

SIGNED.

Dated: September 11, 2012



*James M. Marlar*

James M. Marlar, Chief Bankruptcy Judge

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7 **UNITED STATES BANKRUPTCY COURT**  
8 **DISTRICT OF ARIZONA**

9 In re:

10 ASSYRIAN BABYLON, LLC,

11  
12 Debtor.

Chapter 11

No. 0:11-bk-34059-JMM

**MEMORANDUM DECISION**

13 Before the court is a stay relief motion filed by the Debtor's former landlords, Rasha  
14 M.J., L.L.C., Majid Jajo and Four Brothers Success, L.L.C. ("Movants") (ECF No. 60), who  
15 also claim to have a security interest (or some other form of collateral interest) in the Debtor's  
16 business furniture, equipment and liquor license.<sup>1</sup>

17 The Debtor has now filed its plan of reorganization and disclosure statement. Neither  
18 has yet been set for hearing, and need to be promptly set so that this case can proceed to a final  
19 determination of whether the Debtor can feasibly reorganize.

20 On March 20, 2012, Movants asked for stay relief, in order to foreclose their interests  
21 and/or take possession of leased premises.

22 The case then proceeded piecemeal. On June 6, 2012, the court granted partial relief to  
23 allow Movants to re-take possession of the leased premises. The Debtor moved out, and took  
24 with it the property still at issue here.

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27 <sup>1</sup> The legal complexity of the parties' interactions with one another has spawned  
28 collateral litigation in this case, Adversary No. 12-ap-569. That matter is presently set for trial  
on September 20, 2012.

1 The Debtor then filed a plan of reorganization, along with a disclosure statement. The  
2 Debtor maintains, in opposition to the Movants' contentions, that it will be able to reorganize,  
3 and that it needs the subject property in order to do so. In short, the Debtor's plan asserts that it  
4 needs the subject property, and that such property is "necessary to an effective reorganization."  
5 11 U.S.C. § 362(d)(2)(B). With the filing of a plan on August 2, 2012, the Debtor has shown  
6 that a potentially viable plan is "in prospect." Norwest Bank Worthington v. Ahlers, 108 S.Ct  
7 963 (1988).

8 Accordingly, in order to move this case along, an order will be entered which:

- 9 1. DIRECTS the Clerk to set the disclosure statement for hearing on its  
10 adequacy, no later than 30 days from the date of this order; and
- 11 2. DENIES, without prejudice, the Movants' motion for stay relief.

12  
13 DATED AND SIGNED ABOVE.

14  
15 COPIES to be sent by the Bankruptcy Noticing  
Center ("BNC") to the following:

16 Attorney for Debtor  
17 Ronald W. Meyer, Attorney for Rasha M.J., L.L.C.,  
18 Majid Jajo and Four Brothers Success, L.L.C.  
19 Office of the U.S. Trustee  
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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF ARIZONA**

In re: ASSYRIAN BABYLON, LLC,  Debtor.	Chapter 11 No. 0:11-bk-34059-JMM <b>ORDER</b>
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Consistent with the court's Memorandum Decision regarding the motion for stay relief, filed by the Debtor's landlord, Rasha M.J., L.L.C., Majid Jajo and Four Brothers Success, L.L.C. ("Movants") (ECF No. 60),

IT IS HEREBY ORDERED as follows:

- 1. DIRECTING the Clerk to set the disclosure statement for hearing on its adequacy, no later than 30 days from the date of this order; and
- 2. DENYING, without prejudice, the Movants' motion for stay relief.

DATED AND SIGNED ABOVE.

COPIES to be sent by the Bankruptcy Noticing Center ("BNC") to the following:

Attorney for Debtor  
Ronald W. Meyer, Attorney for Rasha M.J., L.L.C.,  
Majid Jajo and Four Brothers Success, L.L.C.  
Office of the U.S. Trustee