3



The relief described hereinbelow is SO ORDERED.

**Signed March 25, 2019.** 

Ronald B. King

Chief United States Bankruptcy Judge

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

IN RE: § Chapter 11

§

BUFFETS, LLC, et al.<sup>1</sup>, S Case No. 16-50557-rbk

§

Debtors. § (Jointly Administered)

# AGREED ORDER GRANTING MOTION OF THE DEBTORS, PRIORITY FLSA CLAIMANTS, AND ADMINISTRATIVE FLSA CLAIMANTS TO APPROVE SETTLEMENT AGREEMENT

The Court has considered the Agreed Motion of the Debtors, Priority FLSA Claimants, and Administrative Claimants to Approve Settlement Agreement (the "Motion") filed by the Reorganized Debtors,<sup>2</sup> the Priority FLSA Claimants, and the Administrative FLSA Claimants. The Court finds that (i) the Settlement Agreement is in the best interests of the bankruptcy estates and their creditors with due consideration to the probabilities of ultimate success in

<sup>&</sup>lt;sup>1</sup> The Debtors in these cases (the "Bankruptcy Cases"), along with the last four digits of each Debtor's federal tax identification number, are: Buffets, LLC (2294); Hometown Buffet, Inc. (3002); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan's Restaurant Group, LLC (7895); Fire Mountain Restaurants, LLC (8003); and Tahoe Joe's, Inc. (7129). The address for all of the Debtors is 120 Chula Vista Drive, Hollywood Park, Texas 78232.

<sup>&</sup>lt;sup>2</sup> Capitalized terms not otherwise defined herein are used as defined in the Motion.

litigation, the complexity, expense and likely duration of such litigation, and other relevant factors; (ii) the Settlement Agreement is the product of arm's-length negotiations, and (iii) adequate notice under the circumstances has been given to creditors and parties-in-interest in this case. Accordingly, it is, therefore,

## **ORDERED THAT:**

- 1. The Settlement Agreement attached as **Exhibit 1** to the Motion is approved.
- 2. The Reorganized Debtors are authorized and directed to enter into and perform under the Settlement Agreement.
- 3. The Settlement Agreement and this Order shall be binding on the parties to the Settlement Agreement.
- 4. The Court retains jurisdiction to interpret and enforce the provisions of this Order, the Settlement Agreement, and the transactions contemplated therein to the maximum extent allowed by law.

48214881:3

### AGREED TO, PREPARED AND SUBMITTED BY:

#### **AKERMAN LLP**

/s/ David W. Parham

David W. Parham, SBN: 15459500 John E. Mitchell, SBN: 00797095 Scott D. Lawrence, SBN: 24087896 2001 Ross Avenue, Suite 3600

Dallas, TX 75201

Telephone: (214) 720-4300 Facsimile: (214) 981-9339 david.parham@akerman.com john.mitchell@akerman.com scott.lawrence@akerman.com

and Andrea Hartley

Florida Bar No. 864234 Esther A. McKean Florida Bar No. 28124

Amy M. Leitch

Florida Bar No. 90112 Katherine C. Fackler Florida Bar No. 68549 Three Brickell City Centre 98 Southeast Seventh Street

Miami, FL 33131

Telephone: (305) 374-5600 Facsimile: (305) 374-5095 andrea.hartley@akerman.com esther.mckean@akerman.com amy.leitch@akerman.com katherine.fackler@akerman.com

COUNSEL FOR REORGANIZED DEBTORS OGLETREE, DEAKINS, NASH, SMOAK, & STEWART, P.C.

/s/ Raven Applebaum

Tiffany L. Cox Texas Bar No. 24050734 tiffany.cox@ogletree.com Raven R. Applebaum Texas Bar No. 24043644

raven.applebaum@ogletree.com

Lawrence D. Smith Texas Bar No. 18638800 2700 Weston Centre 112 East Pecan Street San Antonio, TX 78205 210.354.1300

210.354.1300 210.277.2702 (Fax)

COUNSEL FOR REORGANIZED DEBTORS

GETMAN, SWEENEY & DUNN, PLLC

/s/ Michael J.D. Sweeney

Michael J.D. Sweeney (pro hac vice)

260 Fair Street

Kingston, NY 12401

Telephone: (845)255-9370 Facsimile: (845) 255-8649

Email: msweeney@getmansweeney.com

ATTORNEYS FOR FLSA CLAIMANTS

48214881:3