

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Chapter 11
GROEB FARMS, INC. Case No.: 13-58200-wsd

Debtor / Judge: Walter S. Shapero

**GENERAL UNSECURED CLAIMS LITIGATION TRUST'S
FIRST OBJECTION (NON-SUBSTANTIVE)
TO DUPLICATE AND AMENDED/SUPERSEDED CLAIMS**

NOW COMES The General Unsecured Claims Litigation Trust (the "GUC Trust") by and through the undersigned counsel, and states:

1. On October 1, 2013, Groeb Farms, Inc. ("Groeb", or the "Debtor") filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §101, et seq. (the "Bankruptcy Code").
2. On November 8, 2013, the Debtor filed its *Second Amended Plan of Groeb Farms, Inc., Pursuant to Chapter 11 of the Bankruptcy Code* (the "Amended Plan") [D.I. 213].
3. On December 20, 2013, this Court entered the *Order Confirming The Second Amended Plan of Reorganization of Groeb Farms, Inc., Pursuant to Chapter 11 of the Bankruptcy Code* (the "Confirmation Order") [D.I. 375]. The Amended Plan became effective on December 31, 2013 (the "Effective Date").
4. In accordance with the terms of the Amended Plan, on the Effective Date, the GUC Trust was created for purposes including, among other things, pursuing and/or liquidating the GUC Trust Assets (as defined in the Amended Plan), distributing the GUC Trust Distributable Proceeds (as defined in the Amended Plan), if any, and reconciling and



objecting to General Unsecured Claims as provided for in the Amended Plan. The GUC Trustee has the power to act on behalf of the GUC Trust.

5. The GUC Trust objects to the duplicate or amended/superseded proof(s) of claim (each a “Claim”, and collectively, the “Claims”) asserted as set forth on **Exhibit A** hereto and incorporated herein by reference, on the grounds specified therein.

6. Section 502 of the Bankruptcy Code, and other applicable non-bankruptcy law set forth below, provide the basis for the relief sought in this Objection. Section 502(b) states in relevant part that:

[T]he court, after notice and a hearing, shall determine the amount of [a] claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

(1) such claim is unenforceable against the debtor or property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured ...

11 U.S.C. § 502(b).

7. The GUC Trust files this objection pursuant to FRBP 3007.

8. Each of the Claims listed on **Exhibit A** herein in the row titled “Claim To Be Disallowed” is an alleged claim that is (i) identical to another proof of claim filed by the same claimant or (ii) has been amended or superseded by a later filed claim. None of the Claims contain any information or documentation supporting why the same claim should be allowed in its entirety twice. The elimination of duplicative claims will allow the claims register to more accurately reflect the claims that have been asserted in this chapter 11 case. Accordingly, the GUC Trust objects to the allowance of each of the Claims and requests that such Claims be disallowed and expunged in their entirety. If this Objection is sustained with respect to the Claims, the claims listed in the row titled “Surviving Claim” on **Exhibit A**

hereto will remain on the claims register, subject to the GUC Trust's right to object thereto on any grounds that bankruptcy or nonbankruptcy law permits. Accordingly, any claimant holding a Claim on **Exhibit A** hereto will suffer no prejudice by having the claim that has been objected to disallowed and expunged in its entirety.

9. The GUC Trust reserves its rights to assert additional objections to the Claims.

WHEREFORE, the GUC Trust requests that this Court enter an Order disallowing and expunging the duplicate and amended/superseded Claims pursuant to the attached Order.

Date: April 7, 2015

/s/ Sheryl L. Toby

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Fax: (310) 201-0760
Email: scho@pszjlaw.com

Counsel for the General Unsecured Claims
Litigation Trust

EXHIBIT A

Date Filed	Claimant	Claim No. to be Disallowed	Filed Claim Amount	Surviving Claim No.	Surviving Claim Amount	Classification	Basis for Objection
11/04/2013	Bees Brothers, LLC Lynn M. Brimer Strobl & Sharp, P.C. 300 East Long Lake Road Suite 200 Bloomfield Hills, MI 48304	140	\$1,981,710.09	74	\$1,981,710.09	General Unsecured	Appears to be duplicative of another claim filed by the same creditor.
10/29/2013	BWB Honey 1298 Garnet Ave Mentone, CA 92359	100	\$258,372.98	9	\$258,372.98	General Unsecured	Appears to be duplicative of another claim filed by the same creditor.
10/25/2013	DADANT & COMPANY 1913 E 17TH ST SUITE 200 SANTA ANA, CA 92705- 8627	79	\$12,475.00	182	\$42,849.78	Priority	Appears to have been amended and/or superseded by a later filed claim.
10/17/2013	DELTA FOOD INTERNATIONAL INC. 7056 ARCHIBALD AVE SUITE 102-158 CORONA, CA 92880	29	\$1,445,840.30	63	\$1,384,040.11 \$61,800.19	General Unsecured Priority	Appears to have been amended and/or superseded by a later filed claim.
11/04/2013	Dennis D. Lorenz Atchison Enterprises Inc. DBA Conex Trading Co. 13727 West 65th St. Shawnee, KS 66216	167	\$328,455.20	83	\$328,455.20	General Unsecured	Appears to be duplicative of another claim filed by the same creditor.

