

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

In re:

AGDP Holding, Inc. *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No.: 25-11446-MFW

(Jointly Administered)

Hearing Date: October 22, 2025 at 10:30 a.m. (ET)

Objection Deadline: October 15, 2025 at 4:00 p.m. (ET)

**MOTION OF PUTATIVE CLASS PLAINTIFFS NICOLE BROCKMOLE, LAUREN BAIR  
AND NICK ERCKLENTZ, FOR LIMITED RELIEF FROM THE AUTOMATIC STAY  
PURSUANT TO 11 U.S.C. § 362 AUTHORIZING THE DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK TO ADJUDICATE THE MOTION FOR CLASS  
CERTIFICATION TO BE FILED BY THE PUTATIVE CLASS PLAINTIFFS AND  
ALLOWING THE LITIGATION TO PROCEED AGAINST NON-DEBTOR PARTIES**

Unsecured creditors and putative class plaintiffs Nicole Brockmole, Lauren Bair, Nick Ercklentz, (the “Brockmole Plaintiffs”) together with Anthony Palie, Dakota Bedell, Carl Corbo, Annabel Gould, Dolores Thompson, and Bridgette Winkelmann (the “Palie Plaintiffs”) (collectively, the “Putative Class Plaintiffs” or the “Movants”), by and through their undersigned counsel, hereby request the entry of an order pursuant to 11 U.S.C §362(d) lifting the automatic stay to the extent of: (a) authorizing Putative Class Plaintiffs to file a motion for class certification and allowing the full briefing thereof by adverse parties in that action; (b) authorizing the United States District Court for the Southern District of New York (the “SDNY”) to hear, determine rule and adjudicate the motion for class certification in the civil class action suits against Debtors that were subsequently consolidated under the caption *Nicole Brockmole, et al. v. EZ Festivals LLC, et al.*, Case No. 1:23-cv-08106 in the Southern District of New York (the “SDNY Action”); (c) lifting

<sup>1</sup> The Debtors in these Chapter 11 cases, along with the four digits of each Debtor’s federal tax identification number, as applicable, are as follows: Avant Gardner LLC (6504), EZ Festivals LLC (8854), AGDP Holding Inc. (6404), AG Management Pool LLC (9962), Made Event LLC (6272), Reynard Productions LLC (3431).



the automatic stay for all purposes as against all non-Debtor parties<sup>2</sup> in the SDNY action; and (d) for related relief (the “Motion”).

Plaintiff Nicole Brockmole filed her claim with this Bankruptcy Court on September 9, 2025 (Claim #43), Lauren Bair filed her claim with this Bankruptcy Court on September 9, 2025 (Claim #45), Nick Ercklentz filed his claim with this Bankruptcy Court on September 9, 2025 (Claim #46). Plaintiff Anthony Palie filed his individual claim with the Bankruptcy Court on August 19 through August 21, 2025 (Claim #s16, 19, 21, 21). The remaining Palie Plaintiffs filed individual claims with the Bankruptcy Court on September 11 and 12, 2025 (Claim #s54-61, 63-70, and 72-75).

The Brockmole Plaintiffs filed their class claim with this Bankruptcy Court individually and on behalf of all ticket buyers to EZoo 2023 Festival on September 9, 2025 (Claim #48). Anthony Palie filed claims on behalf of all ticket buyers at EZoo 2023 Festival on August 19 through August 21, 2025 (Claim s17,20, 23, 24), which class claim was subsequently amended, on September 11, 2025, to include the remaining Palie Plaintiffs as representatives (Claim #52). The Putative Class Plaintiffs claim amount is for no less than \$11,000,000.00, excluding interest, to recover payments made for tickets to shows not held on behalf of all ticket buyers to EZoo 2023 Festival.

In support of the Motion, the Putative Class Plaintiffs respectfully represent as follows:

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The non-debtors who are defendants in the SDNY Action: are CityFox, Jurgen Bildstein, Phillip Wiederkehr, Gardener Purchaser LLC, Weiderkehr Associates, Stewart Purchaser LLC, WRE Parent U.S. Holding Corp., Inc. and WRE Holding AG (“Non-Debtors Parties”).

**A. JURISDICTION & VENUE**

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Venue of the Debtors' chapter 11 cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory predicates for the relief sought herein are 11 U.S.C. § 362(d) and Rule 4001 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

**B. PROCEDURAL BACKGROUND**

4. On August 5, 2025 (the "Petition Date"), the Debtors each filed voluntary petitions for relief under Chapter 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the District of Delaware (the "Chapter 11 Cases").

