

UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT



In re:

**Culinary Health Innovations, LLC,
Debtor-in-Possession.**

**Chapter 11 Case
12-10529**

*Appearances: Rebecca A. Rice, Esq.
Rutland, VT
For the Debtor-in-Possession*

*John J. Kennelly, Esq.
Rutland, VT
For the Claimant*

*Gary L. Franklin, Esq.
Burlington, VT
For the Convertible
Note Holders*

ORDER
ADDRESSING EVIDENTIARY OBJECTIONS AND
SUSTAINING THE DEBTOR-IN-POSSESSION’S OBJECTION TO CLAIM # 6-1

For the reasons set forth in the memorandum of decision of even date, IT IS HEREBY ORDERED that:

1. with respect to the objections to admission of exhibits, the hearsay objection to admission of the Silverglade valuation report portion of the Claimant’s Exhibit 1 (Claimant’s Ex. 1, pp. 3–12) is sustained, the remaining portion of the Claimant’s Exhibit 1 (Claimant’s Ex. 1, pp. 1–2, 13–20) is admitted, and the objection to admission of the Claimant’s Exhibit 2 is overruled; and
2. with respect to the Debtor-in-Possession’s objection the Claimant’s proof of claim, since the Claimant failed to meet the ultimate burden of proving the validity of its claim, the Debtor-in-Possession’s objection to claim # 6-1 is sustained.

IT IS FURTHER ORDERED that:

3. by November 8, 2012, the Debtor-in-Possession and the Claimant shall file a joint statement regarding the stipulation entered on the record at the hearing held on September 28, 2012, with regard to the Debtor-in-Possession’s pending motion to reject contract; and
4. by November 8, 2012, the Debtor-in-Possession shall file a notice stating whether it seeks any relief prior to the confirmation hearing, on its motion filed on July 10, 2012, for a determination that its contract with the Claimant either expired pre-petition or may be rejected post-petition in

this bankruptcy case (see doc. # 11), so that, if necessary, a hearing can be set forthwith.

SO ORDERED.

November 7, 2012
Burlington, Vermont

A handwritten signature in cursive script, reading "Colleen A. Brown". The signature is written in black ink and is positioned above a horizontal line.

Colleen A. Brown
United States Bankruptcy Judge