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12/11/2013	Department of the Treasury - Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101- 7346	184	\$1,100.0 \$2,874.000	202	\$1,100.00 \$2,574.00	General Unsecured Priority	Appears to have been amended and/or superseded by a later filed claim.
10/21/2013	Double S Security P.O. BOX 771721 OCALA, FL 34477	41	\$22,797.55	43	\$22,797.55	General Unsecured	Appears to be duplicative of another claim filed by the same creditor.
10/11/2013	Ford Motor Credit Company, LLC P.O. Box 6275 Dearborn, MI 48121	6	\$3,682.71	203	\$3,499.48	Secured	Appears to have been amended and/or superseded by a later filed claim.

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11/01/2013	Little Bee Impex Kashmir Apiaries Exports Thapar, Inc. World Food Basket Inc Harmeet K. Dhillon, Nitaj P. Singh Dhillon & Smith LLP 177 Post Street, Suite 700 San Francisco, CA 94108	124	\$1,784,375.00	166	\$1,784,375.00	General Unsecured	Appears to be duplicative of another claim filed by the same creditor.
11/04/2013	Little Bee Impex Kashmir Apiaries Exports Thapar, Inc. World Food Basket Inc Harmeet K. Dhillon, Nitaj P. Singh Dhillon & Smith LLP 177 Post Street, Suite 700 San Francisco, CA 94108	160	\$1,784,375.00	166	\$1,784,375.00	General Unsecured	Appears to be duplicative of another claim filed by the same creditor.
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10/29/2013	Sociedad Cooperativa Apicola Suahua S.C. De R.L. De C.V. Calle de Los Molinos No. 171 Col. Caperuso Hermosillo Sonora, 83105	95	\$119,513.53	198	\$79,410.29	General Unsecured	Appears to have been amended and/or superseded by a later filed claim.

PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

Chapter 11

GROEB FARMS, INC.

Case No.: 13-58200-wsd

Debtor

Judge: Walter S. Shapero

**ORDER SUSTAINING GENERAL UNSECURED CLAIMS LITIGATION
TRUST'S FIRST OMNIBUS OBJECTION (NON-SUBSTANTIVE) TO CLAIMS**

This matter having come on for hearing before the Court by way of the objection (the “Objection”) of the General Unsecured Claims Litigation Trust (the “GUC Trust”) to the allowance of the claims set forth on **Exhibit A** hereto, service having been made with a notice of hearing allowing a thirty (30) day notice pursuant to Bankruptcy Rule 3007, a hearing having been held, the Court having heard the matter in open Court and for the reason stated on the record;

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

The objection to the Claims filed by The GUC Trust is hereby granted.

IT IS FURTHER ORDERED as follows: *[Only provisions checked below apply]*

☒ [x] The Claims listed on **Exhibit A** hereto in the column entitled “Claim To Be Disallowed” shall be disallowed and expunged in their entirety.

☒ [x] The Claims listed on **Exhibit A** hereto in the column entitled “Surviving Claim No.” shall be the surviving, allowed Claims, subject to all rights of the GUC Trust to further object to the Surviving Claims.

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In re:

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GROEB FARMS, INC.
Debtor _____/

Case No.: 13-58200-wsd
Judge: Walter S. Shapero

OMNIBUS NOTICE OF OBJECTION TO CLAIMS

The General Unsecured Claims Litigation Trust has filed an objection to the claims listed on **Exhibit A** hereto and incorporated herein by reference, in this bankruptcy case:

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before **May 21, 2015**, you or your lawyer must:

1. File with the court a written response to the objection explaining your position at:

U.S. Bankruptcy Court
211 West Fort Street, 17th Floor
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Groeb Farms, Inc.
John A. Simon, Esq.
Judy A. O'Neill, Esq.
Tamar N. Dolcourt, Esq.
Foley & Lardner LLP
One Detroit Center
500 Woodward Avenue, Suite 2700
Detroit, MI 48226-3489

Counsel for the General Unsecured Claims Litigation Trust
PACHULSKI STANG ZIEHL & JONES LLP
Shirley S. Cho, Esq.
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Email: scho@pszjlaw.com

2. Attend the hearing on the objection, scheduled to be held on **May 28, 2015 at 11:00 a.m.** in Courtroom 1042, United States Bankruptcy Court, 211 West Fort Street, Detroit, Michigan 48226, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the court may cancel the hearing and enter an order sustaining the objection.

Date: April 7, 2015

/s/ Sheryl L. Toby

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