5. The Debtors continue to manage and operate their business as debtors in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code. No trustee or examiner has been requested in the Chapter 11 Cases.

6. Movants filed claims with the claim administrator on their individual claims as well as on behalf of a class of ticket purchasers to the E-Zoo Festival the Labor Day weekend of September, 2023 on Randall's Island, New York. Two of the three weekend shows to which movants purchased tickets were cancelled or aborted. Their claims consist of claims for ticket refunds. They assert the same claims on behalf of the class. *See* SDNY Action ECF Nos. 23, 62.

7. The current procedural posture of these Chapter 11 cases as relevant to this Motion is as follows:

Debtors have filed a DIP Motion and Sale Motion; and approving bidding procedures and notice thereof; authorizing designation of stalking horse bidder; scheduling an auction and other specified relief. (D.I. 62)

Official Committee of Unsecured Creditors (“OCC”) has filed objections thereto. (D.I. 149)

OCC has filed a cross motion for an Order Appointing a Chapter 11 Trustee. (D.I. 150)

8. These matters were placed on the Notice of Agenda of Matters Scheduled for Hearing on September 11, 2025 at 2:00 p.m. (D.I. 160).

**C. EZOO 2023 TICKET BUYOR CREDITORS NEED  
TO BE INCLUDED AS NOTICE PARTIES.  
IN THESE CHAPTER 11 CASES**

9. None of the creditors who were EZoo 2023 ticket purchasers have received any notice of any activities in these cases, unless, like the Movants, they were class representatives in the SDNY whose counsel were served via ECF with the Chapter 11 notice and demand for a stay. Thereupon the SDNY ordered all the actions stayed. SDNY ECF No. 141.

10. The CEO of the Debtors, Gary Richards, has admitted that ticket customers of Debtors were not provided notice. Movants were not provided any notice of the Chapter 11 Cases and do not appear on any list of creditors. Nor have any EZoo 2023 ticket purchasers received any notice.

11. In his “*Declaration of Gary Richards In Support of Chapter 11 Petition and First Day Filing*” (Docket No. 1.3), Mr. Richards admits at page 23, ¶ 71 that Debtors will not “provide actual notice by mail of pleadings and hearings to all “Customers” defined as holders of tickets to past events at Debtors facility,” but seeks to provide email notice. There is no mention of the EZoo 2023 ticket buyers. The definition of “customers” used by Mr. Richards is qualified by the phrase “at the facility,” which thus excludes EZoo 2023 ticket buyer creditors. *See* Richards ¶ 7, line 3. EZoo 2023 was not at any Debtor “facility,” it was held at Randall’s Island.

12. Indeed, Mr. Richards confirmed at the September 5, 2025 Section 341(a) meeting of creditors, under questioning by Movants’ counsel, that the reference to ticket holders in his

declaration at ¶ 71 does not include the EZoo 2023 ticket buyers.

13. Discovery in the SDNY Action has revealed that there are approximately 60,000 EZoo 2023 ticket buyers who are owed ticket refunds. Those ticket buyers have valid claims, which total in the aggregate approximately \$11,000,000 consisting of the ticket price and ticket fees. They are indisputably creditors of the Debtors entitled to the same protections other creditors receive in these Chapter 11 Cases.

14. But Debtors have stated that they have no plan or intention of providing them with notice thus precluding tens of thousands of them from presenting their claims to this Court.

15. This Motion seeks a path forward to remedy that injustice and obtaining for EZoo 2023 ticket buyers the same rights awarded to all other Debtors' creditors. That can be achieved by allowing class certification to proceed. If certified, the class can properly present their claims here.

16. The Chapter 11 Cases are at its incipient stage. Movants have acted as expeditiously as possible. One movant Lauren Bair is a representative on the Committee of Unsecured Creditors.

**D. RELIEF REQUESTED IN THE MOTION AND  
THE BASIS FOR RELIEF**

17. Putative Class Plaintiffs seek an order lifting the automatic stay to the following extent:

a. Allowing Putative Class Plaintiffs to file a motion for class certification ("Class Certification Motion") against the Debtors and against non-debtor parties in the SDNY Action, and allowing the SDNY to hear, determine and adjudicate said motion; and

b. Lifting the stay in total as against Non-Debtor Parties to allow the claims against non-debtors to proceed in the SDNY Action.

