re: D.I. 109
)	
)	

**CERTIFICATION OF NO OBJECTION REGARDING
DEBTOR’S MOTION FOR ENTRY OF AN ORDER PURSUANT TO
SECTIONS 501, 502, AND 1111(a) OF THE BANKRUPTCY CODE,
BANKRUPTCY RULES 2002 AND 3003(c)(3), AND LOCAL RULE 2002-1(e)
ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND
APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

The undersigned hereby certifies that, as of the date hereof, he has received no answer, objection or any other responsive pleading to the *Motion for Entry of an Order Pursuant to Sections 501, 502, and 1111(a) of the Bankruptcy Code, Bankruptcy Rules 2002 and 3003(c)(3), and Local Rule 2002-1(e) Establishing Bar Dates for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* (the “Motion”) [D.I. 109], filed July 30, 2009. The undersigned further certifies that he has reviewed the Court’s docket in this case and no answer, objection or other responsive pleading to the Motion appears thereon. Pursuant to the Motion, objections to the Motion were to be filed and served no later than August 10, 2009 at 4:00 p.m. EDT.

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. WCSR 4184354v1

The undersigned hereby respectfully requests that the Order that was filed with the Motion and is attached hereto be entered at the Court's earliest convenience, without further notice or hearing.

Dated: August 12, 2009

**WOMBLE CARLYLE SANDRIDGE
& RICE, PLLC**

_____/s/ Thomas M. Horan_____
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circumstances; and the Court having reviewed the Motion and having considered the statements in support of the relief requested therein at a hearing before the Court, if any (the “Hearing”); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing 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:

1. The Motion is granted as set forth below.
2. Each person or entity, including, without limitation, each individual, partnership, joint venture, corporation, limited liability company, estate, trust, or governmental unit, that holds or asserts a claim, as defined in section 101(5) of the Bankruptcy Code, against the Debtor, shall file a Proof of Claim in the Case.
3. Except as otherwise provided herein, any person and entity (excluding any governmental unit), asserting a claim against the Debtor in the Case shall file a Proof of Claim so that it is received, as provided in paragraphs 7 and 8 below, by The Garden City Group, Inc. (“GCG”) on or before **October 15, 2009 at 5:00 p.m.** (prevailing Eastern Time).
4. All governmental units (as defined in section 101(27) of the Bankruptcy Code) asserting claims against the Debtor shall file a Proof of Claim so that it is received, as provided in paragraphs 7 and 8 below, by GCG on or before **December 28, 2009 at 5:00 p.m.** (prevailing Eastern Time).

5. If, on or after the date on which the Debtor serves the Bar Date Notice, the Debtor amends or supplements its Schedules (a) to reduce the undisputed, noncontingent, and liquidated amount of a claim, (b) to change the nature or characterization of a claim, or (c) to add a new claim to the Schedules, the affected claimant shall file a Proof of Claim or amend any previously filed Proof of Claim in respect of the amended scheduled claim in accordance with the procedures described herein so that it is received, as provided in paragraphs 7 and 8 below, by GCG on or before the later of (x) the General Bar Date or (y) thirty (30) days after the claimant is served with notice of the applicable amendment or supplement to the Schedules.

6. In the event a Debtor rejects executory contracts or unexpired leases pursuant to section 365 of the Bankruptcy Code, Proofs of Claim in connection with Rejection Damages Claims shall be filed so that they are received, as provided in paragraphs 7 and 8 below, by GCG on or before the later of (a) the General Bar Date and (b) thirty (30) days after the effective date of such Court order.

7. Proofs of Claim sent to GCG via first-class mail shall be addressed to The Garden City Group, Inc., Attn: Pumpkin Patch LLC, P.O. Box 9502, Dublin, OH 43017-4802; whereas Proofs of Claim sent to GCG by messenger or overnight courier shall be delivered to The Garden City Group, Inc., Attn: Pumpkin Patch LLC, 5151 Blazer Parkway, Suite A, Dublin, OH 43017.

8. Proofs of Claim mailed or delivered to GCG will be deemed timely filed only if *actually received* by GCG on or before the bar date associated with such

claim at one of the applicable addresses listed in paragraph 7 above.

9. GCG shall not accept Proofs of Claim by facsimile, telecopy, e-mail, or other electronic submission. Only Proofs of Claim with original signatures will be accepted by GCG.

