

**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: Docket No. 260

**DEBTOR'S MOTION TO SHORTEN TIME FOR NOTICE AND RESPONSE TO
MOTION OF DEBTOR AND DEBTOR-IN-POSSESSION FOR ENTRY OF AN ORDER
(A) APPROVING DISCLOSURE STATEMENT;
(B) FIXING VOTING RECORD DATE; (C) APPROVING SOLICITATION
AND VOTING PROCEDURES WITH RESPECT TO DEBTOR'S
CHAPTER 11 PLAN OF REORGANIZATION; (D) APPROVING FORM OF
SOLICITATION PACKAGE AND NOTICES; AND (E) SCHEDULING
CERTAIN DATES IN CONNECTION THEREWITH**

The above-captioned debtor and debtor-in-possession (the "Debtor"), through its undersigned counsel, hereby files this motion to shorten time (the "Motion to Shorten") for notice of the hearing on, and deadline to respond to, the Motion (the "Motion") (a) approving the proposed Disclosure Statement Regarding Debtor's Plan Of Reorganization Under Chapter 11 Of The Bankruptcy Code (as may be amended or supplemented from time to time and including all exhibits and supplements thereto, the "Disclosure Statement") in connection with the Debtor's Plan Of Reorganization Under Chapter 11 Of The Bankruptcy Code (as may be amended or supplemented from time to time and including all exhibits and supplements thereto, the "Plan")², (b) fixing a voting record date pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for determining, among other things, those creditors entitled to receive ballots and materials necessary for voting on the Plan, as specified in

¹ The last four digits of Pumpkin Patch LLC's federal tax identification number are 4007. The mailing address for Pumpkin Patch LLC is 837 15th Street, #D, Santa Monica, CA 90403.

² Terms not defined herein shall have the meanings ascribed to them in the Plan.

Bankruptcy Rule 3017(d), (c) approving solicitation and voting procedures with respect to the Plan, (d) approving the form of the solicitation package and the notices to be distributed with respect thereto and (e) approving certain deadlines in connection with the hearing on the adequacy of the Disclosure Statement (“Disclosure Statement Hearing”) scheduled for April 19, 2010 at 11:00 a.m. (ET), and the hearing on confirmation of the Plan (“Confirmation Hearing”) scheduled for May 27, 2010 at 11:00 a.m. (ET). In support of this Motion to Shorten, the Debtor respectfully states as follows:

JURISDICTION

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The bases for the relief requested herein are Bankruptcy Rule 9006(c) and Rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Rules for the District of Delaware (each a “Local Rule”)

BACKGROUND

2. On June 29, 2009 (the “Petition Date”), the Debtor filed a voluntary petition for relief under the Bankruptcy Code.

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

4. No trustee or examiner has been appointed in the Debtor’s chapter 11 case. No official committee of unsecured creditors has been appointed.

5. No request has been made for the appointment of a trustee or examiner in these cases.

6. Reference is made to the Declaration of Maurice Prendergrast in Support of Chapter 11 Petition and Various First Day Applications and Motions (the “Prendergrast Declaration”), filed on June 29, 2009, for a description of the Debtor’s business, the capital structure, and the circumstances leading to the chapter 11 filing.

7. Concurrently with the filing of this Motion to Shorten, the Debtor is filing the Motion. The Motion seeks the entry of an order, among other things, approval of the Debtor’s Disclosure Statement and approving the form, manner and sufficiency of notice related to Plan confirmation.

RELIEF REQUESTED

8. Bankruptcy Rule 3017(a) provides, in relevant part:

[A]fter a disclosure statement is filed in accordance with [Bankruptcy] Rule 3016(b), the court shall hold a hearing on at least 28 days’ notice to the debtor, creditors, equity security holders and other parties-in-interest as provided in [Bankruptcy] Rule 2002 to consider the disclosure statement and any objections or modifications thereto. The plan and the disclosure statement shall be mailed with the notice of the hearing only to the debtor, any trustee or committee appointed under the Code, the Securities and Exchange Commission, and any party-in-interest who requests in writing a copy of the statement or plan.

