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***Pro Hac Vice Pending*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re

BREWSTER HEIGHTS PACKING &
ORCHARDS, LP,¹,

Debtors.

Chapter 11

Lead Case No. 26-01136-FPC11

APPLICATION FOR ORDER
APPROVING EMPLOYMENT OF
BUSH KORNFELD LLP AS
BANKRUPTCY CO-COUNSEL FOR
THE DEBTORS

¹ The debtors are Brewster Heights Packing & Orchards, LP (Case No. 26-01136); Gebbers Farms Inc. (Case No. 26-01140); Gebbers Orchards, Inc. (Case No. 26-01141); C&M II, LLC (Case No. 26-01137); D&E Storage, LLC (Case No. 26-01138); Eastco, LLC (Case No. 26-01139); GF SA, LLC (Case No. 26-01142); Northco, LLC (Case No. 26-01143); P&G Orchards, LLC (Case No. 26-01144); REPO, LLC (Case No. 26-01145); TJF Properties, LLC (Case No. 26-01146); Westco Orchards, LLC (Case No. 26-01147); and Westco Sales, Inc. (Case No. 26-01148).

APPLICATION FOR ORDER APPROVING EMPLOYMENT
OF BUSH KORNFELD LLP AS BANKRUPTCY CO-
COUNSEL FOR THE DEBTORS – Page 1

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 4630
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1 Come now the undersigned Debtors in Possession and apply to the court for an
2 order approving the employment of Bush Kornfeld LLP (“Bush Kornfeld”) as bankruptcy
3 co-counsel for the Debtors in Possession in the above-entitled estate, effective, June 4,
4 2026 (the “Petition Date”).

5 For purposes of this application and verification and the disclosures contained herein, the
6 term APPOINTEE shall include the named appointee, and if the named appointee is a
7 law partnership or corporation or an accounting partnership or corporation, or is an
8 attorney or accountant employed as a partner, member, or regular associate of a
9 partnership or corporation, the named appointee and each member, partner or regular
10 associate of such partnership or corporation.

11 Applicant and Appointee in making and verifying this application understand that
12 appointee is a fiduciary to the estate or creditors' committee as appropriate, and is
13 obligated to fully and candidly disclose all material facts relating to the employment and
14 is obligated to timely disclose subsequently discovered material facts.

15 Your applicant makes the following representations under penalty of perjury and
16 subject to 18 U.S.C. § 152:

17 1. That the specific facts showing the necessity for the employment are:

18 The Debtors operate a market-leading, vertically integrated grower, packer,
19 marketer, and shipper of apples, cherries, and pears headquartered in Brewster,
20 Washington. The Debtors commenced the chapter 11 cases on the Petition Date. The
21 Debtors are operating their businesses and managing their affairs as debtors-in-possession
22 pursuant to Bankruptcy Code §§ 1107 and 1108. To proceed with their respective chapter
23 11 cases, the Debtors require the assistance of a general bankruptcy counsel. Accordingly,
the Debtors propose to employ Bush Kornfeld as their general bankruptcy co-counsel.

24 2. That the reason for the selection of the above-named appointee is:

25 Bush Kornfeld practices primarily in the Pacific Northwest region and possesses
26 considerable knowledge and experience of chapter 11 practice in this district.

1 Accordingly, Bush Kornfeld is well-qualified to represent the Debtors in their respective
2 chapter 11 cases here.

3 3. That appointee is qualified to provide the services to be rendered based on the
4 following:

5 Bush Kornfeld has considerable expertise in the fields of bankruptcy, insolvency,
6 reorganizations, liquidations, debtors' and creditors' rights, debt restructuring and
7 commercial and bankruptcy litigation. Accordingly, Bush Kornfeld is well-qualified to
8 serve as the debtor general co-counsel here.

9 4. That any proposed arrangement as to compensation, including hourly rates or flat
10 fees if applicable, is as follows, but that approval of that arrangement and any payment
11 or allowance of compensation for services rendered or reimbursement of expenses will
be in accordance with 11 U.S.C. §§ 329 and 330 and FRBP 2016:

12 The Debtors seek to employ Bush Kornfeld pursuant to section 327(a) of the
13 Bankruptcy Code and on an hourly basis. Subject to this court's approval and in
14 accordance with section 330(a) of the Bankruptcy Code, Bush Kornfeld will charge
15 for its legal services on an hourly basis in accordance with its ordinary and
16 customary hourly rates for services of this type and nature and for this type of matter
17 in effect on the date such services are rendered, and for its actual, reasonable, and
18 necessary out-of-pocket disbursements incurred in connection therewith. The
19 following are Bush Kornfeld's current hourly rates:

- 20 - Attorneys: \$375-\$750
21 - Paraprofessionals: \$150-\$200

22 These rates are subject to periodic review and adjustment.
23

1 Thomas A. Buford, Christine Tobin-Presser, Jason Wax, and Shane Creason
2 will be primarily responsible for Bush Kornfeld's representation of the Debtors in
3 these matters. Mr. Buford's Mrs. Tobin-Presser's, Mr. Wax's, and Mr. Creason's
4 practices focus on chapter 11 bankruptcy and out-of-court workouts and
5 restructuring. The hourly rates for this engagement are as follows:

- 6 - Thomas A. Buford: \$675
7 - Christine Tobin-Presser: \$675
8 - Jason Wax: \$575
- Shane E. Creason: \$375

9 5. That appointee is a relative of the bankruptcy judge assigned the case.

