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Proposed Counsel for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re: :
 : **Chapter 11**
 :
HOPEMAN BROTHERS, INC., : **Case No. 24-32428 (KLP)**
 :
 : **Debtor.** :
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**FINAL ORDER (I) AUTHORIZING DEBTOR TO MAINTAIN EXISTING
BANK ACCOUNTS AND BUSINESS FORMS; AND (II) GRANTING
THE DEBTOR AN EXTENSION OF TIME TO COMPLY WITH THE
REQUIREMENTS OF SECTION 345(b) OF THE BANKRUPTCY CODE**

Upon the motion (the "Motion")¹ of the above-captioned debtor in the above-captioned chapter 11 case (the "Debtor") for entry of an order (this "Final Order") (i) authorizing the Debtor to maintain existing Bank Accounts and business forms, and (ii), if the Court determines the Debtor is not in compliance with section 345(b) of the Bankruptcy Code, granting the Debtor a 45-day extension from the Petition Date (as defined below) to comply with such requirements, all as more fully set forth in the Motion; and the Court having reviewed the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C.

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.



§ 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and upon the record herein; and after due deliberation thereon; and the Court having determined that there is good and sufficient cause for the relief granted in this order, it is hereby

ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion is granted on a final basis as set forth herein.
2. The Debtor is authorized and empowered, but not directed, to continue to maintain, operate and make transfers under its existing cash management system.
3. The Debtor is authorized and empowered, but not directed, to continue to maintain the Bank Accounts with the same names and account numbers as existed immediately prior to this chapter 11 case.
4. Any requirement to establish separate accounts for tax payments is waived.
5. The Debtor is authorized to deposit funds in and withdraw funds from the Bank Accounts by all usual means, including, but not limited to, checks, wire transfers, electronic funds transfers, automated clearing house transfers (“ACH Transfers”) and other debits, and to otherwise treat the prepetition Accounts for all purposes as debtor in possession accounts.
6. The Debtor is authorized to direct banks and the banks are authorized and directed to pay all ordinary-course prepetition obligations in accordance with this or any separate order of

this Court, provided that the Debtor initiated or caused to be initiated such payment(s) of prepetition obligations on or before the Petition Date.

7. All banks with which the Debtor maintains the Bank Accounts are authorized and directed to continue to maintain, service and administer the Bank Accounts. Notwithstanding anything to the contrary in any other order of this Court, the banks (a) are authorized to accept and honor all representations from the Debtor as to which checks, drafts, wires or ACH Transfers should be honored or dishonored, consistent with any order of this Court and governing law, whether such checks, drafts, wires or ACH Transfers are dated prior to, on or subsequent to the Petition Date, and whether the banks believe the payment is or is not authorized by an order of this Court and (b) have no duty to inquire as to whether such payments are authorized by an order of this Court.

8. The banks shall not be liable to any party on account of (a) following the Debtor's instructions or representations as to any order of this Court, (b) the honoring of any prepetition check or item in a good faith belief that the Court has authorized such prepetition check or item to be honored or (c) an innocent mistake made despite implementation of reasonable item handling procedures.

9. The Debtor is authorized to continue to use its existing business forms, including without limitation its existing check stock, which forms shall not be required to include the legend "Debtor in Possession" or other similar legend.

10. Any payment from a Bank Account at the request of the Debtor made by a bank prior to the Petition Date (including any ACH Transfer such bank is or becomes obligated to settle), or any instruments issued by such bank on behalf of any Debtor pursuant to a "midnight deadline"

or otherwise, shall be deemed to be paid prepetition, whether or not actually debited from the Bank Account prepetition.

11. The Debtor is authorized to open any new bank accounts or close any existing bank accounts as they may deem necessary and appropriate in its sole discretion; *provided* that written notice thereof shall be provided to the U.S. Trustee and any official committee appointed in this chapter 11 case at least three (3) days in advance of such opening and any new bank accounts should be at an institution that has been approved as an authorized depository by the U.S. Trustee for the Eastern District of Virginia.

12. To the extent any Bank Accounts existing as of the Petition Date are not in compliance with section 345(b) of the Bankruptcy Code, the Debtor shall have 45 days (or such additional time as to which the U.S. Trustee may agree) from the Petition Date within which to either come into compliance with section 345(b) of the Bankruptcy Code or to make such other arrangements as agreed to by the U.S. Trustee, and such extension is without prejudice to the Debtor's right to request a further extension or waiver of the requirements of section 345(b) of the Bankruptcy Code.

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

14. The notice procedures set forth in the Motion are good and sufficient notice and satisfy Bankruptcy Rule 9014 by providing the counterparties with notice and an opportunity to object and be heard at a hearing.

15. The requirements set forth in Bankruptcy Rule 6004(a) are hereby waived.

16. Notwithstanding entry of this Final Order, nothing herein shall create, nor is intended to create, any rights in favor of or enhance the status of any claim held by, any party.

17. Notwithstanding Bankruptcy Rule 6004(h), to the extent applicable, this Final Order shall be effective and enforceable immediately upon entry hereof.

18. The requirements set forth in Bankruptcy Rule 6003(b) are satisfied because the relief set forth in this Final Order is necessary to avoid immediate and irreparable harm.

19. The requirement under Local Rule 9013-1(F) to file a memorandum of law in connection with the Motion is waived.

20. The Debtor is authorized to take all actions necessary or appropriate to implement the relief granted in this Final Order in accordance with the Motion.

21. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and/or interpretation of this Final Order.