Fed. R. Bankr. P. 3017(a). Bankruptcy Rules 2002(b) and (d) require notice to all creditors, indenture trustees, and equity security holders of the time set for filing objections to, and the hearing to consider the approval of, a disclosure statement.

9. Bankruptcy Rule 9006(c) further provides, with certain exceptions that are inapplicable here, that:

when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of the court, the court for cause shown may in its discretion . . . order the period reduced.

Fed. R. Bankr. P. 9006(c).

10. The Debtor respectfully submits that cause exists to grant the relief requested herein. The Debtor filed and served the Motion on March 19, 2010. By rule, the objection deadline to the Motion would be set on April 16, 2010. An objection deadline of April 16, 2010 would not permit sufficient time for the Debtor to respond to any timely objections nor to timely file the hearing agenda and pleadings binder with the Court in anticipation of the April 19, 2010 disclosure statement hearing.

11. By this Motion to Shorten, the Debtor respectfully requests that the time period for notice in connection with the Motion be shortened so that the Motion can be heard at the April 19, 2010 disclosure statement hearing as scheduled but permit reasonable time for the Debtor to respond and for the Court to review any oppositions. The Debtor also requests that the Court approve an objection deadline such that any objections to the Motion must be filed and served so as to be received by April 13, 2010 at 12:00 p.m. (prevailing Eastern Time), which will allow parties-in-interest sufficient time to review the Motion, but will still provide for objections to be filed in sufficient time for the anticipated April 19, 2010 hearing. The requested shortening of notice would still provide notice parties 25 days notice of the Motion, which the Debtor believes to be sufficient notice under the circumstances.

12. Also, there are only 89 proofs of claim timely filed in this case. Many of those claims, and certainly the majority of substantial claims in this case, relate to lease rejection claims. There is no committee in this case. The Debtor does not anticipate receiving significant or numerous objections to the Disclosure Statement.

13. More importantly, the Debtor needs to get to Plan confirmation as expeditiously as possible. In the present challenging retail economy, the Debtor requires the certainty of Plan confirmation to insure that all of its efforts since the Petition Date to streamline

and improve its operations have the best chance of success. In order to achieve this goal, it is critical that the Debtor gets to confirmation as soon as is practicable. At present, the Court has scheduled a Plan Confirmation hearing for May 27, 2010; the viability of that date hinges on holding the Disclosure Statement hearing on April 19, 2010, to allow sufficient notice for confirmation. An additional and equally important consideration in granting the relief requested here and, thereby, keeping Plan confirmation on track, is the limited availability of one of the Debtor's principals, Matthew Washington, who, as the Court knows, resides in New Zealand. At present, Mr. Washington, whose attendance would be required at a Plan confirmation hearing, is scheduled to be available in Wilmington, Delaware on May 27, 2010. His availability thereafter is extremely limited due to unalterable travel commitments and a failure to hold a confirmation hearing on May 27, 2010 would likely result in a substantial and costly delay in confirmation. The Debtor would be hard pressed to bear the cost and operational consequences of delayed confirmation.

14. Pursuant to Local Rule 9006-1(e), the Court may rule on this Motion to Shorten without the need for a hearing, and the Debtor requests that the Motion to Shorten be granted without further hearing.

WHEREFORE, the Debtor respectfully requests the entry of an order (i) granting this Motion to Shorten; (ii) adhering to the scheduled hearing on the Motion for April 19, 2010 at 11:00 a.m. (EST); (iii) setting an objection deadline for objections to the Motion of April 13, 2010 at 12:00 p.m. (EST) and (iv) granting such other and further relief as this Court deems just and proper.

