

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division**

IN RE:)	
)	
JOANNE’S BED & BACK STORES, INC.)	Case No. 08-14606 (TJC)
)	(Chapter 11)
Debtor)	

**ORDER DETERMINING ADEQUATE ASSURANCE
OF PAYMENT FOR FUTURE UTILITY SERVICES**

This matter coming before the Court on the Debtor’s Motion For Entry Of An Order Determining Adequate Assurance Of Payment For Future Utility Services (the “Motion”) filed by the above-captioned debtor and debtor-in-possession (the “Debtor”), the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), (c) notice of the Motion and the Hearing was sufficient under the circumstances, and (d) the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein;

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT:

1. The Motion is GRANTED.

2. Capitalized terms not otherwise defined herein shall have the meanings assigned to them in the Motion.

3. Within five (5) business days after the date of entry of this Order, the Debtor shall provide a cash deposit to each Utility Company in an amount sufficient to ensure that each Utility Company holds a cash deposit equal to two (2) weeks of utility service, calculated as a historical average of the twelve (12) months immediately preceding the Petition Date (the “Adequate Assurance Deposit”), unless (a) such Utility Company already holds a deposit equal to or greater than two (2) weeks of utility services, or (b) such Utility Company is currently paid in advance for utility services (the “Conditions”).

4. In the event that either of the conditions apply to any of the Utility Companies, then each such Utility Company is hereby deemed to be adequately assured of payment for future utility services by virtue of (a) its existing two (2) week deposit, or (b) its receipt of advance payments for utility services.

5. Each of the Utility Companies shall be deemed adequately assured of payment for future utility services for purposes of § 366(b) (together, the “Adequate Assurance Payment”) and may not alter, refuse, or discontinue utility service to the Debtor solely on the basis of the commencement of this case, lack of sufficient adequate assurance or that a debt owed by the Debtor to such Utility Company for service rendered before the order for relief was not paid when due.

6. The Debtor is hereby authorized and directed to serve a copy of this Order on all Utility Companies within two (2) days following entry of this Order.

7. The Debtor reserves all rights to argue that any entity listed on the Utility Service List is not a utility company for purposes of § 366 of the Bankruptcy Code, and to argue that any entity is compelled by contractual obligation, state or local law, or otherwise, to continue to furnish services to the Debtor notwithstanding the filing of this Chapter 11 case.

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END OF ORDER