

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

In re:	Chapter 11
AFH AIR PROS, LLC, <i>et al.</i> , <sup>1</sup>	Case No. 25-10356 (PMB)
Debtors.	(Jointly Administered)

**EMERGENCY MOTION OF THE DEBTORS FOR ENTRY OF AN ORDER AUTHORIZING THE DEBTORS (A) TO PREPARE AND MAINTAIN A CONSOLIDATED MASTER LIST OF CREDITORS IN LIEU OF SUBMITTING A FORMATTED MAILING MATRIX FOR EACH DEBTOR, (B) TO REDACT PERSONALLY IDENTIFIABLE INFORMATION FOR INDIVIDUAL CREDITORS AND PARTIES IN INTEREST, AND (C) TO PROVIDE ELECTRONIC NOTICE TO INDIVIDUAL CUSTOMERS AND MAINTAIN A CONFIDENTIAL CUSTOMER SERVICE LIST**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”), submit this motion (the “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), pursuant to sections 105(a), 107, and 521 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”), Rules 1007 and 2002 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rules 9006-2, 9013-1, and 9013-2 of the Local Rules of the United States Bankruptcy Court for the Northern District of Georgia (the “Local Rules”), authorizing the Debtors to (i) prepare and maintain a consolidated list of creditors (the “Consolidated Creditor Matrix”) in lieu of submitting a separate formatted mailing matrix for each Debtor; (ii) redact certain personally identifiable information for the Debtors’ employees, former employees, and customers; and (iii) provide electronic notice to

<sup>1</sup> The last four digits of AFH Air Pros, LLC’s tax identification number are 1228. Due to the large number of debtor entities in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the proposed claims and noticing agent at <https://www.veritaglobal.net/AirPros>. The mailing address for the debtor entities for purposes of these chapter 11 cases is: 150 S. Pine Island Road, Plantation, Florida 33020.



current and former customers and maintain a confidential customer service list. In support of the relief requested in this Motion, the Debtors rely upon and incorporate by reference the *Declaration of Andrew D.J. Hede in Support of Chapter 11 Petitions and First Day Pleadings* (“First Day Declaration”) filed contemporaneously herewith. In further support of this Motion, the Debtors respectfully state as follows:

### **JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the Northern District of Georgia (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory and legal predicates for the relief requested herein are sections 105(a), 107, and 521 of the Bankruptcy Code, Bankruptcy Rules 1007 and 2002, Local Rules 9006-2, 9013-1, and 9013-2, and the *Second Amended and Restated General Order 26-2019, Procedures for Complex Chapter 11 Cases*, dated February 6, 2023 (the “Complex Case Procedures”).

### **BACKGROUND**

3. On March 16, 2025 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with this Court.

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

5. No official committee has been appointed in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), and no request has been made for the appointment of a trustee or an examiner.

6. Additional information regarding the Debtors' businesses, capital structure, and the circumstances leading to the filing of these Chapter 11 Cases is set forth in the First Day Declaration.

### **RELIEF REQUESTED**

7. The Debtors request entry of the Proposed Order authorizing the Debtors (a) to prepare and maintain a Consolidated Creditor Matrix in lieu of (i) submitting a formatted mailing matrix for each Debtor and (ii) filing the Consolidated Creditor Matrix on the docket; (b) to redact certain personally identifiable information for certain individual creditors and parties in interest; and (c) to provide electronic notice to current and former customers, where an email account is available to the Debtors, and maintain a confidential customer service list.<sup>2</sup>

### **BASIS FOR RELIEF**

#### **A. The Court Should Authorize the Debtors to Prepare and Maintain a Consolidated Creditor Matrix in Lieu of Submitting Separate Mailing Matrices for Each Debtor**

8. Section 521(a) of the Bankruptcy Code and Bankruptcy Rule 1007(a)(1) require a debtor in a voluntary chapter 11 case to file a list containing the name and complete address of each creditor. Local Rule 5005-1(j) further provides that, in the main case, the debtor "must file a list of all creditors."

9. The Debtors maintain various lists of the names and addresses of their respective creditors that are entitled to receive notices and other documents in these Chapter 11 Cases. The Debtors believe these lists may be consolidated and utilized efficiently to provide interested parties with notices and other similar documents as contemplated by Local Rule 5005-1(j).

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<sup>2</sup> Pursuant to Section C(2) of the Complex Case Procedures, the Debtors filed a list of the 30 largest unsecured creditors on a consolidated basis with each of their petitions.

