



Order Filed on February 14, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1(b)	
TRENK, DiPASQUALE, DELLA FERA & SODONO, P.C. 347 Mt. Pleasant Avenue, Suite 300 West Orange, New Jersey 07052 (973) 243-8600 Richard D. Trenk, Esq. rtrenk@trenklawfirm.com Robert S. Roglieri, Esq. rroglieri@trenklawfirm.com <i>Counsel to Vittorio Laracca,</i> <i>Chapter 11 Debtor</i>	
In re: VITTORIO LARACCA, <p style="text-align: center;">Debtor.</p>	Chapter 11 Case No. 17-32180 (VFP)

**STIPULATION AND CONSENT ORDER RESOLVING
CLAIM OF NATIONAL LABOR RELATIONS BOARD**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby
ORDERED.

DATED: February 14, 2018

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor: Vittorio Laracca

Case Number: 17-32180 (VFP)

Caption of Order: Stipulation and Consent Order Resolving Claim of National Labor Relations Board

WHEREAS, on October 31, 2017, Vittorio Laracca (the “Debtor”) filed a voluntary chapter 13 case pursuant to chapter 13 of title 11 of the United States Code (the “Bankruptcy Code”); and

WHEREAS, on January 16, 2018, the Debtor’s case was converted from a chapter 13 to one under chapter 11 of the Bankruptcy Code (Docket No. 28); and

WHEREAS, the National Labor Relations Board (the “NLRB”) asserts a general unsecured claim against the Debtor in the amount of \$35,363.03, which was filed on February 1, 2018 at Claim No. 13 (the “NLRB Claim”); and

WHEREAS, the NLRB, Region 22, has attempted to liquidate its claim for back wages before the National Labor Relations Board in an action involving the Debtor, Oliva Supermarkets, LLC, RL Markets I, LLC, and V. & V. Supermarkets, Inc. (“V&V”) as jointly and severally liable at Case No. 22-CA-130315 (the “NLRB Case”); and

WHEREAS, on or about November 22, 2017, the NLRB, Region 22 filed a Motion to Transfer and Continue Case Before the Board and Motion for Default Judgment in the NLRB Case seeking, amongst other things, default judgment against the Debtor, Oliva Supermarkets, LLC, RL Markets I, LLC, and V&V as jointly and severally liable (the “Default Judgment Motion”); and

WHEREAS, V&V filed a voluntary Chapter 11 petition which is pending at Case No. 17-15174 (VFP); and

WHEREAS, on June 29, 2017, V&V confirmed its First Amended Plan of Reorganization (Case No. 17-15174, Docket No. 158); and

Debtor: Vittorio Laracca

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Caption of Order: Stipulation and Consent Order Resolving Claim of National Labor Relations Board

WHEREAS, on January 11, 2018, the NLRB and V&V entered into a Stipulation and Consent Order Resolving Claim of National Labor Relations Board, which, among other things, gave the NLRB an allowed unsecured claim in the amount of the NLRB Claim; and

WHEREAS, on January 19, 2018, the NLRB entered an Order Withdrawing Allegations as to V&V in the NLRB case; and

WHEREAS, the NLRB has not asserted any priority, administrative or secured claim against the Debtor; and

WHEREAS, the NLRB and the Debtor, subject to the approval of this Court, have agreed to the within resolution in full satisfaction of all claims that were or could have been asserted in the chapter 11 proceedings; and

NOW, BE IT HEREBY STIPULATED, AGREED AND ORDERED AS FOLLOWS:

1. The NLRB shall hereby have an allowed general unsecured claim in the amount of \$35,363.03 (the "Allowed Unsecured Claim").
2. The Allowed Unsecured Claim shall be treated consistent with similarly situated general unsecured creditors under any plan of reorganization filed in this Chapter 11 Case and receive a pro rata distribution with all other allowed general unsecured claims.
3. The Debtor is jointly and severally liable with Oliva Supermarkets LLC, RL Markets I, LLC and V&V for the back wages owed as alleged in the NLRB Case and the Default Judgment Motion.
4. Within twenty (20) days of its receipt of an entered copy of this Stipulation and Consent Order, the NLRB shall terminate and withdraw the allegations specifically concerning

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Debtor's liability from the NLRB Case and the Default Judgment Motion proceedings pending before the National Labor Relations Board. Provided however, that nothing herein shall cause to be terminated, altered or withdrawn allegations in the NLRB Case or Default Judgment Motion concerning the joint and several liability of Oliva Supermarkets LLC and RL Markets I, LLC.

5. The NLRB shall not seek to further amend or assert any additional proofs of claim in this matter.

6. To the extent the Bankruptcy Court declines to liquidate the NLRB Claim herein, the NLRB reserves the right to seek relief to liquidate the claim before the National Labor Relations Board.

7. This Stipulation and Consent Order shall resolve all claims involving the NLRB against the Debtor in the NLRB Case and the Default Judgment Motion.

Stipulated and consented to on the terms provided herein:

**NATIONAL LABOR
RELATIONS BOARD**

**TRENK, DiPASQUALE,
DELLA FERA & SODONO, P.C.**
Attorneys for Reorganized Debtor

By: /s/ Julie L. Kaufman
Julie L. Kaufman, Esq.
Deputy Regional Attorney – Region 22

By: /s/ Richard D. Trenk
Richard D. Trenk, Esq.

Dated: February 2, 2018

Dated: February 6, 2018