Docket #0016 Date Filed: 9/21/2026

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
Yardbird Group LLC, *et al.*,[1]	Case No. 26-11479 (___)
Debtors.	(Joint Administration Requested)
	Re: Docket No. 14

DEBTORS' MOTION FOR ENTRY OF AN ORDER SHORTENING AND LIMITING THE NOTICE WITH RESPECT TO THE DEBTORS' BIDDING PROCEDURES MOTION

The above-captioned debtors and debtors in possession (the "Debtors") hereby move this Court (this "Motion") for entry of an order, in substantially the form attached hereto as **Exhibit A** (the "Proposed Order"), shortening and limiting the notice with respect to the *Debtors' Motion for Entry of Orders (I)(A) Approving Bidding Procedures for the Sale of Substantially All of the Debtors' Assets, (B) Designating the Stalking Horse Bidder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof, and (F) Granting Related Relief; and (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related*

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Yardbird Group LLC (7139); Southern Operations, LLC (5384); Yardbird Beverly Hills, LLC (9735); Yardbird DFW, LLC (2545); Yardbird DC, LLC (2651); Yardbird Chicago, LLC (6273); Yardbird Denver LLC (8819), YB Las Vegas, LLC (4071), Yardbird DFW Management LLC (8949), Yardbird DFW Concession LLC (1952), and The Bird Singapore LLC (8264). The location of the Debtors' service address in these chapter 11 cases is 3355 Las Vegas Boulevard South, Las Vegas, Nevada 89109.

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Relief [Docket No. 14] (the "Bidding Procedures Motion")[2] solely as it pertains to the approval of the Bidding Procedures. In support hereof, the Debtors respectfully state as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the District of Delaware (this "Court") has jurisdiction over the above-captioned chapter 11 cases (these "Chapter 11 Cases"), the Debtors, property of the Debtors' estates, and these matters under 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. Pursuant to rule 9013-1(f) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), the Debtors consent to the entry of a final order with respect to this Motion if it is determined that this Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

3. Venue of these Chapter 11 Cases in this district is proper under 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are section 105(a) of title 11 of the United States Code (the "Bankruptcy Code"), rule 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Local Rules 6004-1 and 9006-1.

BACKGROUND

5. On the date hereof (the "Petition Date"), each of the Debtors filed a voluntary petition for relief pursuant to chapter 11 of the Bankruptcy Code. The Debtors have also filed a

[2] Capitalized terms used but not defined herein shall have the respective meanings ascribed to such terms in the Bidding Procedures Motion or the First Day Declaration (defined below), as applicable.

motion requesting joint administration of these Chapter 11 Cases pursuant to Bankruptcy Rule 1015(b). *See* Docket No. 3. The Debtors are operating their business and managing their properties as debtors in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made, and no official committees have been appointed in these Chapter 11 Cases.

6. Additional factual background regarding the Debtors, including their business operations, their corporate and capital structure, and the events leading to the filing of these Chapter 11 Cases is set forth in the *Declaration of Albert Altro in Support of Chapter 11 Petitions and First Day Motions* (the "First Day Declaration"), which is incorporated herein by reference.

7. The specific factual background relevant to this Motion is set forth in the Bidding Procedures Motion and the *Declaration of Vineet ("Vin") Batra in Support of the Debtors' Motion for Entry of Orders (I)(A) Approving Bidding Procedures for the Sale of Substantially All of the Debtors' Assets, (B) Designating the Stalking Horse Bidder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof, and (F) Granting Related Relief; and (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related Relief* (the "Sale Declaration"). The Debtors hereby incorporate the Bidding Procedures Motion and the Sale Declaration by reference as if their contents were set forth herein.

8. While the Debtors have access to funds through a debtor in possession credit facility (the "DIP Financing") provided by the Debtors' Prepetition Secured Parties, time is of the essence in these Chapter 11 Cases because of the limited budget and the sale milestones required as part

of the DIP Financing and the contemplated sale process. Holding a hearing on, and receiving approval of, the Bidding Procedures Motion is the first step in the postpetition sale process, and it is critical that process be expedited.