10. The following persons or entities are not required to file Proofs of Claim:

- a. any person or entity that has already properly filed a Proof of Claim against the Debtor with either GCG or the Clerk of the Court for the United States Bankruptcy Court for the District of Delaware;
- b. any person or entity (i) whose claim is listed in the Debtor's schedules of assets and liabilities, list of equity holders, and statements of financial affairs (collectively, the "Schedule") or any amendments thereto, *and* (ii) whose claim is not described therein as "disputed," "contingent," or "unliquidated," *and* (iii) who does not dispute the amount or characterization of its claim as set forth in the Schedules;
- c. professionals retained by the Debtor or any official committee of unsecured creditors appointed in this Case pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to sections 330, 331, and 503(b) of the Bankruptcy Code;
- d. any person or entity that asserts an administrative expense claim against the Debtor pursuant to section 503(b) of the Bankruptcy Code; provided, however, that, any person or entity that has a claim under section 503(b)(9) of the Bankruptcy Code on account of prepetition goods received by the Debtor within twenty days of the Petition Date must file a Proof of Claim or otherwise file a request for allowance of such claim with the Bankruptcy Court on or before the General Bar Date;
- e. current officers and directors of the Debtor who assert claims for indemnification and/or contribution arising as a result of such officers' or directors' prepetition or postpetition services to the

Debtor;

- f. any person or entity whose claim against the Debtor has been allowed by an order of the Court entered on or before the General Bar Date; and
- g. any person or entity whose claim has been paid by the Debtor.

11. Any Interest Holder, whose interest is based exclusively upon the ownership of common or preferred stock in a corporation, a general or limited partner interest in a partnership, or warrants or rights to purchase, sell, or subscribe to such a security or interest (collectively, an “Interest”), need not file a proof of interest on or before the General Bar Date; provided, however, that Interest Holders who wish to assert claims against the Debtor that arise out of or relate to the ownership or purchase of an Interest, including claims arising out of or relating to the sale, issuance, or distribution of such Interest, must file Proofs of Claim on or before the General Bar Date, unless one of the exceptions contained in paragraph 10 above applies.

12. Any entity filing a Proof of Claim must identify on its Proof of Claim the Debtor against which its claim is asserted.

13. Pursuant to Bankruptcy Rule 3003(c)(2), any person or entity that is required to file a timely Proof of Claim in the form and manner specified by this Order and who fails to do so on or before the bar date associated with such claim shall not be treated as a creditor for purposes of voting upon, or receiving distributions under any plan of reorganization in the Case in respect of that claim.

14. Notwithstanding any terms of this Order to the contrary, nothing herein shall prejudice or otherwise affect the rights of any person or entity to seek allowance and/or immediate payment of a claim under section 503(b)(9) of the Bankruptcy Code; provided, however, that any request for allowance of the claim shall be filed with this Court on or before the applicable Bar Date; provided further, that to the extent the request is filed with this Court on or before the applicable Bar Date, such request shall be deemed to be a timely-filed Proof of Claim for purposes of this Order.

15. The Bar Date Notice, substantially in the form attached to the Motion as Exhibit A, and the Proof of Claim form, substantially in the form attached to the Motion as Exhibit B, are hereby approved in all respects. Prior to mailing the Proof of Claim and the Bar Date Notice, the Debtor may fill in any missing dates and other information, correct any typographical errors, conform the provisions thereof to the provisions of this Order, and make such other-non material, non-substantive changes as they deem appropriate.

16. The Bar Date Notice shall be deemed good, adequate, and sufficient notice of the relief granted by this Order to all known creditors of the Debtor if it is served, together with the Proof of Claim form, by being deposited in first-class U.S. mail, postage prepaid no later than five (5) business days following entry of this Order, upon all known persons and entities holding potential claims against the Debtor.

17. Nothing in this Order shall prejudice the right of the Debtor or any

other party in interest herein to dispute, or to assert offsets or defenses to, any claim reflected in the Schedules as to amount, liability, characterization, or otherwise, and to subsequently designate any claim as disputed, contingent, or unliquidated.

18. The Debtor is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

19. The Court shall retain jurisdiction with respect to all matters arising under or relating to the implementation and enforcement of this Order.

Dated: August ____, 2009

The Honorable Brendan Linehan Shannon
United States Bankruptcy Judge