18. The basis for relief is to allow class certification in the SDNY Action to proceed to determine whether a Rule 23(b)(1)(B) (appropriate where limited resources are available to satisfy

claims of all similarly situated class members and facilitate a pro rata recovery rather than allow certain claimant to disproportionately claim the Defendants (here the Debtors) resources)); and Rule 23(b)(3) (appropriate where monetary relief is primary relief sought and Rule 23(b)(3) “predominance” requirement can be satisfied).

19. Class certification is sought for class members’ breach of contract claims only against Debtors.

20. Breach of contract claims are classic unsecured creditor claims. Here the breach of contract claims are indisputable given that the Electric Zoo 2023 Festival sold to class members tickets for Friday, Saturday and Sunday all day/all night shows at Randall’s Island. But ticket buyers (*i.e.*, class members) did not receive the benefits of the contract because the Friday show was cancelled in its entirety; the Saturday show was truncated due to security and safety issues at the venue and Sunday’s show was shortened by hours and over 7,000 tickets were sold beyond the legal capacity of 42,000. Security and safety issues at the venue also prevented entry by tens of thousands of ticket buyers.

21. The identity of class members and the validity of their claims can all be ascertained from Debtors’<sup>3</sup> records. Ticket sales, records and ticket scan records are all available.

22. Accordingly, Debtors could have ascertained the identity of those ticket buyer creditors and could have included them in the notices sent to other creditors. But they did not.

23. Thus, there are over 60,000 ticket buying creditors who have been excluded from the bankruptcy process. Their breach of contract claims total approximately \$11,000,000 plus interest since September 2023 at the NY CPLR rate of 9% per annum. Since Debtors refused to notice those creditors, certification of class claims and filing of class proof of claims in the

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<sup>3</sup> The documentary evidence in the SDNY reveals cross indemnities between/among Debtors with respect to the Electric Zoo 2023 festival and are included among a list of entities in ticket contract terms limiting liability.

bankruptcy proceeding will resolve that informality in this process.

24. The lifting of the stay to allow for class certification will also benefit the disposition of this Chapter 11 by allowing the claim of 60,000 creditors to be dealt with, and adjudicated, as a unified claim rather than having the Court, litigants, other creditors and Debtors inundated with the claims of 60,000 additional creditors.

### **E. OVERVIEW OF THE SDNY ACTION**

25. Between September 13, 2023 and October 5, 2023 the Putative Class Plaintiffs, on behalf of themselves and all other similarly situated (collectively, the "Putative Class"), filed separate civil class action complaints that were subsequently consolidated into the SDNY Class Action. SDNY ECF No. 20.

26. The SDNY Action is a consolidated class-action on behalf of tens of thousands of individuals who purchased tickets to an annual music festival known as "Electric Zoo," held every Labor Day weekend on Randall's Island in New York, New York.

27. As alleged in the Brockmole Amended Compl., the Putative Class Plaintiffs bought the SDNY Action as "a Rule 23 class action on behalf of all affected persons to seek a refund of monies paid for admission to all events at venues owned and/or operated by defendants at Avant Gardner in Brooklyn and/or to the 2023 Electric Zoo New York Music Festival ("EZNY 23") from October 28, 2019 to the present." SDNY ECF No. 23; ¶ 1. "Plaintiffs and class members bought tickets to events and were: (i) denied entry, or (ii) not treated to shows as advertised or (iii) were sold tickets to events that had over sold them subject to unsafe conditions caused by overselling tickets to events capacity which therefore did not give buyers the benefit of their bargain." *Id.* "Consistent with Defendants' usual course of business, on Friday, September 1, 2023, Saturday, September 2, 2023, and/or Sunday, September 3, 2023, thousands of persons who paid a minimum of \$160 for a one-day pass to EZ NY 23 were denied entry and/or were not provided with shows as advertised."

*Id*

28. EZNY 23 abruptly canceled its entire first day of shows on Friday, September 1, 2023 with little to no notice to ticket holders after they arrived in New York City. On September 2, 2033 EZNY 23 failed to provide the show as offered and on September 3, 2023, EZNY 23 failed to allow access to over 7000 ticket holders and failed to provide the show as advertised. SDNY ECF No. 23; ¶ 2.

29. One news outlet stated, “[t]he festival has a 42,500-person capacity, and the NYPD estimated that organizers oversold it by 7,000 tickets on Sunday, leading to gates being closed to ticketholders starting at 6:30 PM. A large group of people rushed the gates not long after, as shown in footage posted to social media.” SDNY ECF No. 23; ¶ 58.

