

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

In re:

PREMIER KINGS, INC., *et al.*,¹

Debtors.

(Chapter 11)

Case No. 23-02871 (TOM)

Joint Administration Requested

**EMERGENCY MOTION OF THE DEBTORS AND DEBTORS-IN-POSSESSION
TO SET EXPEDITED HEARING ON FIRST DAY MOTIONS**

Premier Kings, Inc., and its debtor affiliates, 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 of Title 11 of the United States Code, (11 U.S.C. §§ 101 *et seq.*, the “Bankruptcy Code”) and Rules 4001(b) and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), file the above-titled motion (this “Motion”) and, in so doing, seek the entry of an order substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), setting the First Day Motions (as defined below) for expedited hearing and granting such other and further relief as the Court deems just and proper. In support of this Motion, the Debtors rely on the *Declaration of David M. Baker in Support of First Day Motions* (the “Baker Declaration”)² and respectfully state as follows:

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 Baker Declaration is being filed contemporaneously with this Motion and is incorporated herein by reference. Capitalized terms used in this Motion but not otherwise defined shall have the meanings given to them in the Baker Declaration.



JURISDICTION AND VENUE

1. 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).

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

3. The bases for the relief requested herein are Section 105 of the Bankruptcy Code and Bankruptcy Rules 4001(b) and 9006(c).

BACKGROUND

4. 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”).

5. 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.

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

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

8. Detailed 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.

RELIEF REQUESTED

9. Through this Motion, the Debtors seek the entry of an order, substantially in the form of the Proposed Order, pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rules 4001(b) and 9006(c), setting the First Day Motions (as defined below) for expedited hearing.

BASIS FOR RELIEF REQUESTED

10. Bankruptcy Rule 9006(c) provides that the Court may, in its discretion and for cause shown, with or without notice, reduce the notice period normally required for motions. Bankruptcy Rule 4001(b) provides that the Court may conduct preliminary hearings on requests to use cash collateral at which the Court may grant the use of cash collateral only to the extent necessary to avoid immediate and irreparable harm to the Debtors' estates.

11. For the reasons described in this Motion, the Debtors require expedited hearings and relief on the following described motions (collectively, the "First Day Motions"):

- (i) 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 (the "Joint Administration Motion");
- (ii) Motion of Debtors and Debtors-in-Possession for Entry of an Order Extending the Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs (the "SOFAs/Schedules Extension Motion");
- (iii) Motion of Debtors and Debtors-in-Possession for Entry of An Order (I) Authorizing the Debtors to File a Consolidated List of Unsecured Creditors in Lieu of Submitting a Separate List for Each Debtor, (II) Authorizing the Debtors to Implement Certain Notice and Case Management Procedures, and (III) Granting Related Relief (the "Case Management Motion");
- (iv) Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Postpetition Use of Cash Collateral; (II) Granting Adequate Protection to Prepetition Secured Parties; (III) Scheduling a Final Hearing; and (V) Granting Related Relief (the "Cash Collateral Motion");
- (v) Motion of the Debtors and Debtors-in-Possession for Entry of Interim and Final Orders Approving Cash Management System and Authorizing the Debtors to Continue Using Existing Bank Accounts and Business Forms (the "Cash Management Motion");
- (vi) Motion of Debtors and Debtors-in-Possession for Entry of Interim and Final Orders Authorizing Payment of Prepetition Payroll Obligations, Employee Benefits and Related Items, and the Continuation of Certain Employment Programs and Policies in the Ordinary Course (the "Wages Motion");

- (vii) Motion of the Debtors and Debtors-in-Possession For an Order (I) Authorizing the Debtors to Pay Prepetition Claims of Certain Critical Vendors and (II) Granting Related Relief (the “Critical Vendors Motion”);
- (viii) Motion of the Debtors and Debtors-in-Possession for Entry of Interim and Final Orders (I) Approving the Adequate Assurance of Payment for Future Utility Services Proposed by Debtors, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving Procedures by Debtors for Resolving Additional Assurance Requests, and (IV) Setting a Final Hearing Related Thereto (the “Utilities Motion”); and
- (ix) Motion of the Debtors and Debtors-in-Possession for Entry of an Order Authorizing the Debtors to Pay Prepetition Sales Taxes (the “Taxes Motion”).

12. The First Day Motions represent the minimum relief necessary to allow the Debtors to meet their obligations under the Bankruptcy Code, assist the Court in efficiently managing the Chapter 11 Cases, and sustain the Debtors’ operations for the benefit of the Debtors’ estates and creditors. Several of the First Day Motions are purely procedural and others are critical to continuing the Debtors’ operations and maximizing potential returns to creditors.