10. The Debtors submit that permitting them to prepare and maintain a single Consolidated Creditor Matrix, rather than filing a separate creditor matrix for each Debtor, is warranted under the circumstances of these Chapter 11 Cases. Specifically, maintaining a single Consolidated Creditor Matrix will benefit the Debtors and their estates by allowing the Debtors to provide required notices more efficiently to parties-in-interest and reduce the potential for duplicate mailings. Indeed, in many instances, the Debtors' creditors overlap and thus, to the extent that the Debtors are required to maintain separate mailing matrices, a substantial number of parties will likely receive multiple copies of the same notice.

11. There are twenty entities that are Debtors in these Chapter 11 Cases. The Debtors estimate that there are thousands of potential creditors and parties-in-interest in these Chapter 11 Cases. As such, requiring the Debtors to comply with the matrix requirements would be an exceptionally burdensome task and would greatly increase the risk of error and the concomitant costs.

12. Contemporaneous with the filing of this Motion, the Debtors are filing an application for an order authorizing the retention and employment of Kurtzman Carson Consultants, LLC dba Verita Global (the "Claims and Noticing Agent") as their claims and noticing agent. The Debtors, working with the Claims and Noticing Agent, have prepared a single Consolidated Creditor Matrix in electronic format. To ensure that no parties-in-interest are prejudiced, the Debtors (via the Claims and Noticing Agent) will make their consolidated list of creditors available in readable, electronic format to any party-in-interest who so requests (or in non-electronic format at such requesting party's sole cost and expense). The Debtors therefore submit that the preparation and maintenance of a single Consolidated Creditor Matrix is warranted under the facts and circumstances present in these Chapter 11 Cases.

13. If the request is granted, the Claims and Noticing Agent will, among other things, complete the mailing of the applicable notices to the parties in the Consolidated Creditor Matrix as required by Bankruptcy Rule 2002. The Debtors believe that filing a Consolidated Creditor Matrix will enable the Claims and Noticing Agent to provide notice efficiently to all entitled parties.

14. Courts in this and other jurisdictions have approved relief similar to the relief requested herein. *See, e.g., In re OTB Holding LLC*, Case No. 25-52415 (SMS) (Bankr. N.D. Ga. Mar. 7, 2025) [Docket No. 54] (authorizing maintenance of consolidated matrix of creditors in lieu of filing separate mailing matrices); *In re LaVie Care Ctrs., LLC*, Case No. 24-55507 (PMB) (Bankr. N.D. Ga. June 27, 2024) [Docket No. 175] (authorizing filing of consolidated matrix of creditors in lieu of separate mailing matrices); *see also In re BurgerFi Int'l, Inc.*, Case No. 24-12017 (CTG) (Bankr. D. Del. Sep. 16, 2024) [Docket No. 47] (same); *In re Forever 21, Inc.*, Case No. 19-12122 (KG) (Bankr. D. Del. Oct. 1, 2019) [Docket No. 100] (same); *In re Blackhawk Mining, LLC*, Case No. 19-11595 (LSS) (Bankr. D. Del. July 22, 2019) [Docket No. 60] (same).

**B. The Court Should Authorize the Debtors to Redact Certain Personally Identifiable Information for Certain Individual Creditors and Parties in Interest**

15. Section 107 of the Bankruptcy Code provides that this Court “for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual . . . [a]ny means of identification . . . contained in a paper filed, or to be filed in a case under” the Bankruptcy Code. 11 U.S.C. § 107(c)(1)(A).

16. The Debtors respectfully submit that cause exists to authorize the Debtors to redact from any paper filed or to be filed with the Court in these chapter 11 cases the address information of the Debtors’ employees, former employees, and customers to the extent they appear on the

creditor matrix because such information could be used, among other things, to perpetrate identity theft or to locate survivors of domestic violence, harassment, or stalking. This risk is not merely speculative as there have been examples in the past where non-interested parties have utilized the publicly available information in bankruptcy cases to track down, stalk or otherwise contact individuals involved in bankruptcy cases. In at least one chapter 11 case, the abusive former partner of a debtor's employee exploited the publicly accessible creditor and employee information filed in the chapter 11 case to track the employee at the employee's address that had not been publicly available until then, forcing the employee to change addresses again for safety reasons.<sup>3</sup>

17. The Debtors propose to provide an unredacted version of the Consolidated Creditor Matrix and any other applicable filings to the Court, the Office of the United States Trustee (the "U.S. Trustee"), counsel to any official committee of unsecured creditors appointed in these Chapter 11 Cases (if any), and other necessary parties in interest upon reasonable request.