30. Class members have yet to receive refunds for canceling the September 1, 2023 day of Electric Zoo and/or for denying entry or refusing access to the September 3, 2023 day of Electric Zoo despite those class members collectively incurring millions of dollars in costs and expenses. SDNY ECF No. 23; ¶65.

31. The SDNY Action seeks, inter alia, recovery of ticket payments and other costs incurred owed to the Putative Class Plaintiffs and the Putative Class, all of whom were ticket buyers to EZ Festival 2023 who did not receive refunds for cancelled concert dates or EZ Festivals failure to conduct the shows as scheduled.

32. Specifically, as set forth in the Complaint, the Putative Class Plaintiffs have alleged causes of action for, among other things, breach of contract of either express or implied duties found in each ticket contract to which the Putative Class Plaintiffs and the Putative Class are parties and

33. Debtor AGDP is the 100% owner of EZ Festivals LLC and Made Event LLC the promoters of the festival who sold the tickets to EZoo 2023.

**F. MOVANTS WILL SEEK CLASS CERTIFICATION**



**ON ONLY A SINGLE CLAIM: BREACH OF CONTRACT CLAIMS**

34. Certification will be sought for all who purchased a ticket to attend the 2023 edition of the Electric Zoo festival, including those who bought tickets indirectly (*i.e.*, through a reseller). This class excludes all who may have attended the festival but did not purchase a ticket, including those working for Defendants, and also excludes: 1) those who resold their ticket to a third-party, 2) professional resellers (those who purchased a ticket with intent to resell rather than attend) who may have unsold inventory, and 3) as well as the officers, directors, affiliates, legal representatives, heir, predecessors, successors, and assigns of Defendants, and the judges and court personnel in this case and any members of their immediate families.

35. The Putative Class Plaintiffs will seek certification under Rule 23(b)(1)(B) – because Debtors’ assets are insufficient to pay all creditors, including class members and, therefore adjudication of certain claims “would impair or impede the ability of other class members to protect their interests” under Rule 23(b)(3), which applies when “the court finds that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.” *See* Fed.R.Civ.P. 23(b). The subsection provides a four-part test: “(A) the class members’ interests in individually controlling the prosecution or defense of separate actions; (B) the extent and nature of any litigation concerning the controversy already begun by or against class members; (C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and (D) the likely difficulties in managing a class action.” All of these requests are easily satisfied here and require little discussion in the context of breach of contract claims.

36. The proposed class claims for breach of contract is the primary claim.

37. Courts in this Circuit and throughout the country have found class certification of contract claims to be appropriate. *See, e.g., Pro v. Hertz Equip. Rental Corp.*, 2008 WL 5218267, at

\*4 (D.N.J. Dec. 11, 2008) (finding, based on alleged “form contract or variations on a form contract and standardized sales tactics,” that class claims were common to all class members and predominated over any individualized considerations.); *accord Fleisher v. Phx. Life Ins. Co.*, 2013 WL 12224042 at \*13 (S.D.N.Y. Jul. 12, 2013) (“certification under Rule 23(b)(3) is warranted for claims that involve contracts that . . . contain the same or essentially the same terms”). Even where multiple contracts are at issue, class treatment is nonetheless appropriate so long as the relevant provisions are similar. *See, e.g., Wu v. Pearson Educ. Inc.*, 227 F.R.D. 255, 265 (S.D.N.Y. 2011); *Allapattah Servs. v. Exxon Corp.*, 333 F.3d 1248, 1261 (11th Cir. 2003), *aff’d*, 545 U.S. 546 (2005). By this measure, the singular contract under which Defendant's duties were prescribed easily creates common issues in satisfaction of Rule 23.

38. Certification of breach of contract claims is routinely granted in other circuits as well. Where a defendant's standardized course of conduct is alleged to be in breach of form contracts between the defendant and class members, a common question of liability exists. *See Allapattah Services, Inc. v. Exxon Corp.*, 333 F.3d 1248, 1261 (11th Cir. 2003) (affirming that common questions existed and predominated where the pertinent contracts were materially similar and defendant's alleged breach affected all class members); *Venerus v. Avis Budget Car Rental, UC*, 723 F. App'x 807, 815 (11th Cir. 2018) (“form contracts are ideal for class treatment.”); *Kleiner v. First Nat. Bank of Atlanta*, 97 F.R.D. 683, 692 (N.D. Ga. 1983) (“claims arising from interpretations of a form contract appear to present the classic case for treatment as a class action, and breach of contract cases are routinely certified as such.”); *See Smilow v. Sw. Bell Mobile Sys., Inc.*, 323 F.3d 32, 42 (1st Cir. 2003) (finding that “common issues of law and fact predominate” where the claims “turn[] on interpretation of the form contract, executed by all class members and defendant”); *Seekamp v. It's Huge, Inc.*, No. 1:09-CV-00018, 2012 U.S. Dist. LEXIS 33295, at 11 (N.D.N.Y. Mar. 13, 2012) (certifying class in claim for breach of “a standard form contract, the interpretation of which will not

