

**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 UNDER 11 U.S.C. §§ 102 AND 105, BANKRUPTCY RULE
9006(c), AND LOCAL RULE 9006-1(e) FOR AN ORDER SHORTENING THE TIME
TO CONSIDER THE MOTION OF DEBTOR FOR AN ORDER
APPROVING PROCEDURES FOR STORE CLOSING SALES**

Pumpkin Patch LLC, the debtor in the above-captioned case (the “Debtor”) by and through its undersigned counsel, respectfully submits this motion (the “Motion to Shorten”) for entry of an order shortening the applicable notice period for the Motion of Debtor for an Order Approving Procedures for Store Closing Sales (the “Closing Procedures Motion”)² filed contemporaneously herewith, pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), and sections 102 and 105(a) of title 11 of the United States Code. Debtor hereby requests (i) that the hearing to consider the Closing Procedures Motion be conducted at the next scheduled omnibus hearing, which will take place on July 24, 2009 at 10:00 a.m. EDT and (ii) that objections to the relief requested therein be filed

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 Each capitalized term not herein defined shall have the same meaning ascribed to it in the Motion to Enforce.

and served on undersigned counsel by 4:00 p.m. (EDT) on July 20, 2009. In support of the Motion to Shorten, Debtor respectfully states as follows:

1. By the Closing Procedures Motion, Debtor seeks the entry of an order authorizing procedures in connection with the closing of certain store locations. In connection with the Closing Procedures Motion, the Debtor is filing contemporaneously herewith the Debtor's motion to reject (the "Motion to Reject") certain unexpired leases of nonresidential real property (the "Leases").

2. Local Rule 9006-1(c) normally requires eighteen (18) days' notice prior to the hearing date when time for notice and hearing is not otherwise specified in the Local Rules or the Bankruptcy Rules. See Del. Bankr. L.R. 9006-1(c). Pursuant to Local Rule 9006-1(e), however, such period may be shortened by order of the Court upon written motion specifying the exigencies supporting shortened notice. See Del. Bankr. L.R. 9006-1(e); see also Fed. R. Bankr. P. 9006(c)(1) (permitting Court to shorten notice "for cause shown"). Debtor submits that there is sufficient cause to justify shortening the notice period for the hearing on the relief requested in the Closing Procedures Motion.

3. The Debtor submits that sufficient cause exists to expedite consideration of the Closing Procedures Motion because the landlords in respect of the Leases sought to be rejected have been aware for some time that the Leases might be rejected in the event of this bankruptcy case. Moreover, the Debtor has been engaged in the process of negotiating with many landlords with respect to the Leases both before and since the filing of the petition in this case. Accordingly, no landlord accurately could assert that it was surprised by the filing of the Closing Procedures Motion.

4. As noted above, in connection with the Closing Procedures Motion, the Debtor is also filing the Motion to Reject. Because the Debtor needs to implement store closing procedures and close the affected stores in the coming weeks, the Debtor would be prejudiced and estate resources needlessly diminished if the Debtor were required to seek the relief sought in the Closing Procedures Motion at the next subsequent omnibus hearing, which is scheduled for August 17, 2009, thereby delaying store closing sales and the rejection of the affected Leases.

5. For the foregoing reasons, Debtor believes that good cause exists to approve the shortened notice requested herein. Accordingly, Debtor requests (i) that the Closing Procedures Motion be heard at the next scheduled omnibus hearing, which will take place on July 24, 2009 at 10:00 a.m. EDT (ii) that objections to the relief requested therein be filed and served on undersigned counsel by 4:00 p.m. (EDT) on July 20, 2009.

WHEREFORE, for the foregoing reasons, Debtor respectfully requests that this Court enter an order (i) granting the relief requested herein and (ii) granting Debtor such further relief as it deems just and proper.

Dated: July 13, 2009

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

parties in interest; and upon the record herein; and after due deliberation thereon; and good and sufficient cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion to Shorten is GRANTED.
2. The Closing Procedures Motion shall be heard on July 24, 2009 at 10:00 a.m. (EDT), and objections to the Closing Procedures Motion shall be filed and served by 4:00 p.m. (EDT) on July 20, 2009.
3. This Court retains its jurisdiction to interpret, implement, and enforce the provisions of this Order.

Dated: July ____, 2009

The Honorable Brendan Linehan Shannon
United States Bankruptcy Judge