

SO ORDERED




ROBERT A. GORDON
U.S. BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)

In re: *
CAPITAL TEAS, INC. * Case No: 17-19426-RAG
Debtor * (Chapter 11)
* * * * *

FINAL ORDER PURSUANT TO 11 U.S.C. § 366 (I) PROHIBITING
UTILITY PROVIDERS FROM ALTERING, REFUSING OR DISCONTINUING
UTILITY SERVICES, AND (II) DEEMING UTILITY PROVIDERS
ADEQUATELY ASSURED OF PAYMENT FOR FUTURE UTILITY SERVICES

Upon consideration of the Motion¹ filed by Capital Teas, Inc., the debtor and debtor in possession herein (the “Debtor”) for entry of a Final Order (i) prohibiting utility providers from altering, refusing or discontinuing utility services, and (ii) deeming that the Debtor’s utility providers have been provided with adequate assurance of payment for future services; and upon consideration of the Motion and all pleadings related thereto, including the Martino Affidavit; the Court having heard evidence in support of the Motion at a hearing held on July 24, 2017; it appearing that the Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334, this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Motion is in the best interests of the Debtor, its estate and its creditors; and after due deliberation thereon, and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED that:

1. The Motion be and hereby is GRANTED.

¹ All capitalized terms used but not defined herein shall have the meanings set forth in the Motion.

2. The Debtor is authorized, but not directed, to pay on a timely basis and in accordance with its prepetition practice, all undisputed invoices for postpetition Utility Services provided by the Utility Providers to the Debtor.

3. The Debtor shall maintain the Utility Deposit Account for the purpose of providing each Utility Provider adequate assurance of payment of its postpetition Utility Services to the Debtor. The Utility Deposit Account shall be maintained with a minimum balance of \$14,000.00, which may be adjusted by the Debtor to account for: (i) the termination of Utility Services by the Debtor, (ii) agreements with Utility Providers, and (iii) removal from the monthly spending figure cited in the Motion, any amount spent on Utility Services from Utility Providers that already hold deposits from the Debtor for such Utility Services.

4. Except in accordance with a request by a Utility Providers pursuant to Section 366(c) of the Bankruptcy Code seeking a modification of adequate assurance and absent further order from this Court, all Utility Providers are (i) prohibited from altering, refusing, or discontinuing Utility Services to, or discriminating against, the Debtor on account of the commencement of this Chapter 11 case or any unpaid prepetition charges; and (ii) deemed to have received adequate assurance of payment in compliance with Section 366 of the Bankruptcy Code.

5. The relief granted herein is for all Utility Providers providing utility services to the Debtor and is not limited to those on the list of Utility Providers attached to the Motion as Exhibit 2.

6. The Debtor may terminate service of any Utility Provider by providing written notice, upon receipt of which, the Utility Provider shall immediately refund any deposit to the Debtor, without giving effect to any rights of setoff or any claims the Utility Providers may assert against the Debtor.

7. The Debtor shall serve a copy of this Order on (i) the Office of the United States Trustee, (ii) the Debtor's prepetition secured lenders, (iii) all parties identified on the Debtor's list of twenty largest unsecured creditors, (iv) the Debtor's Utility Providers, and (v) all parties that have requested service of pleadings pursuant to Bankruptcy Rule 2002 within three (3) business days after entry of this Order by the Court.

8. The Utility Deposit Account and the Debtor's ability to pay future utility services in the ordinary course of business shall be deemed adequate assurance of payment for all Utility Provider.

9. Nothing in this Order or the Motion shall be deemed to constitute postpetition assumption or adoption of any agreement pursuant to Section 365 of the Bankruptcy Code, or to constitute a waiver by the Debtor or any other party with respect to the assumption or rejection of an executory contract.

10. The Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order.

11. Notice of the Motion as provided herein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

12. Notwithstanding the possible applicability of Bankruptcy Rules 6004, 7062 or 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

13. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

cc: Lawrence J. Yumkas, Esquire
Lisa Yonka Stevens, Esquire
Yumkas, Vidmar, Sweeney & Mulrenin, LLC
10211 Wincopin Circle, Suite 500
Columbia, Maryland 21044

Attached Service List

END OF ORDER

CareFirst BlueCross BlueShield
P. O. Box 79749
Baltimore, MD 21279-0749

Dethlefsen & Balk, Inc.
1005 North Commons Drive
Aurora, IL 60504

Eskridge (E&A), LLC
Dept. 2356
P. O. Box 822315
Philadelphia, PA 19182-2315

Haelssen & Lyon North America Corp.
39 West 38th Street, Suite 11E
New York, NY 10018

Historic Annapolis
c/o Hyatt Commercial
200 Westgate Circle, Suite 502
Annapolis, MD 21401

K&J Woodworks
86 South Old Spanish Trail
Umland, TX 78640

Kain Family Limited Partnership, LLC
1601 Connecticut Avenue, Suite 501
Washington, DC 20009