require individualized inquiries as to each contract signed by each proposed class member”); *Moore v. Painewebber, Inc.*, 306 F.3d 1247, 1253 (2d Cir. 2002) (holding that “uniform misrepresentations made to all members of the class... are appropriate subjects for class certification because the standardized misrepresentations may be established by generalized proof.”).

39. The class for whom certification will be sought in the SDNY Action tracks with those cited above granting certification—a form contract executed by all class members and defendant. All class members bought tickets. All tickets were sold subject to the same terms and conditions. All members of the Class were affected by the cancellations in the same exact way. These actions breached the contract can be answered as to the entire Class in a single proceeding with the same evidence.

### **ARGUMENT**

#### **THE COURT SHOULD EXERCISE ITS DISCRETION TO LIFT THE AUTOMATIC STAY FOR LIMITED PROCEEDINGS IN THE SOUTHERN DISTRICT NEW YORK**

40. “The purpose of the automatic stay provision is to afford the debtor a ‘breathing spell’ by halting the collection process. It enables the debtor to attempt a repayment or reorganization plan with an aim toward satisfying existing debt.” *In re Siciliano*, 13 F.3d 748, 750 (3d Cir. 1994). The automatic stay is not meant to be indefinite or absolute, and in appropriate circumstances, relief may be granted. *See, e.g., In re Wedgewood*, 878 F.2d 693, 697 (3d Cir. 1989). Specifically, section 362(d) of the Bankruptcy Code provides: “(d) On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying, or conditioning such stay—(1) *for cause*.” 11 U.S.C. § 362(d). (emphasis supplied.) “Cause” is not defined in the Bankruptcy Code and is “determined on a case-by-case basis.” *In re Fernstrom Storage and Van Co.*, 938 F.2d 731, 735 (7th Cir. 1991) (citing *In re Tuscon Estates*, 912 F.2d 1162, 1166 (9th Cir. 1990)). According to the legislative history of

Section 362, cause may be established by a single factor such as "a desire to permit an action to proceed... in another tribunal," or "lack of any connection with or interference with the pending bankruptcy case." *In re Rexene*, 141 B.R. 574, 576 (Bankr. D. Del. 1992) (citing H.R. Rep. No. 95-595, 95th Cong., 1st Sess., (1977)); see also *In re Drexel Burnham Lambert Group, Inc.*, 113 B.R. 830, 838 n. 8 (Bankr. S.D.N.Y. 1990) (citing various findings of § 362(a)(1) “cause to permit litigation in another forum such as liquidation of a personal injury, arbitration, or specialized jurisdiction claim”).

41. Congress noted that “it will often be more appropriate to permit proceedings to continue in their place of origin, when no great prejudice to the bankruptcy estate would result, in order to leave the parties in their chosen forum and to relieve the bankruptcy court from many duties that may be handled elsewhere.” *In re Santa Clara County Fair Ass’n, Inc.*, 180 B.R. 564, 566 (9th Cir. BAP 1995) (citing S. Rep. No. 989, 95th Cong., 2d Sess. 50 (1978), reprinted in 1978 U.S.C.C.A.N. 5785, 5836); accord *In re F-Squared Inv. Mgmt., LLC*, 546 B.R. 538, 548 (Bankr. D. Del. 2016); *In re Rexene Products Co.*, 141 B.R. 574, 576-77 (Bankr. D. Del. 1992).

42. Bankruptcy courts are instructed to apply, and balance, a three-factor test: “1. Whether any great prejudice to either the bankrupt estate or the debtor will result from continuation of the civil suit; 2. Whether the hardship to the non-bankrupt party by maintenance of the stay considerably outweighs the hardship to the debtor; and 3. The probability of the creditor prevailing on the merits.” *Id.*; see also *In re F-Squared Inv. Mgmt., LLC*, 546 B.R. at 548. All three prongs weigh in favor of lifting the automatic stay and allowing the district court to finalize its class certification order.