10 ☐ Yes ☒ No ☐ N/A

11 6. That appointee does hold or represent an interest adverse to the estate, that
12 appointee is not a disinterested person, or that appointee has served as examiner in the
case.

13 ☐ Yes ☒ No ☐ N/A

14 If YES, explain:
15

16 7. That appointee is not and will not while employed by the committee represent any
17 other entity having an adverse interest in connection with the case.

18 ☐ Yes ☐ No ☒ N/A

19 If YES, explain:
20

21 8. That to best of your applicants knowledge, all of the appointees connections with
22 the debtor, creditors, any other party in interest, their respective attorneys and
23 accountants, the United States Trustee, any person employed in the office of the United
States Trustee or the bankruptcy judge assigned the case are as follows:

1 A. That appointee is a creditor as defined by 11 U.S.C. § 101(10).

2 ☐ Yes

3 ☒ No

4 If YES, complete the following:

5 Date on any waiver, set-off or assignment: _____

6 Type of debt incurred: _____

7 Payment made: \$ _____

8 Date incurred: _____

9 Date payment made: _____

10 Amount incurred: \$ _____

11 Amount of payment: \$ _____

12 Remaining Balance: \$ _____

13 B. That appointee is indebted to the debtor or to the estate?

14 ☐ Yes

15 ☒ No

16 If YES, complete the following:

17 Type of debt incurred: _____

18 Payment made: \$ _____

19 Date incurred: _____

20 Date payment made: _____

21 Amount incurred: \$ _____

22 Amount of payment: \$ _____

23 Remaining Balance: \$ _____

24 C. That appointee has or presently represents an entity that could be classified
25 as a creditor as defined by 11 U.S.C. § 101(10)?

26 ☐ Yes

27 ☒ No

28 If YES, provide the following and any other relevant information as to each such entity:

29 a) name

30 b) dates, capacity and scope of representation

31 c) actual or possible conflicts according to any applicable code or rules of
32 professional conduct, including discussion as to any waivers received or given

33 D. That appointee is or has been an equity security holder as defined in 11
34 U.S.C. § 101(17)?

☐ Yes

☒ No

If YES, provide the following and any other relevant information as to each such equity security interest:

- a) description of each interest
- b) amount of each interest
- c) dates each interest held
- d) dates and manner of disposal of each interest

E. That appointee has or presently represents an equity security holder as defined by 11 U.S.C. § 101(17)?

☐ Yes

☒ No

If YES, provide the following and any other relevant information as to each such equity security holder:

- a) name of holder
- b) dates, capacity and scope of representation
- c) actual or possible conflicts according to any applicable code or rules of professional conduct, including discussion as to any waivers received or given.

F. That appointee is or has been an insider as defined by 11 U.S.C. § 101(31)?

☐ Yes

☒ No

If YES, fully explain and provide any and all relevant information pertaining thereto.

G. That appointee has or presently represents an insider as defined by 11 U.S.C. § 101(31)?

☐ Yes

☒ No

If YES, provide the following and any other relevant information pertaining thereto as to each such insider:

- a) name
- b) dates, capacity and scope of representation
- c) actual or possible conflicts according to any applicable code or rules of professional conduct, including discussion as to any waivers received or given.

1 H. That appointee has or presently represents the debtor?

2 ☒ Yes

3 ☐ No

4 If YES, provide the following and any other relevant information pertaining thereto.

5 Bush Kornfeld began representing the Debtors on or around August 15, 2025, prior
6 to the Petition Date, and represented the Debtors up until the Petition Date. During that
7 period Bush Kornfeld represented and advised the Debtors in relation to their respective
8 chapter 11 cases. Bush Kornfeld has continued to represent the Debtors since they
9 commenced their respective chapter 11 cases on the Petition Date.

10 I. That appointee has had or has participated in any transaction with the debtor,
11 whether or not such transaction involved representation of the debtor? Transactions
12 include, but are not limited to any actions under 11 U.S.C. § 329(a) and FRBP 2017(a),
involving payments, retainers, set-offs, security agreements, liens, gifts or indentures as
defined by 11 U.S.C. § 101(28).

