

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

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| In re: PUMPKIN PATCH LLC, ¹ Debtor. | Chapter 11 Case No. 09-12200 (BLS) Re: Docket No. 366 |
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DEBTOR’S RESPONSE TO REQUEST AND APPLICATION OF AMERICAN HOME ASSURANCE COMPANY, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, AND CERTAIN OTHER AFFILIATES OF CHARTIS, INC., FOR PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM

The above-captioned debtor and debtor-in-possession (the “Debtor”), through its undersigned counsel, hereby files responds to the Request and Application (the “Request for Administrative Expense Claim”) [Dkt # 366] of American Home Assurance Company, National Union Fire Insurance Company of Pittsburgh, PA, the Insurance Company of the State of Pennsylvania and certain other affiliates of Chartis, Inc., (collectively, the “Claimants”) for payment of administrative expense claim(s).

BACKGROUND

1. On June 29, 2009 (the “Petition Date”), the Debtor filed a voluntary petition for relief under the Bankruptcy Code.
2. From the Petition Date to the date hereof, the Debtor has continued to manage and operate its business as a debtor in possession under Bankruptcy Code sections 1107 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 837 15th Street, #D, Santa Monica, CA 90403.

3. On or about May 27, 2010, the Court confirmed the Debtor's Plan of Reorganization

4. The Plan of Reorganization went effective on August 16, 2010.

5. The Debtor, with the advice and assistance of counsel, is in the process of concluding and closing this bankruptcy case.

RESPONSE

6. By the Request for Administrative Expense, the Claimants do not articulate or assert a claim for any unpaid, post-petition obligations of the Debtor under any insurance policies that might exist between and among the parties. The Claimants merely ask that, "if any amounts become liquidated and due" in the post-petition period, they be "paid in the ordinary course of business." (Request, at ¶ 3).

7. The Debtor's books and records reflect that there are no unpaid, post-petition obligations to the Claimants.

8. The Debtor has paid, and will continue to pay, any obligations due and owing to the Claimants in the ordinary course of business during the remaining pendency of this case.

9. The Debtor respectfully submits that there is simply no basis for granting an administrative expense to the Claimants because no amounts are due and owing since the Petition Date.

WHEREFORE, the Debtor respectfully requests the entry of an order (i) denying the Claimants' Request for Administrative Expense Claim and (ii) granting such other and further relief as this Court deems just and proper.

Dated: October 18, 2010
Wilmington, Delaware

**WOMBLE CARLYLE SANDRIDGE
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