

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE:**

**THE CRACKED EGG LLC,**

**Bankruptcy No. 20-22889-JAD**

**Debtor.**

**Chapter 11**

**THE CRACKED EGG LLC,**

**Document No.**

**Movant,**

**vs.**

**NO RESPONDENT.**

**MOTION TO DISMISS CHAPTER 11 BANKRUPTCY CASE PURSUANT TO  
BANKRUPTCY CODE SECTIONS 305 (a)(1) AND 1112 (b)**

**AND NOW** comes The Cracked Egg, LLC, by and through its undersigned Counsel, and files the following **MOTION TO DISMISS CHAPTER 11 BANKRUPTCY CASE PURSUANT TO BANKRUPTCY CODE SECTIONS 305 (a)(1) AND 1112 (b)**, as follows:

1. The Movant is The Cracked Egg, LLC, the Debtor in this Chapter 11 Case.
2. This Case was commenced on October 9, 2020.
3. The Debtor operates a casual dining restaurant in the South Hills area of Pittsburgh, Pennsylvania.
4. The instant Chapter 11 Case was filed primarily due to a dispute between the Debtor and the Allegheny County Health Department (“ACHD”) regarding Debtor’s compliance with ACHD COVID guidelines. The Chapter 11 stayed ACHD from attempting to enforce alleged guideline violations by Debtor.

5. Ultimately, this Honorable Court remanded the dispute to the Court of Common Pleas of Allegheny County, Pennsylvania where the matter is currently pending.

6. With the remand of the ACHD dispute to State Court, and the consequent termination of the stay of the ACHD dispute, the instant Chapter 11 Case serves no purpose.

7. With an ability to operate, Debtor does not need reorganization to address its debt obligations. If Debtor is deprived of the opportunity to operate, it will not be able to propose a feasible plan.

8. A conversion to Chapter 7 would also serve no purpose in that Debtor has no equity in its assets. Debtor's assets have a value of approximately \$80,000.00 while the debt which is secured by said assets exceeds \$90,000.00.

9. A liquidation of Debtor assets would cause a cessation of Debtor operations, a loss of jobs and payment to secured creditors only (in an amount less than the debt owed to said secured creditors) with no disbursements to unsecured creditors herein.

10. In light of the foregoing, the best interests of creditors herein would best be served via a dismissal of the instant Chapter 11 Case with Debtor continuing to operate as best as it can and allowing ongoing business operations to fund creditor obligations.

11. There is nothing left to do in this Chapter 11 Case, there would be nothing to administer in a chapter 7 Case and a dismissal of this case is warranted and in the best interests of all parties in interest.

12. No creditor will be prejudiced by the dismissal of this Chapter 11 Case as they will retain all rights they have vis-à-vis the Debtor.

13. The Debtor will pay any outstanding U.S. Trustee quarterly fees as a condition of dismissal.

**WHEREFORE**, the Debtor respectfully requests that this Honorable Court dismiss this Chapter 11 Case.

Respectfully Submitted,

Date: February 1, 2021

/s/ Robert O Lampl  
ROBERT O LAMPL  
PA I.D. #19809  
JOHN P. LACHER  
PA I.D. #62297  
RYAN J. COONEY  
PA I.D. #319213  
SY O. LAMPL  
PA I.D. #324741  
ALEXANDER L. HOLMQUIST  
PA I.D. #314159  
223 Fourth Avenue, 4<sup>th</sup> Floor  
Pittsburgh, PA 15222  
(412) 392-0330 (phone)  
(412) 392-0335 (facsimile)  
Email: [rlampl@lampllaw.com](mailto:rlampl@lampllaw.com)

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**CERTIFICATE OF SERVICE**

Robert O Lampl, John P. Lacher, Ryan J. Cooney, Sy O. Lampl and Alexander L. Holmquist, hereby certify, that on the 1<sup>st</sup> day of February, 2021, a true and correct copy of the foregoing **MOTION TO DISMISS CHAPTER 11 BANKRUPTCY CASE PURSUANT TO BANKRUPTCY CODE SECTIONS 305 (a)(1) AND 1112 (b)** was served upon the following (*via electronic service*):

Office of the U.S. Trustee  
970 Liberty Center  
1001 Liberty Avenue  
Pittsburgh, PA 15222

Date: February 1, 2021

/s/ Robert O Lampl  
ROBERT O LAMPL  
PA I.D. #19809  
JOHN P. LACHER  
PA I.D. #62297  
RYAN J. COONEY  
PA I.D. #319213  
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**ORDER OF COURT**

Upon consideration of the foregoing Motion to Dismiss Chapter 11 Bankruptcy Case Pursuant to Bankruptcy Code Sections 305 (a)(1) and 1112 (b), it is hereby **ORDERED, ADJUDGED** and **DECREED** that this Chapter 11 Case be, and hereby is, **DISMISSED**.

It is further **ORDERED** that the Debtor will pay any outstanding fees due to the U.S. Trustee for quarterly fees as a condition of dismissal.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jeffery A. Deller  
United States Bankruptcy Court Judge