

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

<p>In re: PREMIER KINGS, INC., Debtor.</p>	<p>Chapter 11 Case No. 23-02871 (TOM) Joint Administration Requested</p>
<p>In re: PREMIER KINGS OF GEORGIA, INC., Debtor.</p>	<p>Chapter 11 Case No. 23-02874 (TOM) Joint Administration Requested</p>
<p>In re: PREMIER KINGS OF NORTH ALABAMA, LLC, Debtor.</p>	<p>Chapter 11 Case No. 23-02873 (TOM) Joint Administration Requested</p>

**MOTION OF DEBTORS AND DEBTORS-IN-POSSESSION FOR ENTRY OF AN
ORDER (I) DIRECTING JOINT ADMINISTRATION OF CHAPTER 11 CASES AND
(II) GRANTING RELATED RELIEF**

Premier Kings, Inc., and its debtor affiliates,¹ as debtors and debtors-in-possession in the above-captioned chapter 11 cases (each a “Debtor” and, collectively, the “Debtors”), by their undersigned proposed counsel and pursuant to Section 105(a) of Title 11 of the United States Code (11 U.S.C. §§ 101 *et seq.*, the “Bankruptcy Code”) and Rule 1015 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), file this motion (the “Motion”) seeking the entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”).

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification numbers, are: Premier Kings, Inc. (3932); Premier Kings of Georgia, Inc. (9797); and Premier Kings of North Alabama, LLC (9282). The Debtors’ address is 7078 Peachtree Industrial Blvd., Suite #800, Peachtree Corners, GA 30071. The Debtors have filed a motion for joint administration with the Court.



In support of the Motion, the Debtors rely upon and hereby incorporate by reference the *Declaration of David Baker in Support of First-Day Motions* (the “Baker Declaration”), filed contemporaneously herewith. In further support of this Motion, the Debtors respectfully state as follows:

RELIEF REQUESTED

1. The Debtors seek entry of an Order: (a) directing procedural consolidation and joint administration of these chapter 11 cases; and (b) granting related relief. The Debtors request that one file and one docket be maintained for all of the jointly administered cases under the case of Premier Kings, Inc, and that the cases be administered under a consolidated caption, as follows:

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION	
In re: PREMIER KINGS, INC., <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 23-02871 (TOM) (Jointly Administered)

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification numbers, are: Premier Kings, Inc. (3932); Premier Kings of Georgia, Inc. (9797); and Premier Kings of North Alabama, LLC (9282). The Debtors’ address is 7078 Peachtree Industrial Blvd., Suite #800, Peachtree Corners, GA 30071. The Debtors have filed a motion for joint administration with the Court.

2. The Debtors further request that this Court order that the foregoing caption satisfies the requirements set forth in Section 342(c)(1) of the Bankruptcy Code.

3. The Debtors also request that a docket entry, substantially similar to the following, be entered on the docket of Premier Kings of Georgia, Inc., and Premier Kings of North Alabama, LLC to reflect joint administration of these chapter 11 cases: “An order has been

entered in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration for procedural purposes only of the chapter 11 cases of Premier Kings, Inc., Case No. 23-02871 (TOM); Premier Kings of Georgia, Inc., Case No. 23-02874 (TOM); and Premier Kings of North Alabama, LLC, Case No. 23-02873 (TOM). **The docket in Case No. 23-02871 (TOM) should be utilized for all future filings and docket entries and consulted for all matters affecting this case.**”

JURISDICTION AND VENUE

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157(b) and 1334 and the *General Order of Reference* from the United States District Court for the Northern District of Alabama dated July 16, 1984, as amended July 17, 1984. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (O).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

6. The statutory predicates for the relief sought herein are Section 105(a) of the Bankruptcy Code, and Bankruptcy Rule 1015(b).

BACKGROUND

7. On the date hereof (the “Petition Date”), the Debtors filed voluntary petitions in this Court for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”).

8. The Debtors continue to manage and operate their businesses as a debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

9. No official committee of unsecured creditors has been appointed.

10. No request for a trustee or examiner has been made in these Chapter 11 Cases.

11. Information regarding the Debtors’ businesses, capital structure, and the circumstances leading to the commencement of these Chapter 11 Cases is set forth in the Baker Declaration. Those facts are incorporated herein by reference.

BASIS FOR RELIEF REQUESTED

12. Bankruptcy Rule 1015(b)(4) provides, in pertinent part, that “[i]f . . . two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates.” Fed. R. Bankr. P. 1015. The Debtor entities that commenced the Chapter 11 Cases are “affiliates” as that term is defined in section 101(2) of the Bankruptcy Code. Accordingly, the Bankruptcy Code and Bankruptcy Rules authorize the Court to grant the relief requested herein.

13. Courts in this jurisdiction and others routinely order joint administration in cases with multiple related debtors. See, e.g., In re FM Coal, LLC, Case No. 20-02783 (TOM) (Bankr. N.D. Ala. Sept. 1, 2020) (Dkt. No. 37); In re Remington Outdoor Company, Inc., Case No. 20-81688 (CRJ) (Bankr. N.D. Ala. July 27, 2020) (Dkt. No. 88); In re Piney Woods Resources, Inc., Case No. 19-01390 (DSC) (April 2, 2019) (Dkt. No. 36); In re Mission Coal Company, LLC, Case No. 18-04177 (TOM) (Bankr. N.D. Ala. Oct. 16, 2018) (Dkt. No. 63); In re Walter Energy, Inc., Case No. 15-02741 (TOM) (Bankr. N.D. Ala. July 15, 2015) (Dkt. No. 54).²

14. Given the integrated nature of the Debtors’ operations, joint administration of the Chapter 11 Cases will provide significant administrative convenience without harming the substantive rights of any party in interest. Many of the motions, hearings, and orders in the Chapter 11 Cases will affect each debtor entity. The entry of an order directing joint administration of these Chapter 11 Cases will reduce fees and costs by avoiding duplicative filings and objections. Joint administration also will allow all parties in interest to monitor the Chapter 11 Cases with greater ease and efficiency.

