

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**



In re:

KOFFEE KUP BAKERY, INC.,  
Putative Debtor

Involuntary Chapter 7 Case  
Case No. 21-10168

**STIPULATED ORDER**

**(1) GRANTING Putative Debtor and Dissolution Receiver's Motions to Dismiss this Involuntary Petition; and  
(2) APPROVING Settlement under which  
(a) the Putative Debtor Waives its Rights to Judgment, Claims and Remedies under 303(i), and  
(b) Petitioning Creditors Waive their Right to Appeal or  
Set Aside the Findings and Conclusions of the December 21, 2021 Order and Decision**

Putative Debtor, Koffee Kup Bakery, Inc. (“Koffee Kup”), the Dissolution Receiver, Linda Joy Sullivan (the “Dissolution Receiver”), and the four petitioning creditors to the above-captioned proceeding, Lily Transportation Corp., Bernardino’s Bakery, Inc., Hillcrest Foods Inc., and Ryder Truck Rental, Inc. (collectively, “Petitioning Creditors”), by and through their respective undersigned counsel, came before the Court on December 20, 2021 and December 21, 2021 for an evidentiary hearing held on the September 7, 2021 Motion to Dismiss Case and Request for Damages filed by Putative Debtor Koffee Kup Bakery, Inc. (Doc. 23) and the September 7, 2021 Motion to Dismiss Involuntary Petition filed by the Dissolution Receiver (Doc. 24); and,

The Court having heard the arguments of counsel, witness testimony and considered the evidence and the various submissions filed in this proceeding,

including the Putative Debtor's filing of this proposed order, and the e-consents the Dissolution Receiver and the four Petitioning Creditors filed, on December 23, 2021;

IT IS HEREBY ORDERED that:

1. Petitioning Creditors’ request for an Order of Relief is DENIED for the reasons set forth by the Court on the Record at the December 21, 2021 evidentiary hearing held in this matter;
2. Koffee Kup and the Dissolution Receiver’s Motions to Dismiss (Doc. 23 and 24) are

GRANTED for the reasons set forth by the Court on the record at the December 21, 2021 evidentiary hearing held in this matter; and

3. Consistent with statements set forth on the record at the December 21, 2021 evidentiary hearing held in this matter:
  - a. Koffee Kup waives the right to judgment under Section 303(i) of the Bankruptcy Code, including, without limitation, any right to an award of costs and attorney's fees;
  - b. Koffee Kup and the Dissolution Receiver waive any and all rights to any and all damages to which they might otherwise be entitled as a consequence of the filing of the Involuntary Petition, including without limitation any relief requested in their Motions to Dismiss; and,
  - c. Petitioning Creditors waive any and all rights Petitioning Creditors may have to appeal: (i) this Final Order; or (ii) the Court's December 21, 2021 Final Order and Decision set forth on the record at the December 21, 2021 evidentiary hearing held in this matter granting Koffee Kup and the Dissolution Receiver's Motions to Dismiss and dismissing this proceeding with prejudice in its entirety, including, but not limited to, all rights to any post-judgment proceeding and appellate proceeding such as a motion to vacate judgment, motion for new trial, and all extraordinary writs.

**SO ORDERED.**

December 23, 2021  
Burlington, Vermont



---

Hon. Colleen A. Brown  
United States Bankruptcy Judge