

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

In re:

(Chapter 11)

PREMIER KINGS, INC., *et al.*,<sup>1</sup>

Case No. 23-02871-TOM

Debtors.

Jointly Administered

**NOTICE OF DEADLINES  
FOR THE FILING OF PROOFS OF CLAIM**

**TO: ALL PERSONS AND ENTITIES WHO MAY HAVE CLAIMS AGAINST ANY OF THE FOLLOWING DEBTOR ENTITIES:**

Debtor	Case No.
Premier Kings, Inc.	23-02871
Premier Kings of Georgia, Inc.	23-02874
Premier Kings of North Alabama, LLC	23-02873

**PLEASE TAKE NOTICE THAT:**

On October 25, 2023 (the “Petition Date”), Premier Kings, Inc. and the above-captioned debtors and debtors in possession (together, the “Debtors”) filed voluntary petitions for relief under chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of Alabama (the “Court”).

On November 29, 2023 the Court entered an order (the “Bar Date Order”)² establishing certain dates by which certain parties holding prepetition claims against the Debtors must file proofs of claim (“Proofs of Claim”).

For your convenience, enclosed with this notice (this “Notice”) is a Proof of Claim form, which identifies on its face the amount, nature, and classification of your claim(s), if any, listed in the Debtors’ schedules of assets and liabilities filed in these cases (the “Schedules”). If the Debtors believe that you hold claims against more than one Debtor, you will receive multiple Proof of

<sup>1</sup> 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 Court entered an order for joint administration on October 30, 2023 [Doc. No. 84].

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Bar Date Order.



Claim forms, each of which will reflect the nature and amount of your claim as listed in the Schedules.

As used in this Notice, the term “entity” has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes all persons, estates, trusts, governmental units, and the Bankruptcy Administrator for the Northern District of Alabama. In addition, the terms “persons” and “governmental units” are defined in sections 101(41) and 101(27) of the Bankruptcy Code, respectively.

As used in this Notice, the term “claim” means, as to or against the Debtors and in accordance with section 101(5) of the Bankruptcy Code: (a) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

## **I. The Bar Dates.**

The Bar Date Order establishes the following bar dates for filing Proofs of Claim in these Chapter 11 Cases (collectively, the “**Bar Dates**”):

- (a) **Claims Bar Date.** Except as expressly set forth in this Notice, all entities (except governmental units and other entities exempt from filing Proof(s) of Claim under the Bar Date Order) holding claims against the Debtors that arose or are deemed to have arisen prior to the commencement of these cases on the Petition Date are required to file Proofs of Claim by **January 2, 2024, at 5:00 p.m., prevailing Central Time**. Except as expressly set forth in this Notice and the Bar Date Order, the Claims Bar Date applies to all types of claims against the Debtors that arose prior to the Petition Date, including secured claims, unsecured priority claims, and unsecured non-priority claims.
- (b) **Governmental Bar Date.** All governmental units holding claims against the Debtors that arose or are deemed to have arisen prior to the commencement of these cases on the Petition Date are required to file proofs of claim by **April 22, 2024, at 5:00 p.m., prevailing Central Time**. The Governmental Bar Date applies to all governmental units holding claims against the Debtors (whether secured, unsecured priority, or unsecured non-priority) that arose prior to the Petition Date, including governmental units with claims against the Debtors for unpaid taxes, whether such claims arise from prepetition tax years or periods or prepetition transactions to which the Debtors were a party.

## **II. Parties Required to File Proofs of Claim.**

Except as otherwise set forth herein, the following entities holding claims against the Debtors that arose (or that are deemed to have arisen) prior to the Petition Date **must** file Proofs of

Claim on or before the Claims Bar Date, Governmental Bar Date, or any other Bar Date set forth in the Bar Date Order, as applicable:

- (a) any entity whose claim against a Debtor is **not** listed in the applicable Debtor's Schedules or is listed as contingent, unliquidated or disputed, if such entity desires to participate in any of these Chapter 11 Cases or share in any distribution in any of these Chapter 11 Cases;
- (b) any entity that believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
- (c) any entity that believes its prepetition claims as listed in the Schedules is not an obligation of the specific Debtor against which the claim is listed and that desires to have its claim allowed against a Debtor other than that identified in the schedules; and
- (d) any current or former full-time, part-time, salaried, or hourly employees of a Debtor who believes it may have a claim arising before the Petition Date, including, but not limited to, claims relating to grievances, property damage, personal injury, wrongful termination, discrimination, harassment, hostile work environment, and/or retaliation; *provided, however*, that current employees of a Debtor do not need to submit a Proof of Claim for wages, commissions, or benefits.