43. The Putative Class seeks a lift of the automatic stay to seek certification so that their claims as creditors can be presented to this Court and be dealt with efficiently and effectively without the need for individual notice to 60,000 (approximately) EZoo 2023 ticket buyers and individual

determination of their objections to discharge of claims and objective to the Plan.

44. The Putative Class Plaintiffs will be prejudiced if relief from the automatic stay is not granted.

45. The Putative Class Plaintiffs also seek a complete lifting of the automatic stay against non-party debtors.

46. Although this Court is no doubt capable of addressing the class certification issues, the Putative Class Plaintiffs respectfully believe that the Southern District of New York can do so with greater efficiency in light of its familiarity with the case. The Class Action litigation has been pending for approximately two (2) years in the Southern District of New York and has been the object of consistent attention by the Court including numerous conferences and settlement sessions. *See* SDNY ECF No. 95, 115, 117, 121, 124, 132, 134, 138.

**A. Lifting of the Automatic Stay will not Prejudice Debtors**

47. The Debtors will not be prejudiced by lifting the automatic stay. Clearly, the Debtors will also benefit from the efficiency of proceeding in a court that is familiar with the issues and has presided over the litigation for almost two (2) years. Furthermore, Debtors have had counsel in SDNY through the course of the litigation so there will be no prejudice to the Debtors arising out of the need to retain counsel in the SDNY Action.

48. Furthermore, class certification will create a valuable economy of scale and therefore benefit the Debtors' estates. Allowing a single class proof of claim will eliminate the filing, review and management of thousands of individual claims. Additionally, the single class proof of claim will be resolved through one analysis that would otherwise have to be repeated time and time again. As set forth in the Class Certification Motion, common questions of law and fact at issue predominate and having to address such common issues among thousands of individual claims will create redundancy and the incurrence of significant administrative expense to the Debtors' estates with little

or no value for the estates achieved beyond that which could be achieved through a class claim process.

49. Conversely, without class certification, there also is a substantial likelihood that many creditors with valid claims against the estate will lose their ability to make those claims and will obtain no relief. The Putative Class Plaintiffs do not believe that the Debtors have notified Putative Class members of the right to make a claim against the Debtors, nor believe the Debtors will do so upon approval of a claims bar date. Even if Debtors were to notify each Putative Class Member of a claim bar date, there would be no reason for the Putative Class Member to suspect he or she has a claim to make. Thus, the only way many members of the proposed class are likely to obtain relief for their pre-petition damages is if the Putative Class Plaintiffs are permitted to file a claim on their behalf, a condition of which will be a determination by of the Class Certification Motion.

50. Finally, resolving the Class Certification Motion will not delay or complicate the administration of the Chapter 11 Cases. To the contrary, permitting the Class Certification Motion to proceed, which, if successful, will lead to one class proof of claim in the Chapter 11 Cases instead of thousands. This will streamline the claims process for Debtors and diminish the burdens to administer Debtors' estates.

**B. The Putative Class Plaintiffs are Likely to Succeed on the Merits of the Class Certification Motion**

51. As will be shown in the Putative Class Plaintiffs' Class Certification Motion, each class certification prerequisite has been met.

52. First, the Second Circuit's rule for establishing numerosity by identifying at least forty potential class members is easily satisfied. *See Pa. Public Sch. Employees' Ret. Sys. v. Morgan*

*Stanley & Co.*, 772 F.3d 111, 120 (2d Cir. 2014); *Jin v. Shanghai Original, Inc.*, 990 F.3d 251, 263 n.20 (2d Cir. 2021). Here, tens of thousands of ticket purchasers comprise the proposed class.

53. Second, commonality is met when "there are questions of law or fact common to the class." Fed. R. Civ. P. 23(a)(2). In fact "[e]ven a single [common] question" satisfies the commonality requirement. *Wal-Mart Stores, Inc. v. Dukes* 131 S. Ct. 2541, 2556 (2011).

54. Third, the typicality requirement is met when the putative plaintiffs' claims arise out of the same event, practice, or course of conduct and rest on the same legal theory. *See* Fed. R. Civ. P. 23(a)(3); *Atis v. Freedom Mortg. Corp.*, 2016 WL 7440465, at \*7 (D.N.J. Dec. 27, 2016) ("A named plaintiff's claims are typical where each class member's claims arise from the same course of events and each class member makes similar legal arguments to prove the defendant's liability."); *accord C.P. v. New Jersey Dep't of Educ.*, 2022 WL 3572815, at \*7 (D.N.J. Aug. 19, 2022) (noting, with respect to Third Circuit, the "even relatively pronounced factual differences will generally not preclude a finding of typicality where there is a strong similarity of legal theories or where the claim arises from the same practice or course of conduct") (internal quotations and brackets omitted).

