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VIA FEDERAL EXPRESS

Clerk's Office
Supreme Court of the United States
1 First St NE,
Washington, DC 20543

RE: Mission Products Holdings, LLC v. Tempnology, LLC, n/k/a Old Cold, LLC
Case No. 17-1657

Dear Sir/Madam:

Respondent, Tempnology, LLC, n/k/a Old Cold, LLC (the "Respondent") is writing to bring to the Court's attention certain developments in the underlying bankruptcy case (the "Bankruptcy Case") pending in the United States Bankruptcy Court for the District of New Hampshire (the "Bankruptcy Court") that arose after Petitioner, Mission Products Holdings, Inc. (here, the "Petitioner") filed its Petition for Writ of Certiorari (the "Petition") but before the Court has made a determination on that Petition.

Schleicher & Stebbins Hotels L.L.C. ("S&S"), the Respondent's prepetition secured lender in the Bankruptcy Case, and with the assent of the Respondent, moved for relief from the automatic stay (the "Stay Relief Motion") [Dkt. # 521]¹ in the Bankruptcy Case to pursue its rights and remedies as a holder of a valid, perfected, first-priority security interest in all of the Respondent-Debtor's assets arising by virtue of the grant of security in the parties' loan documents and the filing of the UCC Financing Statements and the entry of certain court-approved post-petition financing orders in the underlying bankruptcy case. Petitioner opposed the Stay Relief Motion [Dkt #s 528 and 549] and the Bankruptcy Court held a hearing on the Stay Relief Motion on September 18, 2018 (the "Hearing").

¹ All references to docket entries are to the docket in the underlying Bankruptcy Case, *In re Old Cold, LLC*, Bankr. Case No. 15-11400-CJP.

After the conclusion of the Hearing, the Bankruptcy Court entered an order (the "Order") on September 19, 2018 [Dkt. # 552] granting the Stay Relief Motion, thereby authorizing S&S to exercise its rights as a secured creditor. The practical effect of the Order granting the Stay Relief Motion is that S&S may exercise rights on a secured claim that far exceeds the Respondent's bankruptcy estate assets. While the Questions Presented in the Petition may well be unaffected by the Order, the Order may still have some bearing on this Court's deliberation on whether to grant or deny the Petition because, even assuming the Petitioner has a legal right to assert its alleged administrative expense claim in the Bankruptcy Case, such a right would have no practical bearing on the outcome of the case because there are simply no assets in the bankruptcy estate to satisfy such a claim.

Respondent notes that Petitioner has filed a notice of appeal of the Order to the Bankruptcy Appellate Panel for the First Circuit [Dkt # 555]. Because of the pending Petition, the Bankruptcy Court stayed the effectiveness of the Order until October 22, 2018. After the Court did not rule on Petition following the October 12, 2018 conference, the Petitioner, with the consent of S&S, requested and obtained from the Bankruptcy Court a further stay of the effectiveness of the Order [Dkt. # 568] until November 5, 2018.

If the Court would like further briefing on this issue, or would like copies of the relevant pleadings from the Bankruptcy Case, Respondent is prepared to comply as directed by the Court.

Very truly yours,



Lee Harrington
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Tempnology, LLC, n/k/a Old Cold, LLC*

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