### **III. Parties Not Required to File Proofs of Claim by any Bar Date.**

Certain parties are not required to file Proofs of Claim. The Court may, however, enter one or more separate orders at a later time requiring creditors to file Proofs of Claim for some kinds of the following claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. The following entities holding claims that would otherwise be subject to the Bar Dates need **not** file Proofs of Claim:

- (a) any entity that already has filed a signed Proof of Claim against the applicable Debtor with KCC, or with the Court via the ECF Filing System prior to the entry of the Bar Date Order, in a form substantially similar to Official Form 410;
- (b) any entity whose claim is listed on the Schedules if: (i) the claim is **not** scheduled by the Debtors as any of "disputed," "contingent," or "unliquidated;" (ii) such entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules; and (iii) such entity does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- (c) any entity whose claim has previously been allowed by a final order of the Court;
- (d) any Debtor having a claim against another Debtor;
- (e) a current employee of a Debtor, for any claim related to wages, commissions, or

benefits (i) arising in the ordinary course of business postpetition or (ii) previously authorized to be paid by the *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* [Doc. No. 193];

- (f) any entity holding a claim for which a separate deadline is fixed by this Court;
- (g) any entity holding an equity interest in any Debtor;
- (h) professionals retained in these Chapter 11 Cases by the Debtors or the Committee; and
- (i) the Prepetition Secured Parties (each as defined in the *Final Order (A) Authorizing Postpetition Use of Cash Collateral, (B) Granting Adequate Protection to Prepetition Secured Parties, (C) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b) and (D) Granting Related Relief* [Doc. No. 205] (the “Final Cash Collateral Order”) or any final order related thereto) for any and all claims arising from or related to any of the Prepetition Obligations (as defined in the Final Cash Collateral Order), which claim(s), to the extent outstanding, shall constitute allowed claim(s) against each of the Debtors as set forth in Paragraph 5(d) of the Final Cash Collateral Order without the need for such entity to file any claims by any of the Bar Dates established by the Bar Date Order; *provided, however,* that the Agent (as defined in the Final Cash Collateral Order) is authorized but not required to file one master proof of claim by the Claims Bar Date with respect to any claims arising from or related to any of the Prepetition Obligations.

No entity wishing to assert an ownership interest in a Debtor shall be required to file a Proof of Claim; *provided* that if any such entity asserts a claim (as opposed to an ownership interest) against a Debtor (including a claim relating to its status as an equity interest or the purchase or sale of such equity interest), a Proof of Claim must be filed unless otherwise exempted by the Bar Date Order.

#### **IV. Instructions for Filing Proofs of Claim.**

The following instructions shall apply with respect to preparing and filing each Proof of Claim:

- (a) **Contents.** Each Proof of Claim must: (i) be legible; (ii) include a claim amount denominated in United States dollars using, if applicable, the exchange rate as of 5:00 p.m., prevailing Central Time, on the Petition Date (and to the extent such claim is converted to United States dollars, state the rate used in such conversion); (iii) conform substantially to the Proof of Claim Form provided by the Debtors or Official Form 410; and (iv) be signed by the claimant or by an authorized agent or legal representative of the claimant on behalf of the claimant, whether such signature is an electronic signature or is ink.
- (b) **Electronic Signatures Permitted.** Proofs of Claim signed electronically by the

claimant or an authorized agent or legal representative of the claimant may be deemed acceptable for purposes of claims administration. Copies of Proofs of Claim, or Proofs of Claim sent by facsimile or electronic mail will not be accepted.

