

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:

AFH AIR PROS, LLC, *et. al.*,

DEBTORS.

CHAPTER 11

CASE NO. 25-10356-PMB

(Jointly Administered)

APPLICATION OF THE COMMITTEE OF CREDITORS HOLDING UNSECURED CLAIMS FOR AUTHORIZATION TO RETAIN AND EMPLOY SMALL HERRIN, LLP, AS LOCAL COUNSEL EFFECTIVE AS OF APRIL 3, 2025

COMES NOW the Committee of Creditors Holding Unsecured Claims (the “**Committee**”) in the above-captioned cases and hereby files this *Application of the Committee of Creditors Holding Unsecured Claims for Authorization to Retain and Employ Small Herrin, LLP, as Local Counsel Effective as of April 3, 2025* (the “**Application**”) seeking authorization, pursuant to sections 328(a) and 1103(a) of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “**Bankruptcy Code**”), rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), to retain the law firm Small Herrin, LLP (“**SH**”), as its local counsel in the above-captioned and jointly administered bankruptcy cases (the “**Chapter 11 Cases**”) of AFH Air Pros, LLC, *et. al.* (the “**Debtors**”), and respectfully shows the Court as follows:

1.

On March 16, 2025 (the “**Petition Date**”), Debtors filed voluntary petitions for relief under Chapter 11, Title 11, of the United States Code with this Court. On March 31, 2025, the United States Trustee appointed the Committee pursuant to 11 U.S.C. §1102(a). [Doc. No. 111]. The Committee consists of the following seven (7) members: Chadwich Jay Setchell, Despedida Holdings, Inc., HVAC Success, Inc., Jack Denton, Jeffrey D. Tauzin, LaGrange Air Force Heating & Air, LLC, and West Georgia Indoor Comfort, LLC.



2.

The Committee, having conferred and agreed, wishes to employ SH as its Local Counsel in the Chapter 11 Cases, effective as of April 3, 2025.

3.

Prior to the Committee requesting that SH represent the Committee as local counsel, SH represented Zerimar 1500, LLC (“**Zerimar**”) and Despedida Holdings, Inc. (“**Despedida**,” together with Zerimar, the “**Creditors**”) to assist and represent them in the above-captioned bankruptcy cases. Despedida was appointed as a member of the Committee and, as a result, participated in the decision to request that SH represent the Committee as Local Counsel. Pursuant to BLR 9010-5(c), on April 8, 2025, after obtaining the signature of Creditors, SH filed a *Consent to Withdrawal as Counsel* (Doc. No. 141), which was signed by Creditors.

4.

The attorneys for SH are duly admitted to practice in this Court and the United States District Court for the Northern District of Georgia, have knowledge and experience in bankruptcy practice, and are well-qualified to represent the Committee.

5.

The professional services which SH is to render to the Committee include but are not limited to the following:

- a. Providing the Committee with legal advice with respect to the Chapter 11 Cases;
- b. Preparing on behalf of the Committee any necessary applications, motions, answers, orders, reports and other legal matters;

- c. Assisting in examination of Debtors' plan and underlying financial documentations;
- d. Evaluating and participating in any sale process to ensure such process proceeds in the most efficient manner to maximize recoveries to the unsecured creditors;
- e. Assisting the Committee in its investigation of the acts, conduct, assets, liabilities, and financial condition of Debtors;
- f. Attending meetings of the Committee and meetings with Debtors, and its attorneys and other professionals, and participating in negotiations with Debtors and other parties, as requested by the Committee;
- g. Taking all necessary action to protect and preserve the interests of the Committee, including possible prosecution of actions on its behalf and investigations concerning litigation in which Debtors are involved; and
- h. Performing any and all other legal services for the Committee which may be necessary herein.

6.

To the best of the Committee's knowledge, neither SH nor its attorneys:

- a. Are directors, officers, equity security holders, partners, general partners, managers, members, creditors, persons or entities in control of Debtors or related to a general partner, director, officer, or person in control of Debtors;
- b. Have any connection with Debtors, their creditors, any other party in interest, their respective attorney or accountants, or the United States Trustee, or any person employed in the Office of the United States Trustee, except to the extent that SH made an appearance on behalf of Zerimar 1500, LLC ("Zerimar") and

Despedida Holdings, Inc. (“Despedida,” together with Zerimar, the “Creditors”), two related entities owned by the same individual which are creditors in one of the above-captioned bankruptcy cases and one of which sits on the Committee, and further assisted Despedida in filing its proof of claim;¹
or

- c. Hold or represent any interest that are adverse to the Estate.

