

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

STICKY'S HOLDINGS LLC, *et al.*,¹

Reorganized Debtors.

Chapter 11

Case No. 24-10856 (JKS)

(Jointly Administered)

[Proposed] Hearing Date: April 29, 2025 at
1:00 p.m.

[Proposed] Obj. Deadline: 4/28/25 at 4 p.m.

MOTION TO SHORTEN AND LIMIT NOTICE WITH RESPECT TO:

MOTION OF ESRT 10 UNION SQUARE LLC: (I) TO COMPEL IMMEDIATE PAYMENT OF POST-CONFIRMATION RENT AND GRANT RELIEF FROM AUTOMATIC STAY/PLAN INJUNCTION TO PERMIT LANDLORD TO SETOFF SUCH AMOUNT AGAINST SECURITY DEPOSIT AND ASSERT CLAIM AGAINST ADMINISTRATIVE CLAIM RESERVE; (II) COMPEL IMMEDIATE REJECTION AND SURRENDER OF ASSUMED LEASE AND PERMIT CLEAN-UP OF PREMISES FREE OF ANY THIRD-PARTY LIABILITY; AND (III) FOR WAIVER THE STAY OF ENFORCEMENT OF ANY ORDER UNDER FED. R. BANKR. P. 4001(a)(3)

ESRT 10 Union Square LLC (“the “Movant” or Landlord”), by and through undersigned counsel, hereby files this Motion to Shorten and Limit Notice (the “Motion to Shorten”), pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure, Del. Bankr. L.R. 9006-l(e) and 11 U.S.C. §§ 102 and 105, for an order shortening the notice period and limiting notice with respect to the *Motion of ESRT 10 Union Square LLC: (a) to Compel Immediate Payment of Post-Confirmation Rent and Grant Relief from the Automatic Stay/Plan Injunction to Permit Landlord*

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number are as follows: Sticky’s Holdings LLC (3586); Sticky Fingers LLC (3212); Sticky Fingers II LLC (7125); Sticky Fingers III LLC (3914); Sticky Fingers IV LLC (9412); Sticky Fingers V LLC (1465); Sticky Fingers VI LLC (0578); Sticky’s BK I LLC (0423); Sticky’s NJ I LLC (5162); Sticky Fingers VII LLC (1491); Sticky’s NJ II LLC (6642); Sticky Fingers IX LLC (5036); Sticky’s NJ III LLC (7036); Sticky Fingers VIII LLC (0080); Sticky NJ IV LLC (6341); Sticky’s WC I LLC (0427); Sticky’s Franchise LLC (5232); Sticky’s PA GK I LLC (7496); Stickys Corporate LLC (5719); and Sticky’s IP LLC (4569). The Debtors’ mailing address is 21 Maiden Lane, New York, NY 10038 (collectively, the “Reorganized Debtors”).



to Setoff such Amount Against the Security Deposit and Assert Claim against Administrative Claim Reserve; (b) Compel Immediate Rejection and Surrender of Assumed Lease and Permit Clean-Up Free of Premises Free of any Third-Party Liability; and (c) for Waiver of the Stay of Enforcement of any Order under Fed. R. Bankr. P. 4001(3) (the “Motion”)² filed contemporaneously herewith.

In support of the Motion to Shorten, the Movant respectfully states as follows:

Jurisdiction and Venue

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. §157. Venue of these cases and this Motion to Shorten in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief sought herein are sections 102(1) and 105(a) of the Bankruptcy Code, as supplemental by Del. Bankr. L.R. 9006-1(e).

Relevant Background

3. The relevant factual background is set forth in the Motion which is incorporated herein by reference.

Relief Requested

4. The Movant respectfully requests that the Court enter an order, substantially in the form attached hereto as **Exhibit A**: (i) shortening the notice period with respect to the Motion so that the Motion may be heard on April 29, 2025 at 1:00 p.m. (the “Proposed Hearing Date”), (ii) setting an objection deadline of April 28, 2025 (“Proposed Objection Deadline”) and (iii) limiting notice of the Motion to the parties set forth below.

Basis for Relief Requested

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

5. Section 102(1) of the Bankruptcy Code makes clear that the phrase “after notice and a hearing” requires only such notice and opportunity to be heard as may be appropriate under the circumstances.

6. Section 105(a) of the Bankruptcy Code provides that the Court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. 11 U.S.C. § 105(a).

7. Pursuant to Local Bankruptcy Rule 4001-1(b), “in any cases where omnibus hearing dates have been scheduled by the Court, the movant may notice its motion for the earliest omnibus hearing date that provides sufficient notice in accordance with Local Rule 9006-1(c).” Del. Bankr. L.R. 4001-1(b). Rule 9006-1(c) provides that “all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen (14) days prior to the hearing date.” Del. Bankr. L.R. 9006-1(c)(i). Local Bankruptcy Rule 9006-1(e) provides that “no motion will be scheduled on less notice than required by these Local Bankruptcy Rules or the Fed. R. Bankr. P. except by Order of the Court, on written motion [...] specifying the exigencies justifying shortened notice.” Del. Bankr. L.R. 9006-1(e).