18. Courts in this jurisdiction and others have granted the relief requested herein in comparable chapter 11 cases. *See, e.g., In re OTB Holding LLC*, Case No. 25-52415 (SMS) (Bankr. N.D. Ga. Mar. 7, 2025) [Docket No. 54] (authorizing the debtors to redact personally identifiable information of individuals); *In re LaVie Care Ctrs., LLC*, Case No. 24-55507 (PMB) (Bankr. N.D. Ga. June 27, 2024) (authorizing the debtors to redact personally identifiable information of individuals); *see also In re Franchise Grp., Inc.*, Case No. 24-12480 (JTD) (Bankr. D. Del. Nov. 6, 2024) [Docket No. 175] (authorizing the debtors to redact personally identifiable information of individuals); *In re BurgerFi Int'l, Inc.*, Case No. 24-12017 (CTG) (Bankr. D. Del. Sept. 16, 2024) [Docket No. 47] (authorizing the debtors to redact the home addresses of certain

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<sup>3</sup> The referenced incident, which took place during the *Charming Charlie* chapter 11 proceedings in 2017, is described in the "creditor matrix motion" filed in *In re Charming Charlie Holdings Inc.*, No. 19-11534 (CSS) (Bankr. D. Del. July 11, 2019) [Docket No. 4].

individuals); *In re Forever 21, Inc.*, Case No. 19-12122 (KG) (Bankr. D. Del. Dec. 19, 2019) [Docket No. 598] (authorizing the debtors to redact the home addresses of the debtors' employees); *In re Anna Holdings, Inc.*, Case No. 19-12551 (CSS) (Bankr. D. Del. Dec. 3, 2019) [Docket No. 109] (authorizing the debtors to redact personally identifiable information of all individual creditors and interest holders); *In re Loot Crate, Inc.*, Case No. 19-11791 (BLS) (Bankr. D. Del. Oct. 1, 2019) [Docket No. 253] (authorizing the debtors to file lists of customer creditors under seal).

19. Indeed, in *In re Dex Media*, the United States Trustee objected to the debtors' request to redact employees' addresses, arguing that there was no basis for treating employees differently from other creditors absent specific identifiable harm. The bankruptcy court overruled an objection by the United States Trustee to the debtors' request to redact individual's addresses, recognizing the importance of protecting individuals from unnecessary security risk:

I think, that in the present day, with the abuse of private information, that these addresses ought to be redacted, and so, you know, I just think that individuals whose only position is to have been former employees, for example, ought not to have their home addresses listed publicly. I think that that is -- creates a possibility of abuse and so, I am going to grant the order [to seal].

Hr'g Tr. at 21:13-21, *In re Dex Media, Inc.*, No. 16-11200 (KG) (Bankr. D. Del. May 18, 2016).

20. Based on the foregoing, the Debtors respectfully submit that cause exists to authorize the Debtors to redact, pursuant to section 107(c)(1) of the Bankruptcy Code, personally identifiable information of the Debtors' employees, former employees, and customers who are listed on the creditor matrix or any other document filed with the Court. Absent such relief, the Debtors would unnecessarily render such individuals more susceptible to identity theft and could jeopardize the safety of these individuals by publishing their home addresses without any advance notice or opportunity to opt out or take protective measures.

**C. The Debtors Should be Authorizing to Provide Email Service to Individual Customers and Maintain a Confidential Customer Service List**

21. Although the Bankruptcy Rules generally require notice to be served on creditors at their physical mailing addresses, the Bankruptcy Rules give significant latitude to bankruptcy courts for modifying the general rule. *See* Fed. R. Bankr. P. 2002(g), 2002(m), and 9007. Under Bankruptcy Rule 2002(m), bankruptcy courts have express authority to modify the manner in which notice is given. Specifically, Bankruptcy Rule 2002(m) provides that bankruptcy courts may “enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.” *Id.* 2002(m).

22. As set forth in the First Day Declaration, the Debtors are professional home service providers, specializing in HVAC installation, repair, maintenance, and air quality solutions. As of the Petition Date, the Debtors estimate that they have over 200,000 current and former customers with various warranties and/or membership who may require service of various pleadings, notices, or other documents in these Chapter 11 Cases. The Debtors believe that they have email addresses available for approximately 80% of these customers. Further, the Debtors commonly contact their customers through email.