² The orders referenced in this paragraph are not attached to the Motion but are publicly available and can be provided upon request to the Debtors’ proposed counsel.

15. Moreover, joint administration will not adversely affect the Debtors' respective constituencies because this Motion seeks only administrative, not substantive, consolidation of the Debtors' estates. Parties in interest will not be harmed by the relief requested. Instead, parties in interest will benefit from the cost reductions associated with the joint administration of the Chapter 11 Cases. Accordingly, the Debtors submit that the joint administration of these Chapter 11 Cases is in the best interests of their estates, their creditors, and all other parties in interest.

NOTICE

16. The Debtors will provide notice of this Motion to: (a) the Office of the Bankruptcy Administrator for the Northern District of Alabama; (b) the holders of the forty (40) largest unsecured claims against the Debtors on a consolidated basis; (c) counsel to BKCI; (d) counsel to Wells Fargo Bank, National Association, as Administrative Agent for the Lender Group; (e) the United States Attorney's Office for the Northern District of Alabama; (f) the Internal Revenue Service; (g) the office of the Attorney General for the State of Alabama; (h) the Securities and Exchange Commission; and (i) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtors respectfully request that the Court enter the Order, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Dated: October 25, 2023
Birmingham, Alabama

/s/ Jesse S. Vogtle, Jr.

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**pro hac vice admissions pending*

EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re: PREMIER KINGS, INC., Debtor.	Chapter 11 Case No. 23-02871 (TOM) Joint Administration Requested
In re: PREMIER KINGS OF GEORGIA, INC., Debtor.	Chapter 11 Case No. 23-02874 (TOM) Joint Administration Requested
In re: PREMIER KINGS OF NORTH ALABAMA, LLC, Debtor.	Chapter 11 Case No. 23-02873 (TOM) Joint Administration Requested

**ORDER (I) DIRECTING JOINT ADMINISTRATION OF
CHAPTER 11 CASES AND (II) GRANTING RELATED RELIEF**

Upon consideration of the Motion¹ of the above-captioned Debtors² for entry of an order, pursuant to Section 105(a) of Title 11 of the U.S. Code (the “Bankruptcy Code”) and Rule 1015 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), authorizing the joint administration of the Debtors’ cases under chapter 11 of the Bankruptcy Code; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334;

¹ All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

² The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification numbers, are: Premier Kings, Inc. (3932); Premier Kings of Georgia, Inc. (9797); and Premier Kings of North Alabama, LLC (9282). The Debtors’ address is 7078 Peachtree Industrial Blvd., Suite #800, Peachtree Corners, GA 30071. The Debtors have filed a motion for joint administration with the Court.

and it appearing that venue of these cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that adequate and proper notice of the Motion has been given and that no other or further notice need be given; and a hearing having been held to consider the relief requested in the Motion; and upon the record of the hearing and all of the proceedings had before the Court; and the Court having found and determined that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors, and all other parties in interest, and will not otherwise prejudice the Debtors' creditors; and the legal and factual bases set forth in the Motion having established just cause for the relief granted herein; and after due deliberation and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT, ADJUDGED, AND DECREED THAT:

1. The Motion is granted as set forth herein.
2. The above-captioned chapter 11 cases are consolidated for procedural purposes only and shall be jointly administered by the Court under Case No. 23-02871 (TOM).
3. The caption of the jointly administered cases should read as follows:

IN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION	
In re: PREMIER KINGS, INC., <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 23-02871 (TOM) (Jointly Administered)

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4. The foregoing caption satisfies the requirements set forth in Section 342(c)(1) of the Bankruptcy Code.

5. A docket entry, substantially similar to the following, be entered on the docket of Premier Kings of Georgia, Inc., and Premier Kings of North Alabama, LLC to reflect joint administration of these chapter 11 cases: “An order has been entered in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration for procedural purposes only of the chapter 11 cases of Premier Kings, Inc., Case No. 23-02871 (TOM); Premier Kings of Georgia, Inc., Case No. 23-02874 (TOM); and Premier Kings of North Alabama, LLC, Case No. 23-02873 (TOM). **The docket in Case No. 23-02871 (TOM) should be utilized for all future filings and docket entries and consulted for all matters affecting this case.**”

6. The Debtors shall maintain, and the Clerk of the United States Bankruptcy Court for the Northern District of Alabama shall keep, one consolidated docket, and one consolidated service list for these chapter 11 cases.

7. The Debtors are authorized to prepare and file their monthly operating reports on a consolidated basis.

8. Nothing contained in the Motion or this Order shall be deemed or construed as directing or otherwise effecting a substantive consolidation of these chapter 11 cases and this Order shall be without prejudice to the rights of Debtors to seek entry of an Order substantively consolidating their respective cases.

9. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) are satisfied by such notice.

10. The terms and conditions of this Order are immediately effective and enforceable upon its entry.

11. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

12. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2023
Birmingham, Alabama

UNITED STATES BANKRUPTCY JUDGE