13. The various forms of relief requested in the First Day Motions are common in bankruptcy cases of the size and complexity of the Chapter 11 Cases. Scheduling expedited hearings on the First Day Motions will benefit the Debtors, the Debtors’ creditors, and all parties in interest. Accordingly, cause exists under Bankruptcy Rule 9006 to reduce the notice period for hearings on the First Day Motions.

NOTICE

14. 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.

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order granting the relief requested herein, and such other and further relief as the Court deems just and proper.

Dated: October 25, 2023
Birmingham, Alabama

/s/ Jesse S. Vogtle, Jr.

Jesse S. Vogtle, Jr.

Eric T. Ray

HOLLAND & KNIGHT LLP

1901 Sixth Avenue North, Suite 1400

Birmingham, Alabama 35203

Telephone: (205) 226-5700

Facsimile: (205) 214-8787

jesse.vogtle@hkllaw.com

etray@hkllaw.com

-and-

COLE SCHOTZ P.C.

Gary H. Leibowitz*

Irving E. Walker*

H.C. Jones III*

J. Michael Pardoe*

COLE SCHOTZ PC

1201 Wills Street, Suite 320

Baltimore, MD 21231

(410) 230-0660

(410) 230-0667

[gleibowitz@coleschotz.com](mailto:g Leibowitz@coleschotz.com)

iwalker@coleschotz.com

hjones@coleschotz.com

mpardoe@coleschotz.com

Proposed Attorneys for the Debtors and Debtors-in-Possession

**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., *et al.*,¹

Debtors.

(Chapter 11)

Case No. 23-02871 (TOM)
Joint Administration Requested

ORDER SETTING FIRST DAY MOTIONS FOR EXPEDITED HEARING

Upon consideration of the motion (the “Motion”)² of the Debtors for entry of an order, pursuant to Section 105 of Title 11 of the U.S. Code (11 U.S.C. §§ 101 *et seq.*, the “Bankruptcy Code”) and Rules 4001(b) and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), setting the First Day Motions for expedited hearing; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of this case 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 the legal and factual bases set forth in the Motion having established just cause for the relief

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² All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

granted herein; and after due deliberation and sufficient cause appearing therefor; it is hereby ORDERED that;

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

1. The Motion is GRANTED to the extent provided herein.
2. The First Day Motions are hereby set for hearing on _____, 2023 at ____:____ am/pm, at the United States Bankruptcy Court, Robert S. Vance Federal Building, 1800 Fifth Avenue North, Birmingham, Alabama 35203 in Courtroom ____, and the notice periods for the hearings on the foregoing motions are reduced accordingly.
3. The Debtors, proposed counsel for the Debtors, or any other agent for the Debtors shall provide notice of such hearings by serving a copy of this Order on the service lists identified in the First Day Motions.
4. The First Day Motions will be heard in the order listed on the agenda attached hereto.
5. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: _____, 2023
Birmingham, Alabama

UNITED STATES BANKRUPTCY JUDGE

PROPOSED AGENDA FOR EXPEDITED HEARING ON FIRST DAY MOTIONS

1. 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 (the “Joint Administration Motion”);
2. Motion of Debtors and Debtors-in-Possession for Entry of an Order Extending the Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs (the “SOFAs/Schedules Extension Motion”);
3. Motion of Debtors and Debtors-in-Possession for Entry of An Order (I) Authorizing the Debtors to File a Consolidated List of Unsecured Creditors in Lieu of Submitting a Separate List for Each Debtor, (II) Authorizing the Debtors to Implement Certain Notice and Case Management Procedures, and (III) Granting Related Relief (the “Case Management Motion”);
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7. Motion of the Debtors and Debtors-in-Possession For an Order (I) Authorizing the Debtors to Pay Prepetition Claims of Certain Critical Vendors and (II) Granting Related Relief (the “Critical Vendors Motion”);
8. Motion of the Debtors and Debtors-in-Possession for Entry of Interim and Final Orders (I) Approving the Adequate Assurance of Payment for Future Utility Services Proposed by Debtors, (II) Prohibiting Utility Companies from Altering, Refusing, or Discontinuing Services, (III) Approving Procedures by Debtors for Resolving Additional Assurance Requests, and (IV) Setting a Final Hearing Related Thereto (the “Utilities Motion”); and
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