23. Bankruptcy courts have modified the service requirements of Bankruptcy Rule 2002(g) to permit email service under similar circumstances in other chapter 11 cases. *See, e.g., In re FTX Trading Ltd*, Case No. 22-11068 (JTD) (Bankr. D. Del. Jan. 9, 2023) [Docket No. 425] (authorizing the debtors to serve various notices via email); *In re YouFit Health Clubs, LLC*, No. 20-12841 (MFW) (Bankr. D. Del. Jan. 20, 2021) [Docket No. 671] (same); *In re Cred Inc.*, Case No. 20-12836 (JTD) (Bankr. D. Del. Nov. 11, 2020) [Docket No. 34] (same).

24. Accordingly, the Debtors request authority from the Court to serve creditors by email, where an email account is available to the Debtors. Not only is email service likely the most



efficient manner by which service to customers can be completed, it is also the most cost-effective option available to the Debtors and will substantially reduce the administrative costs. Due to the large number of customers, paper service is cost prohibitive and would not be in the best interest of creditors or the Debtors' estates.

25. Additionally, the Debtors request that they be permitted to exclude customer information, including the names, addresses, and contact information of the Debtors' customers (the "Customer Data"), from any publicly filed documents in these Chapter 11 Cases. The Customer Data is highly confidential, commercially sensitive information which, if made public, could be exploited by the Debtors' competitors and would irreparably harm to the Debtors and their estates. The Debtors propose that the Claims and Noticing Agent maintain a separate service list for the Debtors' customers (the "Customer Service List"), which will remain confidential. With respect to any pleading or document filed in these Chapter 11 Cases that is served on the Customer Service List, the Debtors request that the Claims and Noticing Agent be permitted to indicate in the respective affidavit of service that the applicable document has been served on the Customer Service List without identifying the customers served or otherwise disclosing any Customer Data. The Customer Service List will be made available upon request, on a confidential basis, to the U.S. Trustee and counsel to any committee appointed in these Chapter 11 Cases (the "Committee"); provided, however, the Debtors request that they not be required to disclose the Customer Service List to any members of the Committee. The Debtors respectfully submit that cause exists to maintain the confidentiality of the Customer Data and respectfully request that the proposed procedures for maintaining the Customer Service List be approved.

#### **NOTICE**

26. Notice of this Motion has been given to the following parties or, in lieu thereof, to their counsel, if known: (a) the Office of the United States Trustee for the Northern District of

Georgia; (b) the Debtors' prepetition and postpetition lenders and collateral agent; (c) creditors holding the 30 largest unsecured claims against the Debtors; (d) the United States Attorney for the Northern District of Georgia; (e) the Georgia Department of Revenue; (f) the Internal Revenue Service; (g) the Securities & Exchange Commission; (h) the Georgia Secretary of State; (i) the states attorneys general for states in which the Debtors conduct business; and (j) 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.

**NO PRIOR REQUEST**

27. No prior request for the relief sought in this Motion has been made to this or any other court.

**CONCLUSION**

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

Dated: March 16, 2025

Respectfully submitted,

**GREENBERG TRAURIG, LLP**

/s/ David B. Kurzweil  
David B. Kurzweil (Ga. Bar No. 430492)  
Matthew A. Petrie (Ga. Bar No. 227556)  
Terminus 200  
3333 Piedmont Road, NE, Suite 2500  
Atlanta, Georgia 30305  
Telephone: (678) 553-2100  
Email: kurzweild@gtlaw.com  
petriem@gtlaw.com

*Proposed Counsel for the Debtors and  
Debtors in Possession*

**Exhibit A**

**Proposed Order**

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

In re:

AFH AIR PROS, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 25-10356 (PMB)

(Jointly Administered)

Re: Docket No. \_\_

**ORDER AUTHORIZING THE DEBTORS (A) TO PREPARE AND MAINTAIN A CONSOLIDATED MASTER LIST OF CREDITORS IN LIEU OF SUBMITTING A FORMATTED MAILING MATRIX FOR EACH DEBTOR, (B) TO REDACT PERSONALLY IDENTIFIABLE INFORMATION FOR INDIVIDUAL CREDITORS AND PARTIES IN INTEREST, AND (C) TO PROVIDE ELECTRONIC NOTICE TO INDIVIDUAL CUSTOMERS AND MAINTAIN A CONFIDENTIAL CUSTOMER SERVICE LIST**

Upon the *Emergency Motion of the Debtors for Entry of an Order Authorizing the Debtors (A) to Prepare and Maintain a Consolidated Master List of Creditors in Lieu of Submitting a*

<sup>1</sup> The last four digits of AFH Air Pros, LLC's tax identification number are 1228. Due to the large number of debtor entities in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the claims and noticing agent at <https://www.veritaglobal.net/AirPros>. The mailing address for the debtor entities for purposes of these chapter 11 cases is: 150 S. Pine Island Road, Plantation, Florida 33020.

