

United States Bankruptcy Court
Northern District of Alabama

In re:
Premier Kings, Inc.
Debtor

Case No. 23-02871-TOM
Docket #0212 Date Filed: 11/15/2023
Chapter 11

CERTIFICATE OF NOTICE

District/off: 1126-2
Date Rcvd: Nov 13, 2023

User: admin
Form ID: pdf000

Page 1 of 4
Total Noticed: 31

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|---|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| # | Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 15, 2023:

| Recip ID | Recipient Name and Address |
|----------|--|
| db | + Premier Kings, Inc., 7078 Peachtree Industrial Blvd #800, Peachtree Corners, GA 30071-1068 |
| aty | + Christian & Small LLP, 505 N 20th St Ste 1800, Birmingham, AL 35203-4633 |
| aty | + Christopher K Coleman, 1201 West Peachtree Street, Atlanta, GA 30309-3449 |
| aty | + David E. Otero, Akerman Senterfitt, 50 North Laura St Ste 2500, Jacksonville, FL 32202-3646 |
| aty | + David E. Otero, Akerman Senterfitt, 50 North Laura St Ste 3100, Jacksonville, FL 32202-3659 |
| aty | + Jacob Johnson, Alston & Bird LLP, 1201 West Peachtree Street, Atlanta, GA 30309-3424 |
| aty | + Jeffrey R. Dutson, King & Spalding LLP, 1180 Peachtree Street NE, Ste 1600, Atlanta, GA 30309-7525 |
| aty | + William P. Reily, King & Spalding LLP, 110 N. Wacker Drive, Suite 3800, Chicago, IL 60606-1511 |
| cr | + AuburnBank, c/o Parnell & Parnell, P.A., P.O. Box 224, Montgomery, AL 36101-0224 |
| crcm | + BK Collinsville LLC, 4615 University Drive, Coral Gables, FL 33146-1148 |
| intp | + Bulldog Restaurants, LLC, c/o Baker Donelson, 1901 6th Ave. N., Suite 2600, Birmingham, AL 35203-4644 |
| cr | + Burger King Company LLC, 5707 Blue Lagoon Drive, Miami, FL 33126, UNITED STATES 33126-2015 |
| crcm | E.S.S., Inc., 203 McMillin St, Nashville, TN 37203-2912 |
| crcm | + GAJ Realty Group Inc, 8 Rosewood Drive, North Massapequa, NY 11758-3239 |
| crcm | + Hemphill Services Inc, PO Box 1234, Trussville, AL 35173-6101 |
| crcm | + Hudson Construction Company, 1425 Market Blvd, Suite 530 318, Roswell, GA 30076-6708 |
| cr | + Kemco Facilities Services, LLC, 5750 Bell Circle, Montgomery, AL 36116-4132 |
| op | + Kurtzman Carson Consultants LLC, 222 N. Pacific Coast Highway, Suite #300, El Segundo, CA 90245-5614 |
| crcm | + M D Homes Alabama LLC, PO Box 6415, East Brunswick, NJ 08816-6415 |
| intp | + Merit Bank, 659 Gallatin St SW, Huntsville, AL 35801-4914 |
| crcm | + Playland Maintenance Service Inc., 3935 Tamiami Trail, Cumming, GA 30041-8948 |
| intp | #+ Premier Holdings, LLC, 3300 Eastern Blvd, Montgomery, AL 36116-1408 |
| intp | + RRG of Jacksonville, LLC, c/o Peter Haley, Nelson Mullins Riley & Scarborough LLP, One Financial Center, Suite 3500, Boston, MA 02111-2641 |
| cr | + Rave Enterprises, LLC, c/o Heard, Ary & Dauro, LLC, 303 Williams Avenue SW, Suite 921, Huntsville, AL 35801-6084 |
| cr | + Rave II Enterprises, LLC, c/o Heard, Ary & Dauro, LLC, 303 Williams Avenue SW, Suite 921, Huntsville, AL 35801-6084 |
| intp | + Renasant Bank, 1901 Sixth Ave. N., Suite 1500, Birmingham, AL 35203-4642 |
| cr | + South Coast Enterprises, LLC, c/o Heard, Ary & Dauro, LLC, 303 Williams Avenue SW, Suite 921, Huntsville, AL 35801-6084 |
| crcm | + TK&K Unlimited Inc, 8014 Cumming Hwy, Suite 403 332, Canton, GA 30115-9339 |