RELIEF REQUESTED

9. By this Motion, the Debtors seek entry of the Proposed Order, shortening the notice period with respect to the Bidding Procedures Motion and setting (1) the Bidding Procedures Motion for hearing on or about October 8, 2026 (the "Proposed Hearing Date"), (2) the objection deadline to the Bidding Procedures Motion as October 5, 2026 at 4:00 p.m. (ET) (the "Proposed Objection Deadline"), and (3) the deadline for responses in support of the Bidding Procedures Motion to be filed on or before October 7, 2026 at 4:00 p.m. (ET) (the "Proposed Reply Deadline").

BASIS FOR RELIEF REQUESTED

10. Local Rule 6004-1(c) requires that a sale procedures motion seeking approval of bidding and auction procedures be filed and served at least twenty-one (21) days prior to the hearing on the sale procedures motion. *See* Del. Bankr. L.R. 6004-1(c). Local Rule 9006-1(c)(ii) further provides that objections, if any, to such a motion shall be no later than seven (7) days before the hearing date. *See* Del. Bankr. L.R. 9006-1(c)(i), (ii).

11. Local Rule 6004-1(c) contemplates that the Court may hear a motion to shorten related to a sale procedures motion at the first hearing in the case and grant such motion upon the presentation of evidence of compelling circumstances. Del. Bankr. L.R. 6004-1(c). Additionally, Bankruptcy Rule 9006(c) states that "[w]hen a rule, notice given under a rule, or court order requires or allows an act to be done within a specified time, the court may—for cause and with or without a motion or notice—reduce the time." Fed. R. Bankr. P. 9006(c)(1).

12. In exercising such discretion, the court should "consider the prejudice to the parties entitled to notice and weigh this against the reasons for hearing the motion on an expedited basis." *In re Phila. Newspapers, LLC*, 690 F.3d 161, 171–72 (3d Cir. 2012) (noting that such motions are common in light of the "accelerated timeframe of bankruptcy proceedings"). Indeed, as stated in section 102(1) of the Bankruptcy Code, "notice and a hearing" is an elastic phrase meant to take into account the "particular circumstances" of a motion. *See* 11 U.S.C. § 102(1) (stating that "'after notice and a hearing', or similar phrase . . . means after such notice as is appropriate in the particular circumstances . . . ."); *Rockwell Int'l Corp. v. Harnischfeger Indus., Inc. (In re Harnischfeger Indus., Inc.)*, 316 B.R. 616, 620 (D. Del. 2003) ("The policy of Section 102 is to permit the court flexibility, while ensuring that all parties have proper notice."). Finally, Bankruptcy Code section 105(a) provides that the "court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a).

13. Here, compelling circumstances exist to shorten notice in connection with the Bidding Procedures Motion. As described in the Bidding Procedures Motion and the Sale Declaration, the Debtors believe that a prompt sale of their Assets on shortened notice as requested herein will maximize the value of their estates to the greatest extent possible under the circumstances of these Chapter 11 Cases. *See* Sale Decl. ¶¶ 21-22. The Debtors' Assets have been marketed prepetition, with the Debtors reaching out to over 170 potential parties in interest. Sale Decl. ¶ 9. Known potential bidders for the Debtors' Assets have had the opportunity, subject to execution of a non-disclosure agreement, to conduct diligence, and parties expressing interest in have received a confidential information memorandum/management presentation and a *proforma* net working capital supplement. Sale Decl. ¶¶ 9-10. Prior to the filing of these Chapter 11 Cases, twenty-one (21) interested buyers executed non-disclosure agreements with the Debtors,

culminating in the Debtors' receipt of three (3) IOIs. Sale Decl. ¶¶10-11. Concurrently with their prepetition marketing process, the Debtors continued negotiations with the Prepetition Secured Lenders, who indicated they would support a chapter 11 sale process and would provide necessary liquidity to complete a restructuring and preserve the Debtors' going-concern value. Sale Decl. ¶ 12. Indeed, many parties that may have an interest in bidding at the Auction have already initiated diligence and evaluated the Debtors' business and Assets. Sale Decl. ¶ 23. Therefore, additional time before crystallizing the Bidding Procedures for the benefit of all parties is not necessary—that is, shortening notice with respect to approval of the Bidding Procedures Motion will not impact parties' abilities to participate in the Sale Process and will not prejudice parties in interest who want to participate in these Chapter 11 Cases.