7.

SH intends to request compensation based on the experience and expertise of the individuals performing the work. SH believes that the routine hourly fees to be charged are in the range of the usual and customary fees charged by law firms of similar standing for the type of legal services contemplated herein.

8.

The standard hourly rates of SH and staff, who may be involved in the representation of the Committee, are currently as follows:²

Gus H. Small	\$600.00
Brent W. Herrin	\$450.00
Anna M. Humnicky	\$450.00
Benjamin S. Klehr	\$450.00
Q. Andy T. Nguyen	\$245.00
Paralegals & Law Clerk	\$100.00 to \$210.00

¹ SH has, with the consent of the Creditors, since withdrawn its representation of the same.

² The hourly rates of SH and paralegals are customarily adjusted on January 1st of each year.

WHEREFORE, the Committee prays that it be authorized to retain SH as its local counsel in this case effective as of April 3, 2025. A copy of the proposed Order granting this Application subject to a 21-day objection period is attached as Exhibit “A.”

This 18th day of April 2025.

Committee of Creditors Holding Unsecured
Claims of the Debtors

By: /s/ Chadwich Jay Setchell
Chadwich Jay Setchell
solely in his capacity as Chair of the
Committee of Creditors Holding
Unsecured Claims of the Debtors and
not in any other capacity

VERIFICATION

Pursuant to 28 U.S.C. § 1746, the undersigned does hereby declare under the penalty of perjury, under the laws of the United States of America, that the statements contained in the foregoing Application are true and correct.

Executed this 18th day of April 2025.

Committee of Creditors Holding Unsecured
Claims of the Debtors

By: /s/ Chadwich Jay Setchel

Chadwich Jay Setchel
solely in his capacity as Chair of the
Committee of Creditors Holding
Unsecured Claims of the Debtors and
not in any other capacity

VERIFIED STATEMENT

The undersigned makes the following solemn oath:

(1) I am an attorney with the law firm of Small Herrin, LLP (“**SH**”), with offices located at 100 Galleria Parkway, Suite 350, Atlanta, GA 30339, and my wholly owned entity, HAM Atlanta, LLC, is a partner of SH.

(2) The attorneys at SH are duly admitted to practice in the courts of the State of Georgia, this Court, and the United States District Court for the Northern, Middle, and Southern Districts of Georgia, as well as the Eleventh Circuit Court of Appeals.

(3) To the best of my knowledge, neither SH nor the attorneys employed by SH, nor the individual entities owned by said attorneys, Gus H. Small, P.C., Brent W. Herrin, LLC, HAM Atlanta, LLC, and Benjamin S. Klehr, LLC, for the two years prior to the date of this Verified Statement, were or are currently directors, officers, equity security holders, partners, general partners, managers, members, creditors, persons or entities in control of Debtors or any entity owned by Debtors, or related to a general partner, director, officer, or person in control of an entity owned by Debtors; have any connection with Debtors, its creditors, any other party in interest, their respective attorneys or accountants, or the United States Trustee, or any person employed in the Office of the United States Trustee, except as otherwise disclosed in Paragraph 4 below, or hold or represent any interest that are adverse to the Estate.

(4) SH was engaged by Zerimar 1500, LLC (“**Zerimar**”) and Despedida Holdings, Inc. (“**Despedida**,” together with Zerimar, the “**Creditors**”) to assist and represent them in the above-captioned bankruptcy cases. Specifically, SH helped Despedida file its proof of claim in the Air Pro Solutions, LLC, bankruptcy case. Despedida was appointed as a member of the Committee. SH has, with consent from the Creditors, since withdrawn its representation of the same and have

further made known this prior representation to the Committee. Pursuant to BLR 9010-5(c), on April 8, 2025, after obtaining the signature of Creditors, SH filed a *Consent to Withdrawal as Counsel* (Doc. No. 141), which was signed by Creditors.