Dated: March 19, 2010
Wilmington, Delaware

**WOMBLE CARLYLE SANDRIDGE
& RICE, PLLC**

/s/ Thomas M. Horan

Thomas M. Horan (DE Bar No. 4641)
222 Delaware Avenue, Suite 1501
Wilmington, DE 19801
Telephone: (302) 252-4339
Facsimile: (302) 661-7707
E-mail: thoran@wcsr.com

-and-

NIXON PEABODY LLP

Dennis J. Drebsky
Lee Harrington (DE No. 4046)
437 Madison Avenue
New York, New York 10022
Telephone: (212) 940-3000
Facsimile: (212) 940-3111
E-mail: ddrebsky@nixonpeabody.com
E-mail: lharrington@nixonpeabody.com

*Counsel for the Debtor and Debtor in
Possession*

**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: Docket No. 260 and ___

**ORDER SHORTENING NOTICE AND RESPONSE TO MOTION OF DEBTOR AND
DEBTOR-IN-POSSESSION FOR ENTRY OF AN ORDER (A) APPROVING
DISCLOSURE STATEMENT; (B) FIXING VOTING RECORD DATE; (C)
APPROVING SOLICITATION AND VOTING PROCEDURES WITH RESPECT TO
DEBTOR'S CHAPTER 11 PLAN OF REORGANIZATION; (D) APPROVING FORM
OF SOLICITATION PACKAGE AND NOTICES; AND (E) SCHEDULING
CERTAIN DATES IN CONNECTION THEREWITH**

Upon the motion (the "Motion to Shorten") of the above-captioned debtor and debtor-in-possession (the "Debtor"), for the entry of an order granting shortened notice with respect to the Motion the Motion (a) approving the proposed Disclosure Statement Regarding Debtor's Plan Of Reorganization Under Chapter 11 Of The Bankruptcy Code (as may be amended or supplemented from time to time and including all exhibits and supplements thereto, the "Disclosure Statement") in connection with the Debtor's Plan Of Reorganization Under Chapter 11 Of The Bankruptcy Code (as may be amended or supplemented from time to time and including all exhibits and supplements thereto, the "Plan")², (b) fixing a voting record date pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for determining, among other things, those creditors entitled to receive ballots and materials necessary for voting on the Plan, as specified in Bankruptcy Rule 3017(d),

¹ The last four digits of Pumpkin Patch LLC's federal tax identification number are 4007. The mailing address for Pumpkin Patch LLC is 837 15th Street, #D, Santa Monica, CA 90403.

² Terms not defined herein shall have the meanings ascribed to them in the Plan.

(c) approving solicitation and voting procedures with respect to the Plan, (d) approving the form of the solicitation package and the notices to be distributed with respect thereto and (e) approving certain deadlines in connection with the hearing on the adequacy of the Disclosure Statement (“Disclosure Statement Hearing”) scheduled for April 19, 2010 at 11:00 a.m. (ET), and the hearing on confirmation of the Plan (“Confirmation Hearing”) scheduled for May 27, 2010 at 10:00 a.m (ET) (the “Motion”), and it appearing that the relief requested in the Motion is in the best interests of the Debtor’s estate, its creditors and other parties in interest; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it further appearing that venue of these proceedings is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and after due deliberation and sufficient cause appearing therefore

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion to Shorten is GRANTED.
2. The Debtor is authorized to submit the Motion with and on shortened notice.
3. A hearing on the Motion will take place before the undersigned Bankruptcy Judge on April 19, 2010 at 11:00 a.m. (ET).
4. Any objections to the Motion must be filed and served so as to be received by the Debtor and the Court on or before April 13, 2010 at 12:00 p.m. (ET).
5. The Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order.

6. The Court shall retain jurisdiction with respect to all matters arising from or relating to the implementation of this Order.

Dated: _____, 2010
Wilmington, Delaware

THE HONORABLE BRENDAN LINEHAN SHANNON
UNITED STATES BANKRUPTCY JUDGE