TOTAL: 28

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|--|----------------------|---|
| smg | + Email/Text: bnc_notices_southern@alnb.uscourts.gov | Nov 14 2023 03:56:00 | Thomas Corbett, BA Birmingham, 1800 5th Avenue North, Birmingham, AL 35203-2111 |
| crcm | + Email/Text: bankruptcy@brinksinc.com | Nov 14 2023 03:57:00 | Brinks Incorporated, PO Box 101031, Atlanta, GA 30392-1031 |
| cr | + Email/Text: terri.pounders@cbsbank.net | Nov 14 2023 03:56:00 | CB&S Bank, CB&S Bank, P.O. Box 910, Russellville, AL 35653-0910 |

TOTAL: 3



230287123111500000000004

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 15, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 13, 2023 at the address(es) listed below:

| Name | Email Address |
|--------------------------|---|
| Albert Kass | on behalf of Other Professional Kurtzman Carson Consultants LLC ecfpleadings@kccllc.com |
| Anthony B Bush | on behalf of Creditor Kemco Facilities Services LLC abush@bushlegalfirm.com, jason@bushlegalfirm.com |
| Bill D Bensinger | on behalf of Creditor Committee Official Committee of Unsecured Creditors bdbensinger@csattorneys.com bill-bensinger-5829@ecf.pacerpro.com |
| Brian R Walding | on behalf of Creditor Burger King Company LLC bwalding@waldinglaw.com dbryd@waldinglaw.com;bnichols@waldinglaw.com;lbos@waldinglaw.com |
| Brooke L. Bean | on behalf of Other Professional Wells Fargo Bank National Association bbean@kslaw.com |
| Charles N Parnell | on behalf of Creditor AuburnBank bkrp@parnellseast.com |
| Clarence A Wilbon | on behalf of Creditor First Horizon Bank clarence.wilbon@arlaw.com cheryl.perkins@arlaw.com,minyon.bolton@arlaw.com |
| Daniel D Sparks | on behalf of Creditor Committee Official Committee of Unsecured Creditors ddsparks@csattorneys.com dan-sparks-9722@ecf.pacerpro.com |
| Danielle Elysees Douglas | on behalf of Creditor First Horizon Bank danielle.douglas@arlaw.com |
| Eric T Ray | on behalf of Debtor Premier Kings Inc. etray@hklaw.com, brooke.freeman@hklaw.com |
| Gary H. Leibowitz | on behalf of Debtor Premier Kings Inc. gleibowitz@coleschotz.com |
| Glenn Moses | on behalf of Creditor Burger King Company LLC gmoses@venable.com jnunez@venable.com;cascavone@venable.com;imalcolm@ecf.courtdrive.com;ipmalcolm@venable.com;darudasill@venable.com |
| Glenn E Glover | on behalf of Other Professional Wells Fargo Bank National Association gglover@babc.com mpalmer@babc.com |
| Gregory Michael Taube | on behalf of Interested Party RRG of Jacksonville LLC greg.taube@nelsonmullins.com, linnea.hann@nelsonmullins.com;sharon.reid@nelsonmullins.com |