8. The Movant requests the Motion be heard on the Proposed Hearing Date, on which the Court will also hear the following:

- a. *The Reorganized Debtors Motion for Entry of an Order (I) Authorizing Entry into Proposed Letter of Intent with Harker Palmer Investors LLC; (II) Authorizing Reorganized Debtors and Their Professionals to Perform Obligations Thereunder; and (III) Granting Related Relief [DI 545]; and*
- b. *Motion of Brooks Shopping Centers, LLC (I) To Compel Rejection of Lease Under 11 U.S.C. § 365(a); (II) For Allowance of an Administrative Claim For Unpaid Post-Petition Lease Obligations Under 11 U.S.C. § 503(b); (III) For Relief From or to Vacate the Automatic Stay Under 11 U.S.C. § 362(b); and (IV) To Waive the Stay of Enforcement of Any Order Under Fed.R.Bankr.P. 4001(3) [DI 551]*

9. The Movant respectfully submits that cause exists to hear the Motion on shortened notice. Movant seeks substantially the same relief as the Brooks Shopping Center, a similarly situated landlord. The relief is not inconsistent with the HP LOI Motion, which provides for the rejection of the Lease, among others. The Motion seeks the type of relief that is appropriate prior to conversion of the case.

10. Movant respectfully submits that setting an objection deadline at April 28, 2025, at 4:00 p.m., the date before the Proposed Hearing, should be sufficient.

11. It is also respectfully submitted that in light of the relief requested by the Motion, notice by first-class mail to each party is not necessary, and authorizing service of the Motion and the Motion to Limit Notice via electronic mail and the Court's CM/ECF system constitutes due and adequate notice under the circumstances.

LOCAL RULE 9006-1(e) CERTIFICATION

12. In accordance with Local Rule 9006-1(e), on April 21, 2025, the undersigned notified counsel to the Office of the United States Trustee for the District of Delaware (the "UST") and Debtors' counsel of the Movants' intent to file this Motion to Shorten, and asked if they consented to the relief requested therein. The UST responded that his office took no position. The Debtors indicated no objection to the Motion to Shorten but reserved all rights with respect to the Motion.

NOTICE

13. The Movant served the Motion and this Motion to Shorten via electronic mail and/or the Court's CM/ECF system on (i) counsel to the Office of the United States Trustee and (ii) counsel to the Debtors.

WHEREFORE, the Movant respectfully requests that this Court shorten and limit the notice requirement with respect to the Motion and grant such other and further relief as is just and proper.

Dated: April 21, 2025
Wilmington, Delaware

THE ROSNER LAW GROUP LLC

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Counsel to Movant

Exhibit A

Proposed Order

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

In re:

STICKY'S HOLDINGS LLC, *et al.*,¹

Reorganized Debtors.

Chapter 11

Case No. 24-10856 (JKS)

(Jointly Administered)

Re: ____

ORDER GRANTING MOTION TO SHORTEN TIME

Upon the motion ("Motion to Shorten") of ESRT 10 Union Square LLC for entry of an order pursuant to Del. Bankr. LR 9006-1(e), shortening notice to consider the *Motion of ESRT 10 Union Square LLC: (I) To Compel Immediate Payment of Post-confirmation Rent and Grant Relief From Automatic Stay/plan Injunction to Permit Landlord to Setoff Such Amount Against Security Deposit and Assert Claim Against Administrative Claim Reserve; (II) Compel Immediate Rejection and Surrender of Assumed Lease And Permit Clean-up of Premises Free of Any Third-party Liability; And (III) For Waiver the Stay of Enforcement of Any Order Under Fed. R. Bankr. P. 4001(A)(3)* (the "Motion");² and the Court having considered the Motion to Shorten; and the Court finding that the notice proposed by the Motion to Shorten is due, sufficient and adequate under the circumstances; and no other or further notice need be provided; and the Court having determined

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² Unless defined herein, capitalized terms shall have the meanings ascribed to them in the Motion.

that the legal and factual bases set forth in the Motion to Shorten establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor:

IT IS HEREBY ORDERED THAT:

1. The Motion to Shorten is granted to the extent set forth herein.
2. A hearing on the Motion will be held on April 29, 2025 at 1:00 p.m., the Hearing Date.
3. Any objection or response to the Motion shall be filed with the Court on or before April 28, 2025, at 4:00 p.m.
4. Counsel to Movant shall serve the Motion via electronic mail and/or the Court's CM/ECF system on (i) counsel to the Office of the United States Trustee and (ii) counsel to the Debtors.
5. The Court shall retain jurisdiction over any and all issues arising from or related to the implementation and interpretation of this Order.