55. Here, the Putative Class Plaintiffs' claims are typical. Finally, to satisfy the fourth requirement of Rule 23(a), Putative Class Plaintiffs and their counsel must establish that they "will fairly and adequately protect the interests of the class." Fed. R. Civ. P. 23(a)(4). The Putative Class Plaintiffs submit that they have no conflicts with any other putative class member and are willing and able to serve as class representatives. Also, both understand their duties if appointed class representatives. Likewise, Putative Class Plaintiffs' counsel submits that they are willing, able, and qualified to act as class counsel. In sum, the adequacy requirement is also satisfied. Next, Putative Class Plaintiffs will also succeed on both Rule 23(b) prongs which require common questions (1)

predominate over questions affecting individual class members, and (2) that the class action vehicle is superior to other available methods for adjudicating the controversy. Fed. R. Civ. P. Rule 23(b)(3).

**NOTICE**

56. The Putative Class Plaintiffs are serving notice of this Motion upon: (a) the Office of the United States Trustee for the District of Delaware; (b) counsel for the Debtors; (c) counsel for the Debtors in the Class Action; (d) counsel to the administrative agent for the Debtors' prepetition secured financing; (e) counsel for the Unsecured Creditors Committee; and (f) the parties that have filed requests for notice in these cases pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested herein, the Putative Class Plaintiffs submit that no other or further notice is required or appropriate.

WHEREFORE, the Putative Class Plaintiffs respectfully request that the Court enter an order, in the form filed herewith, pursuant to section 362(d) of the Bankruptcy Code lifting the automatic stay and authorizing the Southern District of New York Court to hear, determine, rule and adjudicate the Class Certification Motion to be filed by the Putative Class Plaintiffs, permit the parties to file any pleadings, briefs or other documents related thereto, and for related relief.

Dated: October 2, 2025  
Wilmington, Delaware

Respectfully submitted,

**BIELLI & KLAUDER, LLC**

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

In re:

AGDP Holding, Inc. *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No.: 25-11446-MFW

(Jointly Administered)

**Re: Docket No. \_\_\_\_\_**

**ORDER GRANTING**

**MOTION OF PUTATIVE CLASS PLAINTIFFS NICOLE BROCKMOLE, LAUREN  
BAIR AND NICK ERCKLENTZ, FOR LIMITED RELIEF FROM THE AUTOMATIC  
STAY PURSUANT TO 11 U.S.C. § 362 AUTHORIZING THE DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK TO ADJUDICATE THE MOTION FOR  
CLASS CERTIFICATION TO BE FILED BY THE PUTATIVE CLASS PLAINTIFFS  
AND ALLOWING THE LITIGATION TO PROCEED  
AGAINST NON-DEBTOR PARTIES**

Upon the Motion<sup>2</sup> of Unsecured creditors and putative class plaintiffs Nicole Brockmole, Lauren Bair, Nick Ercklentz, (the “Brockmole Plaintiffs”) together with Anthony Palie, Dakota Bedell, Carl Corbo, Annabel Gould, Dolores Thompson, and Bridgette Winkelmann (the “Palie Plaintiffs”) (collectively, the “Putative Class Plaintiffs” or the “Movants”), by and through their undersigned counsel, for entry of an order pursuant to 11 U.S.C §362(d) lifting the automatic stay to the extent of: (a) authorizing Putative Class Plaintiffs to file a motion for class certification and allowing the full briefing thereof by adverse parties in that action; (b) authorizing the United States District Court for the Southern District of New York (the “SDNY”) to hear, determine rule and adjudicate the motion for class certification in the civil class action suits against Debtors that were subsequently consolidated under the caption *Nicole Brockmole, et al. v. EZ Festivals LLC, et al.*,

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<sup>1</sup> The Debtors in these Chapter 11 cases, along with the four digits of each Debtor’s federal tax identification number, as applicable, are as follows: Avant Gardner LLC (6504), EZ Festivals LLC (8854), AGDP Holding Inc. (6404), AG Management Pool LLC (9962), Made Event LLC (6272), Reynard Productions LLC (3431). The Debtors’ mailing address is:

<sup>2</sup> Any capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Case No. 1:23-cv-08106 in the Southern District of New York (the “SDNY Action”); (c) lifting the automatic stay for all purposes as against all non-Debtor parties<sup>3</sup> in the SDNY action; and (d) for related relief (the “Motion”).

