

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:	)	Chapter 11
)	
Oberweis Dairy, Inc., <i>et al.</i> , ¹	)	Case No. 24-05385
	)	(Joint Administration Requested)
Debtors.)	
	)	Honorable David D. Cleary
)	
	)	Hearing Date: Thursday, April 18, 2024
	)	Hearing Time: 9:00 a.m.

NOTICE OF MOTION

PLEASE TAKE NOTICE that on Thursday, April 18, 2024 at 9:00 a.m. CDT we will appear before the Honorable David D. Cleary, or any judge sitting in that judge’s place, **either** in courtroom 644 of the Dirksen Federal Building, 219 S. Dearborn Street, Chicago, Illinois, 60604 **or** electronically as described below, and present the **MOTION OF DEBTORS TO EXTEND TIME TO FILE SCHEDULES AND STATEMENTS OF FINANCIAL AFFAIRS**, a copy of which is attached.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, go to this link: [https:// www.zoomgov.com/](https://www.zoomgov.com/). The enter the meeting ID and passcode.

To appear by Zoom using a telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is **161 122 6457**, and the passcode is **Cleary644**. The meeting ID and passcode can also be found on the judge’s page on the court’s web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

By: /s/Adam P. Silverman
Proposed Counsel for the Debtors

¹ The Debtors in this case, and the last four digits of their respective federal employer identification numbers, are Oberweis Dairy, Inc. (‘7516); The Oberweis Group, Inc. (‘1378); North Aurora Ice Cream, LLC (‘8506); TOGI RE I, LLC (‘5952); Third Millennium Real Estate L.L.C. (‘1589); and TOGI Brands, LLC (‘7072).

HOWARD L. ADELMAN, ESQ. (ARDC# 0015458)
ADAM P. SILVERMAN, ESQ. (ARDC #6256676)
ALEXANDER F. BROUGHAM, ESQ. (ARDC #6301515)
TEVIN D. BOWENS, ESQ. (ARDC #6338559)
ADELMAN & GETTLEMAN, LTD.
53 West Jackson Blvd., Suite 1050
Chicago, Illinois 60604
Tel (312) 435-1050
Fax (312) 435-1059

Proposed Counsel for the Debtors and Debtors in Possession

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on April 15, 2024, at or before 11:59 p.m.