Dated: _____, 2024
Richmond, Virginia

Sep 9 2024

/s/ Keith L Phillips

UNITED STATES BANKRUPTCY JUDGE

Entered On Docket: Sep 11 2024

WE ASK FOR THIS:

/s/ Henry P. (Toby) Long, III
Tyler P. Brown (VSB No. 28072)
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- and -

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Proposed Counsel for the Debtor and Debtor in Possession

SEEN AND NO OBJECTION:

/s/ Kathryn Montgomery
Kathryn Montgomery
Office of The United States Trustee
701 East Broad Street
Suite 4304
Richmond, VA 23219
kathryn.montgomery@usdoj.gov

United States Trustee

CERTIFICATION OF ENDORSEMENT
UNDER LOCAL BANKRUPTCY RULE 9022-1(C)

I hereby certify that the foregoing proposed order has been endorsed by or served upon all necessary parties.

/s/ Henry P. (Toby) Long, III

In re:
Hopeman Brothers, Inc.
Debtor

Case No. 24-32428-KLP
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0422-7
Date Rcvd: Sep 11, 2024

User: RenierJes
Form ID: pdford9

Page 1 of 2
Total Noticed: 7

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 13, 2024:

Recip ID	Recipient Name and Address
db	+ Hopeman Brothers, Inc., 6 Auburn Court, Unit 3, Brookline, MA 02446-6380
cr	+ Boling Law Firm, c/o Spotts Fain PC, 411 E. Franklin St., Suite 600, Richmond, VA 23219-2200
desig	+ Christopher Lascell, 6 Auburn Ct., Unit 3, Brookline, MA 02446, UNITED STATES 02446-6380
cr	+ Law Office of Philip C. Hoffman, c/o Spotts Fain PC, 411 E. Franklin St., Suite 600, Richmond, VA 23219-2200

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	+ Email/Text: ustpreion04.rh.ecf@usdoj.gov	Sep 12 2024 00:28:00	UST smg Richmond, Office of the U. S. Trustee, 701 East Broad St., Suite 4304, Richmond, VA 23219-1849
16459360	Email/Text: sbse.cio.bnc.mail@irs.gov	Sep 12 2024 00:27:00	IRS, PO Box 7346, Philadelphia, PA 19101-7346
16459361	Email/Text: atreorg@sec.gov	Sep 12 2024 00:28:00	U.S. Securities and Exchange Commission, Office of Reorganization, 950 East Paces Ferry Road, Suite 900, Atlanta, GA 30326-1382

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Certain Clients of Roussel & Clement
cr		Certain Clients of Simmons Hanly Conroy LLC, Brayt
cr		Huntington Ingalls Industries, Inc.
intp		Liberty Mutual Insurance Company
unk		Official Committee of Unsecured Creditors

TOTAL: 5 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 13, 2024

Signature: /s/Gustava Winters

District/off: 0422-7
Date Rcvd: Sep 11, 2024

User: RenierJes
Form ID: pdford9

Page 2 of 2
Total Noticed: 7

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 11, 2024 at the address(es) listed below:

Name	Email Address
Dion W. Hayes	on behalf of Creditor Huntington Ingalls Industries Inc. dhayes@mcguirewoods.com, kcain@mcguirewoods.com
Douglas M. Foley	on behalf of Interested Party Liberty Mutual Insurance Company dmfoley@kaufcan.com nabruce@kaufcan.com
Gerard R. Vetter	USTPRegion04.RH.ECF@usdoj.gov
Henry Pollard Long, III	on behalf of Debtor Hopeman Brothers Inc. hlong@huntonAK.com, tcanada@huntonAK.com
Jeffrey Allen Liesemer	on behalf of Creditor Certain Clients of Simmons Hanly Conroy LLC Brayton Purcell LLP, The Gori Law Firm, P.C., Peter Angelos Law, and Simon Greenstone Panatier, PC jliesemer@capdale.com, brigitte-wolverton-caplin-drysdale-9897@ecf.pacerpro.com
Jeffrey Allen Liesemer	on behalf of Unknown Official Committee of Unsecured Creditors jliesemer@capdale.com brigitte-wolverton-caplin-drysdale-9897@ecf.pacerpro.com
Jennifer J. West	on behalf of Creditor Boling Law Firm jwest@spottsfain.com rchappell@spottsfain.com;tmoore@spottsfain.com;eanderson@spottsfain.com;tfishback@spottsfain.com;nmccullagh@spottsfain.com;churley@spottsfain.com
Jennifer J. West	on behalf of Creditor Law Office of Philip C. Hoffman jwest@spottsfain.com rchappell@spottsfain.com;tmoore@spottsfain.com;eanderson@spottsfain.com;tfishback@spottsfain.com;nmccullagh@spottsfain.com;churley@spottsfain.com
Kathryn R. Montgomery	on behalf of U.S. Trustee Gerard R. Vetter Kathryn.Montgomery@usdoj.gov june.e.turner@usdoj.gov;Nisha.R.Patel@usdoj.gov;Shannon.pecoraro@usdoj.gov;shannon.m.tingle@usdoj.gov;Peggy.T.Flinchum@usdoj.gov
Kollin Geoffrey Bender	on behalf of Creditor Certain Clients of Roussel & Clement kbender@hirschlerlaw.com rhenderson@hirschlerlaw.com
Tyler P. Brown	on behalf of Debtor Hopeman Brothers Inc. tpbrown@huntonak.com, tcanada@huntonak.com

TOTAL: 11