| | |
|-----------------------------|---|
| Harry Conrad Jones, III | on behalf of Debtor Premier Kings Inc. hjones@coleschotz.com |
| Hirshel Hall | on behalf of Interested Party McLane Foodservice Inc. hirshel.hall@alston.com |
| Irving Edward Walker | on behalf of Debtor Premier Kings Inc. iwalker@coleschotz.com |
| J. Thomas Corbett | jtom_corbett@alnb.uscourts.gov courtmailbir11@alnb.uscourts.gov |
| James Blake Bailey | on behalf of Other Professional Wells Fargo Bank National Association jbailey@bradley.com kpbarnes@bradley.com;jbailey@ecf.courtdrive.com |
| Jayna Partain Lamar | on behalf of Interested Party Newell-Berg Alliance AL LLC and Newell-Berg Alliance TN II, LLC jlamar@maynardnexsen.com, prudloff@maynardnexsen.com |
| Jeremy L Retherford | on behalf of Interested Party Renasant Bank jretherford@balch.com blankford@balch.com |
| Jesse S Vogtle, Jr | on behalf of Debtor Premier Kings Inc. jesse.vogtle@hklaw.com, brooke.freeman@hklaw.com |
| Jesse S Vogtle, Jr | on behalf of Debtor Premier Kings of North Alabama LLC jesse.vogtle@hklaw.com, brooke.freeman@hklaw.com |
| Jesse S Vogtle, Jr | on behalf of Debtor Premier Kings of Georgia Inc. jesse.vogtle@hklaw.com, brooke.freeman@hklaw.com |
| John Michael Pardoe | on behalf of Debtor Premier Kings Inc. mpardoe@coleschotz.com |
| Jon A Dudeck | jon_dudeck@alnb.uscourts.gov courtmailbir7@alnb.uscourts.gov |
| Kathryn Grafton | on behalf of Creditor FORD MOTOR CREDIT COMPANY LLC. noticesnd@chambless-math.com |
| Kevin D. Heard | on behalf of Creditor South Coast Enterprises LLC kheard@heardlaw.com, breanna@heardlaw.com;amanda@heardlaw.com;aary@heardlaw.com;adauro@heardlaw.com;candice@heardlaw.com |
| Kevin D. Heard | on behalf of Creditor Rave II Enterprises LLC kheard@heardlaw.com, breanna@heardlaw.com;amanda@heardlaw.com;aary@heardlaw.com;adauro@heardlaw.com;candice@heardlaw.com |
| Kevin D. Heard | on behalf of Creditor Rave Enterprises LLC kheard@heardlaw.com, breanna@heardlaw.com;amanda@heardlaw.com;aary@heardlaw.com;adauro@heardlaw.com;candice@heardlaw.com |
| Lisa M Peters | on behalf of Creditor ARC CAFEUSA001 LLC lisa.peters@kutakrock.com, Marybeth.brukner@kutakrock.com |
| Lyndel Anne Vargas | on behalf of Interested Party WAL-MART STORES INC. lvargas@chfirm.com, lalvez@chfirm.com |
| Matthew M Cahill | on behalf of Interested Party Bulldog Restaurants LLC mcahill@bakerdonelson.com, mcleland@bakerdonelson.com;dbivins@bakerdonelson.com |
| Max A. Moseley | on behalf of Interested Party Premier Holdings LLC mmoseley@kppblaw.com |
| Morgan L Allred | on behalf of Debtor Premier Kings Inc. morgan.allred@hklaw.com, brooke.freeman@hklaw.com |
| Paul J. Battista | on behalf of Creditor Burger King Company LLC pjbatista@venable.com cascavone@venable.com;jnunez@venable.com |
| Peter J. Haley | on behalf of Interested Party RRG of Jacksonville LLC peter.haley@nelsonmullins.com, marie.moss@nelsonmullins.com |
| Rachel L. Webber | rachel_webber@alnb.uscourts.gov dana_gilliam@alnb.uscourts.gov,Robin_G_Smith@alnb.uscourts.gov,courtmailtus@alnb.uscourts.gov |
| Tazewell Taylor Shepard, IV | on behalf of Interested Party Merit Bank ty@ssmattorneys.com janelle@ssmattorneys.com |
| Wesley Ryan Bulgarella | |

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Page 4 of 4
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on behalf of Interested Party Newell-Berg Alliance AL LLC and Newell-Berg Alliance TN II, LLC
wbulgarella@maynardcooper.com, wbulgarella@maynardcooper.com

William M. Hancock

on behalf of Creditor CB&S Bank bankruptcy@wolfejones.com wmhancock@wolfejones.com

TOTAL: 41

**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

**FINAL ORDER AUTHORIZING PAYMENT OF PREPETITION PAYROLL
OBLIGATIONS, EMPLOYEE BENEFITS AND RELATED ITEMS, AND THE
CONTINUATION OF CERTAIN EMPLOYMENT
PROGRAMS AND POLICIES IN THE ORDINARY COURSE**