Regal Dynamic
107 Snowy Egret Way
Sebastian, FL 32958

Royston LLC
P. O. Box 742380
Atlanta, GA 30374-2380

ACE Funding Source, LLC
366 North Broadway, Suite 410
Jericho, NY 11753

Corporation Service Company, as rep.
P. O. Box 2576
Springfield, IL 62708

Crestview Financial LLC
1430 Broadway, Suite 402
New York, NY 10018-3308

Edward Don & Company
2562 Paysphere Circle
Chicago, IL 60674

Express Capital Funding
640 South San Vicente Boulevard
Los Angeles, CA 90048

Tax Guard, Inc.
1750 14th Street, Suite 201
Boulder, CO 80302

WebBank
215 South State Street, Suite 1000
Salt Lake City, UT 84111

Kenneth S. Leonetti, Esquire
Foley Hoag LLP
155 Seaport Boulevard
Boston, Massachusetts 02210-2600

AT&T
P. O. Box 5014
Carol Stream, IL 60197-5014

AT&T
Attention: Bankruptcy Department
1801 Valley View Lane
Farmers Branch, TX 75234

AT&T Mobility
P. O. Box 6463
Carol Stream, IL 60197-6463

AT&T
c/o Bankruptcy
4331 Communications Drive, Floor 4W
Dallas, TX 75211

BGE
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Philadelphia, PA 19101-3070

BGE Legal Department
2 Center Plaza, 15th Floor
110 West Fayette Street
Baltimore, MD 21201

Centric Telecom, Inc.
1749 Old Meadow Road, Suite 120
McLean, VA 22102

Century Link
P. O. Box 1319
Charlotte, NC 28201-1319

Century Link, Inc.
100 CenturyLink Drive
Monroe, Louisiana 71203

City of Charlottesville
Department of Finance
Utility Billing Office
P. O. Box 591
Charlottesville, VA 22902

City of Charlottesville Public Works
Office of the Director
305 4th Street NW
Charlottesville, VA 22903

Comcast
P. O. Box 3005
Southeastern, PA 19398-3005

Comcast
P. O. Box 3001
Southeastern, PA 19398-3005

Comcast Business
P. O. Box 37601
Philadelphia, PA 19101-0601

Comcast Cable Communications, LLC
Attention: Law Department-Bankruptcy
One Comcast Center
Philadelphia, PA 19103-2838

Cox Communications
P. O. Box 78071
Phoenix, AZ 85062-8071

Cox Communications
6205-B Peachtree Dunwoody Road NE
Atlanta, GA 30328

Dominion Virginia Power
P. O. Box 26543
Richmond, VA 23290-0001

Dominion Energy
P. O. Box 26666
Richmond, VA 23261

FPL General Mail Facility
Miami, FL 33188-0001

Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408

Granite Telecommunications
Client ID#311
P. O. Box 983119
Boston, MA 02298-3119

Granite Telecommunications, LLC
100 Newport Avenue Extension
Quincy, MA 02171

International Environmental Management
24516 Network Place
Chicago, IL 60673-1245

International Environmental Management
11625 Rainwater Drive, Suite 200
Alpharetta, GA 30009

Keter Environmental Services, Inc.
P. O. Box 417468
Boston, MA 02241-7498

Keter Environmental Services, Inc.
4 High Ridge Park, Suite 202
Stamford, CT 06905

Pepco
P. O. Box 37629
Philadelphia, PA 19101-0629

PEPCO Holdings
701 Ninth Street, N.W.
Washington, DC 20068

PSE&G Co.
P. O. Box 14444
New Brunswick, NJ 08906-4444

Public Service Energy Group
80 Park Plaze, P. O. Box 570
Newark, New Jersey 07101

TOG
P. O. Box 1240
Attleboro, MA 02703-0240

The O'Keefe Group, Inc.
17 Bank Street
Attleboro, MA 02703

Verizon-Fios
P. O. Box 920041
Dallas, TX 75392-0041

Verizon
P. O. Box 660720
Dallas, TX 75266-0720

Verizon
P. O. Box 4830
Trenton, NJ 08650-4830

Verizon Bankruptcy Administration
500 Technology Drive, Suite 550
Weldon Spring, MO 63304

Washington Gas
P. O. Box 37747
Philadelphia, PA 19101-5047

Washington Gas
Attn: Customer Care
6801 Industrial Road
Springfield, VA 22151

Waste Management of Maryland
P. O. Box 13648
Philadelphia, PA 19101-3648

Waste Management Corporate Office
1001 Fannin, Suite 4000
Houston, Texas 77002

Xcel Energy
P. O. Box 9477
Minneapolis, MN 55484-9477

Xcel Energy, Inc.
414 Nicollet Mall
Minneapolis, MN 55401

PNC Bank
303 Sail Place
Annapolis, Maryland 21401

Bank of America
P. O. Box 15284
Wilmington, Delaware 19630

Capital One Bank
1680 Capital One Drive
McLean, Virginia 22102

Eagle Bank
7815 Woodmont Avenue
Bethesda, Maryland 20814

SunTrust Bank
P. O. Box 302183
Nashville, Tennessee 37230

The following parties received
CM/ECF notice of the filing:

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