- (c) **Identification of the Debtor Entity.** Except for any master proof of claim permitted under the Bar Date Order, each Proof of Claim must clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number. Except for any master proof of claim, a Proof of Claim filed under the joint administration case number or otherwise without identifying a specific Debtor, will be deemed as filed only against Premier Kings, Inc.
- (d) **Claim Against Multiple Debtor Entities.** Except for any master proof of claim permitted under the Bar Date Order, each Proof of Claim must state a claim against **only one** Debtor, clearly indicate the Debtor against which the claim is asserted, and be filed on the claims register of such Debtor. To the extent more than one Debtor is listed on the Proof of Claim, such claim may be treated as if filed only against Premier Kings, Inc., other than any master proof of claim.
- (e) **Supporting Documentation.** Except for any master proof of claim permitted under the Bar Date Order, each Proof of Claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). If, however, such documentation is voluminous, upon prior written consent of the Debtors, such Proof of Claim may include a summary of such documentation or an explanation as to why such documentation is not available; *provided* that any creditor that received such written consent shall be required to transmit such writings to the Debtors' and Committee's respective counsels upon request no later than ten (10) days from the date of such request.
- (f) **Timely Service.** Each Proof of Claim must be filed, including supporting documentation so as to be **actually received** by KCC on or before the applicable Bar Date either (i) electronically, by using the interface available on KCC's website at [www.kccllc.net/premierkings](http://www.kccllc.net/premierkings) or (ii) if delivered by U.S. Mail, Overnight Delivery or other hand delivery system at the following address:

Premier Kings Claims Processing Center  
c/o KCC  
222 N. Pacific Coast Highway, Suite 300  
El Segundo, CA 90245  
T: (866) 927-7089

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR  
ELECTRONIC MAIL WILL NOT BE ACCEPTED.**

- (g) **Receipt of Service.** Claimants wishing to receive acknowledgment that their Proofs of Claim were received by KCC must submit (i) a copy of the Proof of Claim Form

(in addition to the original Proof of Claim Form sent to KCC) and (ii) a self-addressed, stamped envelope.

#### **V. Consequences of Failing to Timely File Your Proof of Claim**

Pursuant to the Bar Date Order and in accordance with Bankruptcy Rule 3003(c)(2), if you or any party or entity who is required, but fails, to file a Proof of Claim in accordance with the Bar Date Order on or before the applicable Bar Date, please be advised that:

- (a) YOU WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTORS (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO);
- (b) THE DEBTORS AND THEIR PROPERTY SHALL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO OR ARISING FROM SUCH CLAIM;
- (c) YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF THAT CLAIM; AND
- (d) YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PLANS OF REORGANIZATION FOR THE DEBTORS ON ACCOUNT OF THE BARRED CLAIM OR RECEIVE FURTHER NOTICES REGARDING SUCH CLAIM.

#### **VI. Reservation of Rights.**

Nothing contained in this Notice is intended to or should be construed as a waiver of the Debtors' right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; and (c) otherwise amend or supplement the Schedules.

#### **VII. The Debtors' Schedules and Access Thereto.**

You may be listed as the holder of a claim against one or more of the Debtor entities in the Debtors' Schedules. To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed proof of claim forms regarding the nature, amount, and status of your claim(s). If the Debtors believe that you may hold claims against more than one Debtor entity, you will receive multiple Proof of Claim Forms, each of which will reflect the nature and amount of your claim against one Debtor entity, as listed in the Schedules.

If you rely on the Debtors' Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules. However, you may rely on the enclosed form, which sets forth the amount of your claim (if any) as scheduled; identifies the Debtor entity against which it is scheduled; specifies whether your claim is listed in the Schedules as disputed, contingent or unliquidated; and identifies whether your claim is scheduled as a secured, unsecured priority or unsecured non-priority claim.

As described above, if you agree with the nature, amount, and status of your claim as listed in the Debtors' Schedules, **and** if you do not dispute that your claim is only against the Debtor entity specified by the Debtors, **and** if your claim is **not** described as "disputed," "contingent" or "unliquidated," you need **not** file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice.

#### **VIII. Additional Information.**

Copies of the Debtors' Schedules, the Bar Date Order, and certain other pleadings, orders, and notices, and other information regarding these Chapter 11 Cases are available for inspection free of charge on the Debtors' website at <https://www.kccllc.net/premierkings>. The Schedules and other filings in these Chapter 11 Cases also are available for a fee at the Court's website at <https://www.alnb.uscourts.gov/>. A login identification and password to the Court's Public Access to Court Electronic Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <https://www.pacer.gov>.

If you require additional information regarding the filing of a proof of claim, you may contact the Debtors' restructuring hotline at: 866-927-7089 (U.S./Canada) or +1 (310) 751-2656 (International) or via email at <https://www.kccllc.net/premierkings/inquiry>.

**A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTORS SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.**

Dated: November 29, 2023  
Birmingham, Alabama

Holland & Knight LLP

/s/ Jesse S. Vogtle, Jr.

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