By: /s/Adam P. Silverman
Adam P. Silverman

SERVICE LIST

VIA CM/ECF

Patrick S. Layng
Office of the U.S. Trustee, Region 11

Eric Rein
Counsel for CIBC Bank USA

VIA OVERNIGHT DELIVERY

20 Largest Creditors

1836 Farms
1149 S. Virginia Street
Terrell, TX 75160

Katies Pizza And Pasta
10650 Gateway Blvd
St Louis, MO 63132

Altium Packaging
2500 Windy Ridge Pkwy,
Suite 1400
Atlanta, GA 30339

Labrynth Ventures, LLC
Attn: Patrick McCoy
6942 N Keystone
Lincolnwood, IL 60712

Associated Electrical Contractors, LLC
319 Lamb Road
Woodstock, IL 60098

Nussbaum Transportation Services
19336 N. 1425 E Road
Hudson, IL 61748

Cook County Treasurer
118 N. Clark Street
Unit 112
Chicago, IL 60602

Pearl Valley Eggs
968 S. Kent Rd.
Pearl City, IL 61062

Ecolab
26252 Network Place
Chicago, IL 60673

Penske Truck Leasing Co. L.P.
13690 Lakefront Drive
Earth City, MO 63045

Greco & Sons
1550 Hecht Road
Bartlett, IL 60103

Plymouth Foam Inc.
1800 Sunset Drive
Plymouth, WI 53073

Hiretech
200 Westlake Park Blvd #501
Houston, TX 77079

QCS Purchasing Cooperative
901 Warrenville Road Unit 405
Lisle, IL 60532

International Food Products
29205 Network Place
Chicago, IL 60602

RSM McGladrey
5155 Paysphere Circle
Chicago, IL 60674

Senscient Flavors
2800 W. Higgins Rd.
Hoffman Estates, IL 60169

Trico Mechanical Inc.
1980 Rt 30 Suite 11
Sugar Grove, IL 60554

St Charles Trading
1400 Madeline Lane
Elgin, IL 60124

Stanpac
C/O Adriana Lopez
801 Mangrum Street
Brenham, TX 77833

Tocco-Greco
3850 Mueller Rd.
Suite 200
St Charles, MO 63301

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:	)	Chapter 11
)	
Oberweis Dairy, Inc., <i>et al.</i> , ¹	)	Case No. 24-05385
	)	(Joint Administration Requested)
Debtors.)	
	)	Honorable David D. Cleary
)	
	)	Hearing Date: Thursday, April 18, 2024
	)	Hearing Time: 9:00 a.m.

**MOTION OF DEBTORS TO EXTEND TIME TO FILE
SCHEDULES AND STATEMENTS OF FINANCIAL AFFAIRS**

NOW COME Oberweis Dairy, Inc., an Illinois corporation (“**ODI**”); The Oberweis Group, Inc., a Delaware corporation (“**TOGI**”); North Aurora Ice Cream, LLC, an Illinois limited liability company (“**NAIC**”); TOGI RE I, LLC, an Illinois limited liability company (“**TRI**”); Third Millennium Real Estate L.L.C., an Illinois limited liability company (“**TMRE**”); and TOGI Brands, LLC, an Illinois limited liability company (“**Brands**” and, together with ODI, TOGI, NAIC, TRI, and TMRE, the “**Debtors**”) as debtors and debtors in possession herein, by and through their undersigned counsel and, for their motion (the “**Motion**”) for an order authorizing a 14-day extension of the deadline to file their Schedules and Statements (as defined below), pursuant to section 521 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “**Bankruptcy Code**”) and Federal Rule of Bankruptcy Procedure 1007 (“**Bankruptcy Rule**”), respectfully state as follows:

¹ The Debtors in this case, and the last four digits of their respective federal employer identification numbers, are Oberweis Dairy, Inc. (‘7516); The Oberweis Group, Inc. (‘1378); North Aurora Ice Cream, LLC (‘8506); TOGI RE I, LLC (‘5952); Third Millennium Real Estate L.L.C. (‘1589); and TOGI Brands, LLC (‘7072).

I. BACKGROUND

1. On April 12, 2024 (the “**Petition Date**”), the Debtors filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. Since the Petition Date, the Debtors have remained in possession of their assets and have continued to operate their businesses under the jurisdiction of this court as debtors in possession in accordance with 11 U.S.C. §§ 1107 and 1108.

2. Neither a trustee nor a committee of unsecured creditors has been appointed in the Debtors’ Chapter 11 Cases (the “**Chapter 11 Cases**”). Concurrently with the filing of this Motion, the Debtors have filed motions seeking joint administration of the Chapter 11 Cases; anticipating no objections to these motions, and in the interest of efficiency, this Motion has only been filed in the above-captioned proposed lead case, that of ODI.

3. Collectively, the Debtors operate a business (the “**ODI Business**”) that manufactures, packages, and distributes milk, ice cream, and other dairy and non-dairy foods (collectively, the “**ODI Products**”), and sells the ODI Products through both retail and wholesale channels, primarily in the Midwest. The retail side of the ODI Business comprises three distinct segments: 40 “Oberweis Dairy” branded retail stores (each a “**Dairy Store**”) that serve ice cream products and other foods; direct-to-doorstep home delivery; and sales to consumers in national grocery stores and regional supermarkets. Further information about the nature of the ODI Business and the factual background relating to the commencement of the Chapter 11 Cases is set forth in the *Declaration of Adam Kraber in Support of Chapter 11 Petitions and First-Day Motions* filed on the Petition Date and incorporated herein by reference.

4. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue lies properly in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core

proceeding pursuant to 28 U.S.C. § 157(b)(2). The predicates for the relief requested herein are sections 521 of the Bankruptcy Code and Bankruptcy Rule 1007.

II. RELIEF REQUESTED

5. By this Motion, the Debtors seek an extension of the deadline to file their Schedules and Statements to and including Friday May 10, 2024.