*Formatted Mailing Matrix for Each Debtor, (B) to Redact Personally Identifiable Information for Individual Creditors and Parties in Interest, and (C) to Provide Electronic Notice to Individual Customers and Maintain a Confidential Customer Service List (the “Motion”);<sup>2</sup> and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having jurisdiction to enter a final order consistent with Article III of the United States Constitution; and venue of these Chapter 11 Cases and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that due and adequate notice of the Motion has been given under the circumstances; and this Court having held a hearing (the “Hearing”) to consider the relief requested in the Motion; and upon the First Day Declaration and the record of the Hearing, this Court having determined that there is good and sufficient cause for the relief set forth in this Order; and after due deliberation thereon,*

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED to the extent provided herein.
2. The requirements under the Bankruptcy Rules and Local Rules that separate mailing matrices be filed for each Debtor are waived.
3. In lieu of submitting a formatted mailing matrix or filing the Consolidated Creditor Matrix (as defined below) on the docket, the Debtors, with the assistance of the Claims and Noticing Agent (upon the Court’s approval of the Debtors’ retention of the Claims and Noticing Agent), shall make available a single, consolidated list of all of the Debtors’ creditors (the “Consolidated Creditor Matrix”) in electronic form to any entity who so requests and in non-electronic form at such requesting entity’s sole cost and expense.

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<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

4. The Debtors are authorized to redact the residential addresses and any other personally identifiable information (with the exception of names) of the Debtors' individual creditors, including employees, former employees, and customers, on any paper filed or to be filed with the Court in these Chapter 11 Cases; provided that the Debtors shall provide an unredacted version of the Consolidated Creditor Matrix to (a) the Clerk of the Court, (b) Kurtzman Carson Consultants, LLC, dba Verita Global, as the Debtors' claims and noticing agent (the "Claims and Noticing Agent"), (c) the U.S. Trustee, (d) counsel to the official committee of unsecured creditors appointed in these Chapter 11 Cases (if any), and (e) any other necessary party upon reasonable request.

5. Subject to Paragraph 6 of this Order, when serving any notice in these cases on the Debtors' individual creditors, the Claims and Noticing Agent (after entry of an order authorizing the retention of the Claims and Noticing Agent in these Chapter 11 Cases), and where applicable, the Clerk of the Court, shall use the individual creditors' residential addresses unless (a) the Debtors' books and records reflect a non-residential address for such creditor or (b) such creditor has requested to receive notice at another address.

6. Unless otherwise requested in writing by any individual customer, the Debtors are authorized to serve all applicable pleadings, notices, and other documents in these Chapter 11 Cases on individual current and former customers of the Debtors by email using the email addresses maintained by the Debtors in their books and records. The service requirements of Bankruptcy Rule 2002(g) are hereby modified to permit email service to customers that upon email inquiry by the Debtors, (a) have not requested to be served hard copies by mail and (b) have a valid e-mail address on file with the Debtors.

7. Notwithstanding anything to the contrary herein or in the Bankruptcy Code or Bankruptcy Rules, the Debtors shall not be required to file the Customer Service List or otherwise publicly disclose any Customer Data. With respect to any pleading or document filed in these Chapter 11 Cases that is served on the Customer Service List, the Claims and Noticing Agent is hereby authorized to indicate in the respective affidavit of service that the applicable document has been served on the Customer Service List without identifying the customers served or otherwise disclosing any Customer Data. The Debtors shall provide upon request, on a confidential basis, a redacted version of the Customer Service List to the United States Trustee and counsel to any committee of unsecured creditors appointed in these Chapter 11 Cases (the “Committee”); provided, however, the Debtors shall not be required to disclose the Customer Service List to any members of the Committee.

8. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order.

9. Notwithstanding any applicable Bankruptcy Rule, this Order shall be effective and enforceable immediately upon entry hereof.

10. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Order.

END OF DOCUMENT

*Prepared and presented by:*

**GREENBERG TRAUIG, LLP**

*/s/ David B. Kurzweil*

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David B. Kurzweil (Ga. Bar No. 430492)

Matthew A. Petrie (Ga. Bar No. 227556)

Terminus 200

3333 Piedmont Road, NE, Suite 2500

Atlanta, Georgia 30305

Telephone: (678) 553-2100

Email: kurzweild@gtlaw.com

petriem@gtlaw.com

*Proposed Counsel for the Debtors and  
Debtors in Possession*