

**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)
)
)
)
)
)

**DEBTOR’S MOTION FOR AN ORDER GRANTING ADDITIONAL TIME FOR
FILING SCHEDULES AND STATEMENTS PURSUANT TO RULE 1007 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Pumpkin Patch LLC, the debtor and debtor in possession in the above-captioned case (the “Debtor”) hereby moves this Court (the “Motion”), for an Order granting additional time for filing schedules and statements pursuant to Rule 1007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). In support of the Motion, the Debtor relies upon and incorporates by reference the declaration filed in support of the Debtor’s chapter 11 petition and various first day applications and motions (the “Declaration”), filed with the Court concurrently herewith. In further support of the Motion, the Debtor, by and through its undersigned counsel, respectfully represents:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and this Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are Bankruptcy Code sections 105, 363(b), 507(a), 541, 1107(a), and 1108.

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.

BACKGROUND

3. On the date hereof (the "Petition Date"), the Debtor filed a voluntary petition in this Court for relief under chapter 11 of the Bankruptcy Code. The factual background regarding the Debtor, including its business operations, its capital and debt structure, and the events leading to the filing of this bankruptcy case, is set forth in detail in the Declaration, filed concurrently herewith and fully incorporated herein by reference.²

4. The Debtor continues to manage and operate its business as a debtor in possession under Bankruptcy Code sections 1107 and 1108.

RELIEF REQUESTED

5. Unless the court orders otherwise, within fifteen (15) days from of the date of filing for relief, a chapter 11 debtor must file (i) a schedule of assets and liabilities, (ii) a statement of financial affairs, (iii) a schedule of current income and expenditures and (iv) a statement of executory contracts and unexpired leases (hereinafter, collectively, the "Schedules and Statements").

6. By this Motion, the Debtor seeks an order granting an additional thirty (30) days, through and including August 13, 2009, within which to file its Schedules and Statements.

BASIS FOR RELIEF

7. For numerous reasons, the Debtor was unable to assemble, prior to the Petition Date, all of the information necessary to complete and file the Schedules and Statements. Some of these reasons include (a) the limited staffing available to perform the required internal review of the Debtor's accounts and affairs; and (b) the press of business incident to the commencement of this case.

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

8. Given the complexity of the Debtor's business, the Debtor must devote time and effort to determining the pertinent information for numerous accounts. The Debtor must ascertain the pertinent information, including addresses and claim amounts, for each of its accounts to complete the Schedules and Statements.

9. For the foregoing reasons, and given the urgency with which the Debtor sought Chapter 11 relief and the critical matters that the Debtor's employees must address in the early days of this case, the Debtor will not be in a position to complete the Schedules and Statements by the date required by Bankruptcy Rule 1007. Nevertheless, recognizing the importance of assembling this information, the Debtor intends to complete the Schedules and Statements as quickly as possible under the circumstances.

10. Bankruptcy Rule 1007(c) authorizes the Court to grant an extension of the date by which the Schedules and Statements must be filed pursuant to Bankruptcy Rule 1007 "on motion for cause shown." Fed. R. Bankr. P. 1007(c); see also Fed. R. Bankr. P. 9006(b) (permitting enlargement of time period to act upon motion for cause shown).

11. The scope of this case and the volume of material that must be compiled and reviewed by the Debtor's employees to complete the Schedules and Statements for the Debtors during the hectic early days of these cases alone provide sufficient "cause" for a substantial extension. Accordingly, the Debtor respectfully requests that the Court extend by an additional thirty (30) days, the date by which the Debtor must file its Schedules and Statements pursuant to Bankruptcy Rule 1007. The Debtor believes these circumstances provide ample cause, if not compelling justification, to grant the requested extension.

12. This Court has express authority to grant an extension such as that requested here under Fed. R. Bankr. P. 1007. See Fed. R. Bankr. P. 1007(c); Fed. R. Bankr. P. 9006(b).

Extensions such as the one sought by this Motion are routinely granted and will allow the Debtor sufficient time to ensure the accuracy of the Schedules and Statements. See e.g., In re SemCrude, L.P., Case No. 08-11525 (BLS) (Bankr. D. Del. Aug. 18, 2008) (order granting 60-day extension of time for filing schedules and statements); In re Powermate Holding Corp., Case No. 08-01498 (KG) (Bankr. D. Del. Sept. 3, 2007) (order granting 44-day extension of time for filing schedules and statements); In re American Home Mortgage Holdings, Inc., Case No. 07-11047 (CSS) (Bankr. D. Del. Apr. 14, 2008) (order granting 60-day extension of time for filing schedules and statements). Accordingly, the Debtors' request for an additional thirty (30) day extension of time, through and including August 13, 2009, to file the Schedules and Statements is appropriate.

NOTICE

13. As of the filing of this Motion, no trustee, examiner or creditors' committee has been appointed in this Chapter 11 case. Notice of this Motion has been given to (i) the Debtor's twenty largest unsecured creditors; (ii) the Debtor's pre-petition secured lenders or any agent therefor; (iii) the United States Trustee for this District. The Debtor submits that no other notice need be given in light of the nature of the relief requested herein.

NO PRIOR REQUEST

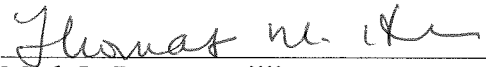
14. No prior request for the relief sought in this Motion has been made to this or any other court.

CONCLUSION

WHEREFORE, the Debtor respectfully requests that the Court enter an order, substantially in the form attached hereto, extending the time within which the Debtor must file the Schedules and Statements by an additional thirty (30) days, through and including August 13, 2009, and granting such other and further relief as the Court may deem proper.

Dated: June 29, 2009

**WOMBLE CARLYLE SANDRIDGE
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*Proposed Counsel for the Debtor and
Debtor-in-Possession*

**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.)	Re: D.I. _____
)	

**ORDER GRANTING ADDITIONAL TIME FOR FILING
SCHEDULES AND STATEMENTS, PURSUANT TO RULE 1007
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

This matter coming before the Court on the Motion of Debtor for an Order Granting Additional Time for Filing Schedules and Statements Pursuant to Rule 1007 of the Federal Rules of Bankruptcy Procedure; and the Court having reviewed the Motion; the Court finding that (a) the Court has Jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and (c) notice of the Motion and the Hearing was sufficient under the circumstances; 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.

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

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.

3. The time within which the Debtor must file the Schedules and Statements under Bankruptcy Rule 1007 is extended by an additional thirty (30) days, through and including August 13, 2009.

Dated: Wilmington, Delaware

_____, 2009

The Honorable Brendan Linehan Shannon
United States Bankruptcy Judge