

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

In re:

JEFFERSON COUNTY, ALABAMA,  
a political subdivision of the State of  
Alabama,

Debtor.

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Case No. 11-05736-TBB9

Chapter 9

**ORDER DENYING REQUEST FOR ALLOWANCE OF ADMINISTRATIVE CLAIM**

This matter came before the Court on the *Request for Allowance of Administrative Claim* [Docket No. 2286] (the “Request”) filed by the Bennett Claimants<sup>1</sup> on behalf of Mr. Calvin Grigsby (the “Claimant”); the *Objection of Jefferson County, Alabama to Request for Allowance of Administrative Claim* [Docket No. 2371] (the “Objection”); the *Response to Objection of Jefferson County, Alabama for Allowance of Administrative Claim* [Docket No. 2394] (the “Response”); and the *Supplement to Response to Objection of Jefferson County, Alabama to Request for Allowance of Administrative Claim* [Docket No. 2414] (the “Supplement”).<sup>2</sup>

Without limitation, the Court’s ruling on the Request, as set forth in this Order, is based upon the Court’s consideration of the Request, the Objection, the Response, and the Supplement. The Court conducted a hearing on the Request on March 20, 2014, and has considered the testimony, the credibility of the witness, the evidence, and the arguments and representations of

<sup>1</sup> The Bennett Claimants are not defined in the Request. Based on the pleadings of record, the Bennett Claimants include the following individuals: Andrew Bennett; Roderick V. Royal; Steven Hoyt; Mary Moore; John W. Rogers; William R. Muhammad; Carlyn R. Culpepper; Freddie H. Jones, II; Sharon Owens; Reginald Threadgill; Rickey Davis, Jr.; Angelina Blackmon; Sharon Rice; and David Russell.

<sup>2</sup> The Bennett Claimants also filed a *Supplement to Response to Objection of Jefferson County, Alabama to Request for Allowance of Administrative Claim* at Docket No. 2418. For purposes of this Order, “Supplement” shall mean Docket Nos. 2414 and 2418.



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counsel for the County and the Claimant at such hearing. The Court has also relied upon the factual record developed in the County's chapter 9 case, including without limitation, all evidence, testimony, and pleadings related to confirmation of the *Chapter 9 Plan of Adjustment for Jefferson County, Alabama (Dated November 6, 2013)* [Docket No. 2182] (the "Plan").<sup>3</sup> During the course of the County's chapter 9 case, the Court has reviewed numerous pleadings and motions filed by the Claimant on behalf of the Bennett Claimants and presided over all hearings when the Claimant represented the Bennett Claimants. In reaching the legal and factual conclusions set forth in this Order and on the record of the hearing on June 19, 2015, the Court has relied upon its own observations of the County's chapter 9 case, including the Bennett Claimants' involvement in the case and the Claimant's representation of the Bennett Claimants in the case.

Accordingly, for the reasons stated on the record at the hearing on June 19, 2015, and for other good cause, and based upon the findings, determinations and conclusions below, any one of which is sufficient to deny the Request and to sustain the Objection, the Court **FINDS, DETERMINES, AND CONCLUDES** as follows:

1. The Claimant has not provided any basis for an allowed administrative claim under the terms and provisions of the Plan, including without limitation, section 2.2 of the Plan;
2. No parties, including the Claimant, objected to any portion of section 2.2 of the Plan, which provides for the allowance and payment of administrative claims;
3. Pursuant to, without limitation, sections 903, 904, 941, and 942 of the Bankruptcy Code and the Tenth Amendment to the U.S. Constitution, no court may amend the

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<sup>3</sup> The Plan was confirmed on November 22, 2013. See Docket No. 2248. Unless otherwise defined, all capitalized terms in this Order shall have the meanings provided in the Plan.

terms of the Plan;

4. The Claimant does not represent and has not represented “a creditor, an indenture trustee, an equity security holder, or a committee representing creditors or equity security holders,” as required for allowance of a claim under sections 503(b)(3)(D) or 503(b)(4) of the Bankruptcy Code;
5. The Claimant does not represent and has not represented any party that provided a “substantial contribution” in the County’s case, as required for allowance of a claim under sections 503(b)(3)(D) or 503(b)(4) of the Bankruptcy Code;
6. The Request did not provide adequate information for allowance of an administrative claim for attorneys’ fees and costs and otherwise did not comply with the requirements of Rule 2016 of the Federal Rules of Bankruptcy Procedure, Local Rule 2016-1, or applicable precedent; and
7. The Claimant has no basis for any claim against the County under the Plan or applicable law.

**WHEREFORE**, based on the foregoing findings of fact and conclusions of law, it is hereby

**ORDERED, ADJUDGED and DECREED** that the Objection is **SUSTAINED**; and it is further

**ORDERED, ADJUDGED and DECREED** that the Request is **DENIED**; and it is further

**ORDERED, ADJUDGED and DECREED** that nothing herein is intended as or shall be deemed to constitute a limitation on, or amendment to, the Court’s ruling on the record of the hearing on June 19, 2015; and it is further

**ORDERED, ADJUDGED and DECREED** that nothing herein is intended as or shall be deemed to constitute the County's consent pursuant to section 904 of the Bankruptcy Code to this Court's interference with (1) any of the political or governmental powers of the County, (2) any of the property or revenues of the County, or (3) the County's use or enjoyment of any income-producing property.

**DONE AND ORDERED** this the 30<sup>th</sup> day of June, 2015.

  
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HONORABLE THOMAS B. BENNETT  
UNITED STATES BANKRUPTCY JUDGE