13 ☒ Yes

14 ☐ No

15 If YES, provide the following and any other relevant information concerning each such
transaction:

16 Prior to the Petition Date and since beginning its representation of the Debtors,
17 Bush Kornfeld has received payments totaling \$316,720.00 in compensation for
18 prepetition services, between October 3, 2025, and June 4, 2026. Bush Kornfeld now
19 holds \$3,581.79 in trust pending further court order.

20 J. That appointee has received or has been promised compensation from debtor
21 or some other entity for services rendered or to be rendered in the case?

22 ☒ Yes

23 ☐ No

1 If YES, provide the following and any other relevant information concerning each such
2 payment or promise.

3 The Debtors have agreed to compensate Bush Kornfeld for accrued post-petition
4 fees at the hourly rates set forth above and for incurred expenses, subject to court order
5 on notice to creditors and a hearing, and in accordance with sections 327 and 330 of the
6 Bankruptcy Code.

7 K. That appointee has caused to be conducted an internal conflicts check in
8 regard to representation of other clients as required by any code or rules of professional
conduct?

9 ☒ Yes ☐ No

10 If YES, state results, if NO, state why it was not done.

11
12 Bush Kornfeld has conducted an internal conflict check regarding its representation
13 of other clients, as required by applicable laws, statutes, or rules of professional conduct,
14 and has found no conflicts.

15 ///

16 ///

17 ///

1 **Dated:** June 18, 2026

2
3
4 Brewster Heights Packing
& Orchards, LP

5 **Typed Name of Applicant**

/s/Thomas A. Buford

Signature of Applicant

6
7 I, the undersigned appointee, do hereby state under penalty of perjury that I have read the
8 above representations and verify that they are true and accurate and that they disclose all
9 material facts required to the best of my knowledge and belief.

10
11 **Dated:** June 18, 2026

12 Thomas A. Buford

13 **Typed Name of Appointee**

/s/Thomas A. Buford

Signature of Appointee

14 **Phone #:** 206-292-2110

15 **Address:** 601 Union Street, Suite 4630,
16 Seattle, Washington 98101

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2
3
4
5
6
7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF WASHINGTON

9 In re

10 BREWSTER HEIGHTS PACKING &
11 ORCHARDS, LP,¹

12 Debtors.

Chapter 11

Lead Case No. 26-01136-FPC11

[PROPOSED] ORDER APPROVING
EMPLOYMENT OF BUSH KORNFELD
LLP AS CO-COUNSEL FOR THE
DEBTORS

13
14 This matter having come on regularly for hearing on the application of
15 trustee/debtor-in-possession, the court being fully advised in the premises, no adverse
16 interest being represented and the appointment not being prohibited by Rule 5002:

17 IT IS HEREBY ORDERED

18 1. That the employment of Bush Kornfeld LLP (“Bush Kornfeld”)² as
19 bankruptcy co-counsel for the Debtors in Possession is approved subject to the terms and

20 ¹ The debtors are Brewster Heights Packing & Orchards, LP (Case No. 26-01136); Gebbers Farms Inc. (Case
21 No. 26-01140); Gebbers Orchards, Inc. (Case No. 26-01141); C&M II, LLC (Case No. 26-01137); D&E
22 Storage, LLC (Case No. 26-01138); Eastco, LLC (Case No. 26-01139); GF SA, LLC (Case No. 26-01142);
Northco, LLC (Case No. 26-01143); P&G Orchards, LLC (Case No. 26-01144); REPO, LLC (Case No. 26-
23 01145); TJF Properties, LLC (Case No. 26-01146); Westco Orchards, LLC (Case No. 26-01147); and Westco
Sales, Inc. (Case No. 26-01148).

² Capitalized terms, unless otherwise defined in this Order, have the same meanings as set forth in the
Application.

ORDER APPROVING EMPLOYMENT OF BUSH
KORNFELD LLP AS BANKRUPTCY CO-COUNSEL FOR
THE DEBTORS – Page 1

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1 conditions set forth in the application and 11 U.S.C. §328, effective as of the Petition
2 Date.

3 2. That any actual award of compensation is subject to further order of the
4 court, pursuant to 11 U.S.C. §330.

5 // /End of Order/ //

6 Presented by:

7 BUSH KORNFELD LLP

8
9 By
10 Christine M. Tobin-Presser, WSBA #27628
11 Thomas A. Buford, WSBA # 52969
12 Jason Wax, WSBA #41944
13 Shane E. Creason, WSBA #63865

14 and

15 John E. Mitchell (*Pro Hac Vice* Pending)
16 Yelena E. Archiyan (*Pro Hac Vice* Pending)
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22 and yelena.archiyan@katten.com

23 Proposed Attorneys for the Debtors