Upon consideration of the motion (the “Motion”)² of the Debtors for entry of an order authorizing payment of prepetition payroll obligations, employee benefits and related items, and the continuation of certain employment programs and policies in the ordinary course; and upon consideration of all pleadings related thereto, including the Baker Declaration; and it appearing that the Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and this Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Motion is in the best interest of the Debtors, their estates, and their creditors; and after due deliberation and good and sufficient cause appearing therefor;

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

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

1. The Motion is granted on a final basis.

1. The Debtors are authorized, but not required, in their sole and absolute discretion and in the exercise of their business judgment, to honor and pay in the ordinary course of business existing Prepetition Payroll Obligations, Employee Benefits and related items, subject to (and capped at) the statutory limitations set forth in 11 U.S.C. §§ 507(a)(4) and 507(a)(5).

2. The Debtors are authorized and empowered, but not directed, in their sole and absolute discretion, on a case-by-case basis, to honor their Employees' PTO, by allowing the Employees to use, in the Debtors' sole discretion, all or portions of their prepetition PTO on a post-petition basis in the ordinary course; provided, however, that notwithstanding the relief granted in this paragraph, nothing herein shall be deemed or construed to create or impose any administrative expense liability on the Debtors with regard to the prepetition PTO or to authorize the Debtors to compensate its Employees for prepetition PTO in cash unless applicable state law mandates such compensation upon an Employee's termination.

3. The Debtors are authorized, but not required, to make all normal and customary withholdings and deductions from wages and other compensation paid to the Employees, and to make all matching payments or contributions required under applicable law or otherwise made in the ordinary course of business, for the purpose of paying all applicable taxes and other obligations normally associated with such payments, either directly or through Greenlink or another third-party payroll service provider.

4. The Debtors are authorized, but not required, to pay all prepetition administrative fees and other prepetition premiums and expenses customarily associated with the Health Care Plans, Insurance and Disability Plans, PTO, and the Additional Employee Benefits.

5. The Debtors are authorized, but not required, to pay all prepetition administrative fees customarily associated with the use of a third-party payroll provider.

6. The Debtors are authorized, but not required, to issue new post-petition checks or make new money transfers to replace any prepetition checks or fund transfer requests that may have been dishonored or denied with respect to the employee-related obligation referenced herein or in the Motion.

7. This Order is without prejudice to any rights that the Debtors may otherwise have under applicable law to modify or terminate any programs, policies, or plans referenced herein or in the Motion.

8. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained herein shall constitute, nor is it intended to constitute, an assumption of any contract under section 365 of the Bankruptcy Code or the waiver by the Debtors of any of their rights pursuant to any agreement by operation of law or otherwise.

9. All applicable banks and other financial institutions are hereby authorized to (i) receive, process, honor, and pay any and all checks and transfer requests evidencing amounts approved under this Order whether presented prior to or after the Petition Date; (ii) reissue checks evidencing amounts approved under this Order where checks may be dishonored post-petition; and (iii) to the extent that a bank may have honored any prepetition payroll checks prior to the Petition Date, such honoring is ratified. Such banks and financial institutions are authorized to rely on the representations of the Debtors as to which checks are issued or authorized to be paid pursuant to this Order to the extent that the Debtors have good funds standing to their credit with such bank or other financial institution and to rely on the representations of the Debtors as to which

checks are issued and authorized to be paid in accordance with this Motion without any duty of further inquiry and without liability for following the Debtors' instructions.

10. Notwithstanding anything contained in the Motion or this Final Order, any payment authorized to be made by the Debtors herein shall be subject to and consistent with the terms and conditions contained in any orders entered by this Court authorizing the use of cash collateral and any order authorizing postpetition financing (collectively, a "Financing Order"), including compliance with any budget or cash flow forecast in connection therewith. To the extent there is any conflict between this Final Order and a Financing Order, the terms of the Financing Order shall control.

11. The requirements of Bankruptcy Rule 6003(b) have been satisfied.

12. The requirements of Bankruptcy Rule 6004(a) are waived.

13. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

14. The Court shall retain jurisdiction to hear and determine all matter arising from the implementation of this Order.

Dated: November 13, 2023
Birmingham, Alabama

/s/ Tamara O. Mitchell
TAMARA O. MITCHELL
UNITED STATES BANKRUPTCY JUDGE