14. Moreover, the Debtors have a limited budget that will not permit an extended stay in chapter 11 prior to the closing of a sale. The Debtors are also subject to strict sale-related milestones under both the DIP Financing and the Stalking Horse APA. As such, shortening notice on the hearing on the Bidding Procedures Motion will provide potential bidders with an adequate runway and opportunity to finalize their bids, and ensure a full, fair and transparent sale process that will maximize the value of the Assets, while balancing the Debtors' need to quickly and efficiently close a Sale. Sale Decl. ¶ 22. Absent such relief, the Debtors may be unable to meet necessary milestones under their contemplated DIP Financing and in the Stalking Horse APA.

15. As the Court is aware, bidding procedures simply establish the "rules of the game" for the sale process. Having Court-approved bidding procedures in place will provide potential bidders with assurances that they are operating on a level playing field according to rules applicable to all bidders and will provide certainty as to what is required to participate in the

process. Therefore, the Debtors believe that the sale process will be best served by early approval of the Bidding Procedures.

16. If the Bidding Procedures Motion is not set for hearing on the Proposed Hearing Date, the timeline for potential bidders to conduct their due diligence and submit a qualified bid would be decreased, unless the entire sale process is delayed, which would cause the Debtors to be out of compliance with their milestones under the DIP Financing, leading to a forfeiture of the DIP and risking the Debtors' ability to maximize the value of their Assets to the detriment of the Debtors' stakeholders. Shortened notice is therefore necessary to permit the Debtors to maximize value of their Assets for the benefit of their estates.

17. Accordingly, due to the cash constraints, a thorough prepetition marketing process, and the need to close the sale of all or substantially all of the Debtors' Assets quickly, among other reasons, it is crucial that the Bidding Procedures be approved on the proposed timeline such that the Auction (if needed), Sale, and closing can occur expeditiously, which will in turn maximize the value of the Debtors' estates.

18. Additionally, the Proposed Objection Deadline is not earlier than the objection deadline required by the Local Rules. Therefore, the Debtors submit that the prejudice, if any, to parties in interest is minimal and all parties' rights to object to the substantive relief requested in the Bidding Procedures Motion are substantially preserved.

19. Finally, relief similar to that requested in this Motion has been regularly granted but this Court. *See, e.g.*, *In re Zen JV, LLC.*, No. 25-11195 (JKS) (Bankr. D. Del. June 27, 2025) [Docket No. 54] (shortening notice of bidding procedures hearing by nine days for a motion filed prior to the first day hearing); *In re Nikola Corp.*, No. 25-10258 (TMH) (Bankr. D. Del. Feb. 20, 2025) [Docket No. 51] (shortening notice of bidding procedures hearing by five days for a motion

filed on the petition date); *In re Brightmark Plastics Renewal LLC*, No. 25-10472 (LSS) (Bankr. D. Del. Mar. 19, 2025) [Docket No. 44] (shortening notice of bidding procedures hearing by four business days for a motion filed prior to the first day hearing); *In re Supply Source Enters., LLC*, No. 24-11054 (BLS) (Bankr. D. Del. May 24, 2024) [Docket No. 58] (shortening notice of bidding procedures hearing by five days for a motion filed prior to the first day hearing); *In re The Rockport Company, LLC*, No. 23-10774 (BLS) (Bankr. D. Del. Jan. 18, 2022) [Docket No. 50] (shortening notice of bidding procedures hearing by eight days for a motion filed prior to the first day hearing).