It is hereby ORDERED that:

1. The Motion is GRANTED.
2. The automatic stay under section 362 of the Bankruptcy Code is hereby lifted pursuant to section 362(d) of the Bankruptcy Code on a limited basis with respect to the Class Action, and the SDNY is authorized to hear, determine, rule and adjudicate the Class Certification Motion to be filed by the Putative Class Plaintiffs, and the parties to the Class Action are hereby permitted and authorized to file any pleadings, briefs or other documents related to the pursuit, adjudication and/or resolution of the Class Certification Motion.
3. The automatic stay under section 362 of the Bankruptcy Code is hereby lifted pursuant to section 362(d) of the Bankruptcy Code as against all non-debtors with respect to the Class Action
4. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

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3

The non-debtors who are defendants in the SDNY Action: are CityFox, Jurgen Bildstein, Phillip Wiederkehr, Gardener Purchaser LLC, Weiderkehr Associates, Stewart Purchaser LLC, WRE Parent U.S. Holding Corp., Inc. and WRE Holding AG (“Non-Debtors Parties”).

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

In re:

AGDP Holding, Inc. *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No.: 25-11446-MFW

(Jointly Administered)

**CERTIFICATE OF SERVICE**

I, David M. Klauder, Esquire, hereby certify that on October 1, 2025, a copy of the Motion of Putative Class Plaintiffs Nicole Brockmole, Lauren Bair and Nick Ercklentz, for Limited Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362 Authorizing the District Court for the Southern District of New York to Adjudicate the Motion for Class Certification to be Filed by the Putative Class Plaintiffs and Allowing the Litigation to Proceed Against Non-Debtor Parties was served via First Class U.S. Mail or electronic mail upon the parties on the attached Service List.

Dated: October 2, 2025

Wilmington, Delaware

Respectfully submitted,

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<sup>1</sup> The Debtors in these Chapter 11 cases, along with the four digits of each Debtor's federal tax identification number, as applicable, are as follows: Avant Gardner LLC (6504), EZ Festivals LLC (8854), AGDP Holding Inc. (6404), AG Management Pool LLC (9962), Made Event LLC (6272), Reynard Productions LLC (3431).

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

In re:

AGDP Holding, Inc. *et al.*,

Debtors.<sup>1</sup>

Chapter 11

Case No.: 25-11446-MFW

(Jointly Administered)

Hearing Date: October 22, 2025 at 10:30 a.m. (ET)

Objection Deadline: October 15, 2025 at 4:00 p.m. (ET)

**NOTICE OF MOTION**

Unsecured creditors and putative class plaintiffs Nicole Brockmole, Lauren Bair, Nick Ercklentz (the “Brockmole Plaintiffs”) together with Anthony Palie, Dakota Bedell, Carl Corbo, Annabel Gould, Dolores Thompson and Bridgette Winkelman (the “Palie Plaintiffs”) (collectively, the “Putative Class Plaintiffs” or the “Movants”), by and through their undersigned counsel, filed the *Motion of Putative Class Plaintiffs Nicole Brockmole, Lauren Bair and Nick Ercklentz, for Limited Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362 Authorizing the District Court for the Southern District of New York to Adjudicate the Motion for Class Certification to be Filed by the Putative Class Plaintiffs and Allowing the Litigation to Proceed Against Non-Debtor Parties* (the “Motion”).

You are required to file a response to the Motion on or before **October 15, 2025 at 4:00 pm (Eastern Time)**.

At the same time, you must also serve a copy of the response upon the Movants’ attorneys:

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<sup>1</sup> The Debtors in these Chapter 11 cases, along with the four digits of each Debtor’s federal tax identification number, as applicable, are as follows: Avant Gardner LLC (6504), EZ Festivals LLC (8854), AGDP Holding Inc. (6404), AG Management Pool LLC (9962), Made Event LLC (6272), Reynard Productions LLC (3431).

HEARING ON THE MOTION WILL BE HELD ON **October 22, 2025 at 10:30 a.m. (Eastern Time)** before the Honorable Mary F. Walrath at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 5<sup>th</sup> Floor, Wilmington, DE 19801 in Courtroom Number 4.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: October 2, 2025  
Wilmington, Delaware

Respectfully submitted,

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