6. Under section 521 of the Bankruptcy Code and Bankruptcy Rule 1007, a debtor is required, within fourteen days after its petition date, to file certain documents with the Court, including (a) schedules of assets and liabilities; (b) a schedule of current income and expenditures; (c) a schedule of executory contracts and unexpired leases; and (d) a statement of financial affairs (collectively, the “**Schedules and Statements**”). *See* 11 U.S.C. § 521(a); Fed R. Bankr. P. 1007(b). Accordingly, the Debtors’ Schedules and Statements are currently due by Friday April 26, 2024.

7. Bankruptcy Rule 1007(c), however, permits the Court to extend the deadline to file its Schedules and Statements “on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Bankruptcy Code, trustee, examiner, or other party as the court may direct.” Fed. R. Bankr. P. 1007(c).

8. The Debtors desire to ensure that their Schedules and Statements contain sufficient detail, accuracy, and thoroughness so as to enable them to discharge their obligations in the preparation and filing of these documents. The Debtors have not yet had the opportunity to finish compiling the necessary materials to prepare and file their six respective Schedules and Statements.

9. The Debtors believe that the proposed extension of time to file the Schedules and Statements will not delay the administration of the estates or unduly prejudice any creditor or party-in-interest.

III. NOTICE

10. Notice of the filing of this Motion and the hearing scheduled therefor has been provided by CM/ECF, overnight delivery, and/or facsimile to (a) the Office of the United States Trustee for Region 11; (b) each of the Debtors' 20 largest unsecured creditors pursuant to Bankruptcy Rule 1007(d); (c) counsel to the Debtors' senior secured lender, CIBC Bank USA; and (d) all other parties who have requested service of all filings via the Court's CM/ECF system. In light of the nature of the relief requested, the Debtors submit that no other or further notice is required.

WHEREFORE, Oberweis Dairy, Inc., The Oberweis Group, Inc., TOGI Brands, LLC, North Aurora Ice Cream, LLC, Third Millennium Real Estate L.L.C., and TOGI RE I, LLC, debtors and debtors in possession herein, respectfully request the entry of an order in accordance with the foregoing recommendations in the form filed herewith and made a part hereof without further notice, and for such other and further relief as is just.

Respectfully submitted,

OBERWEIS DAIRY, INC., *et al.*, Debtors

By: /s/Adam P. Silverman
Proposed Counsel for the Debtors

HOWARD L. ADELMAN, ESQ. (ARDC# 0015458)
ADAM P. SILVERMAN, ESQ. (ARDC #6256676)
ALEXANDER F. BROUGHAM, ESQ. (ARDC #6301515)
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Proposed Counsel for the Debtors and Debtors in Possession

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:	)	Case Number: 24-05385
)	
Oberweis Dairy, Inc., et al.,	)	Chapter: 11
	)	Honorable David D. Cleary
)	
Debtor(s))	

**ORDER AUTHORIZING EXTENSION OF TIME FOR DEBTORS
TO FILE SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS**

THIS CAUSE coming to be heard on the motion of Oberweis Dairy, Inc.; The Oberweis Group, Inc.; North Aurora Ice Cream, LLC; TOGI RE I, LLC; Third Millennium Real Estate L.L.C.; and TOGI Brands, LLC (the “Debtors”), pursuant to Federal Rules of Bankruptcy Procedure 1007, for an order granting an extension of the time to file their schedules and statement of financial affairs in the above-captioned bankruptcy cases (the “Motion”); the Court having reviewed the Motion and having determined that cause exists to grant the relief requested therein; and the Court having jurisdiction and the subject matter of the Motion;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Motion is granted to the extent provided herein.
2. The deadline on or before the Debtors must file the documents required by Federal Rule of Bankruptcy Procedure 1007(b)(1) is extended to and including Friday May 10, 2024.

Enter:

Dated:

United States Bankruptcy Judge

Prepared by:

HOWARD L. ADELMAN, ESQ. (ARDC #0015458)
ADAM P. SILVERMAN, ESQ. (ARDC #6256676)
ALEXANDER F. BROUGHAM, ESQ. (ARDC #6301515)
TEVIN D. BOWENS, ESQ. (ARDC #6338559)
ADELMAN & GETTLEMAN, LTD.
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Chicago, Illinois 60604
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Fax (312) 435-1059
Proposed Counsel for the Debtors and Debtors in Possession