20. For these reasons, the Debtors respectfully submit that allowing the Bidding Procedures Motion to be considered on shortened notice at a hearing on or before October 8, 2026, is reasonable and appropriate in these circumstances.

LOCAL RULE 9006-1(e) CERTIFICATION

21. In accordance with Local Rule 9006-1(e) and contemporaneously with the filing of this Motion, counsel to the Debtors notified counsel to the United States Trustee (the "U.S. Trustee") of their intention to file this Motion. Debtors' counsel received no response from the U.S. Trustee prior to the filing of this Motion.

NOTICE

22. Notice of this Motion will be provided to the following parties or their respective counsel: (a) the Office of the United States Trustee; (b) the holders of the twenty (20) largest unsecured claims against the Debtors on a consolidated basis; (c) the DIP Secured Parties; (d) the Stalking Horse Bidder; (e) the Prepetition Secured Parties; (f) CNB; (g) the Internal Revenue Service; (h) the United States Attorney's Office for the District of Delaware; (i) the state attorneys general for all states in which the Debtors conduct business; (j) banks and financial institutions where the Debtors maintain accounts; (k) the all parties known or reasonably believed to have

asserted an interest in the Assets; (l) the Contract Counterparties; and (m) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors respectfully submit that, in light of the nature of the relief requested, no further notice is necessary.

NO PRIOR REQUEST

23. No prior motion for the relief requested herein has been made to this Court or any other court.

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: September 21, 2026
Wilmington, Delaware

POTTER ANDERSON & CORROON LLP

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Proposed Counsel for Debtors and Debtors in Possession

EXHIBIT A

Proposed Order

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
Yardbird Group LLC, *et al.*,[1]	Case No. 26-11479 (___)
Debtors.	(Joint Administration Requested)
	Re: Docket Nos. 14 & __

ORDER SHORTENING AND LIMITING THE NOTICE WITH RESPECT TO THE DEBTORS' BIDDING PROCEDURES MOTION

Upon consideration of the motion (the "Motion")[2] of the above-captioned Debtors for entry of an order (this "Order"), pursuant to section 105(a) of the Bankruptcy Code, Bankruptcy Rules 2002 and 9006, and Local Rules 6004-1(c) and 9006-1(c) and (e), (i) shortening the notice period with respect to the approval of the Bidding Procedures in the Bidding Procedures Motion, and (ii) setting the hearing date and objection deadline for the Bidding Procedures Motion; and upon consideration of the Motion and all pleadings related thereto, including the First Day Declaration and the Sale Declaration; and having determined that no other or further notice of the Motion is required under the circumstances; and having determined that the Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and having determined that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and having determined that venue of this proceeding and the Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and having determined that the relief requested in the Motion and provided for herein

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number include: Yardbird Group LLC (7139); Southern Operations, LLC (5384); Yardbird Beverly Hills, LLC (9735); Yardbird DFW, LLC (2545); Yardbird DC, LLC (2651); Yardbird Chicago, LLC (6273); Yardbird Denver LLC (8819), YB Las Vegas, LLC (4071), Yardbird DFW Management LLC (8949), Yardbird DFW Concession LLC (1952), and The Bird Singapore LLC (8264). The location of the Debtors' service address in these chapter 11 cases is 3355 Las Vegas Boulevard South, Las Vegas, Nevada 89109.

[2] All capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Motion.

is in the best interest of the Debtors, their estates, and their creditors; and after due deliberation and sufficient cause appearing therefor:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion is GRANTED, as set forth herein;

2. The Bidding Procedures Motion shall be heard on **October 8, 2026, at __:__ _.m. (prevailing Eastern Time)**.

3. Any responses or objections to the Bidding Procedures Motion may be filed **on or before October 5, 2026, at 4:00 p.m. (prevailing Eastern Time)**.

4. Any reply to the responses or objections to the Bidding Procedures Motion may be filed **on or before October 7, 2026, at 4:00 p.m. (prevailing Eastern Time)**.

5. The Court shall retain jurisdiction with respect to all matters arising from or related to this Order.