Pursuant to 28 U.S.C. § 1746, I do hereby declare under the penalty of perjury, under the laws of the United States of America, that the statements contained in this foregoing Verified Statement are true and correct.

Executed this 17th day of April 2025.

By: /s/ Anna M. Humnicky
Anna M. Humnicky
Partner, Small Herrin, LLP

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

IN RE:

AFH AIR PROS, LLC, *et. al.*,

DEBTORS.

CHAPTER 11

CASE NO. 25-10356-PMB

(Jointly Administered)

**ORDER APPROVING APPLICATION OF THE COMMITTEE OF
CREDITORS HOLDING UNSECURED CLAIMS FOR AUTHORIZATION
TO RETAIN AND EMPLOY SMALL HERRIN, LLP, AS LOCAL COUNSEL
EFFECTIVE AS OF APRIL 3, 2025, SUBJECT TO OBJECTION**

This matter came before the Court upon the *Application of the Committee of Creditors Holding Unsecured Claims for Authorization to Retain and Employ Small Herrin, LLP, as Local Counsel Effective as of April 3, 2025*, filed on April 21, 2025, by the Committee of Creditors Holding Unsecured Claims (the “**Committee**”) [Doc. No. ____], which committee was appointed by the Office of the United States Trustee, Region 21, on March 31, 2025, in the above-captioned and jointly administered bankruptcy cases (the “**Chapter 11 Cases**”) of AFH Air Pros, LLC, *et. al.* (the “**Debtors**”), to employ the law firm Small Herrin, LLP (“**SH**”) as local counsel for the Committee in the Chapter 11 Cases (the “**Application**”).

No hearing is necessary on the Application absent the filing of an objection to it. Pursuant to a certificate of service filed with the Application and in accordance with the Complex Case Procedures, the Application has been served on the United Trustee as required by Rule 2014 of the Federal Rules of Bankruptcy Procedure, on the members of the Committee, counsel to Debtors' prepetition and postpetition lenders and collateral agent, the United States Securities Exchange Commission, the Internal Revenue Service, the Georgia Department of Revenue, the Attorney General for the State of Georgia, the United States Attorney for the Northern District of Georgia, the state attorneys general for states in which Debtors conduct business, and any party that has requested notice pursuant to Bankruptcy Rule 2002. No further service of the Application is necessary.

The Application and accompanying affidavit of Anna M. Humnicky demonstrate preliminarily that SH are attorneys qualified to practice in this Court and are sufficiently disinterested. Accordingly, it is hereby:

ORDERED that, pursuant to 11 U.S.C. §§ 328(a) and 1103(a) and Federal Rule of Bankruptcy Procedure 2014, the Application is **GRANTED**, and the Committee is authorized to employ SH as its local counsel for the Chapter 11 Cases, subject to objection as provided for herein, effective as of April 3, 2025; and it is further

ORDERED that compensation may be paid and expenses reimbursed to SH only pursuant to an application filed and approved by this Court pursuant to 11 U.S.C. §§ 330, 331 and Federal Rule of Bankruptcy Procedure 2016, unless the Court orders otherwise; and it is further

ORDERED that any party in interest shall have twenty-one (21) days from the service of this Order to file an objection to the Application and/or the relief provided in this Order; and it is further

ORDERED that if an objection is timely filed, counsel for the Committee will set the Application and all such objections for hearing pursuant to the Court's Open Calendar Procedures; and it is further

ORDERED that if no objection to this Order is timely filed, this Order shall be a final Order approving the Application; and it is further

ORDERED that counsel for the Committee shall, within three (3) days of the entry of this Order, cause a copy of this Order to be served by first class mail, postage prepaid,¹ on all parties served with the Application, and shall file promptly thereafter a certificate of service confirming such service.

[END OF ORDER]

Prepared and presented by:

PACHULSKI STANG ZIEHL & JONES, LLP

Proposed Lead Counsel to the Committee of Creditors Holding Unsecured Claims

By: /s/ Bradford J. Sandler

Signed w/express permission by Anna M. Humnicky

Bradford J. Sandler (N.Y. Bar No. 4499877, *admitted pro hac vice*)

Paul J. Labov (N.Y. Bar No. 4136941, *admitted pro hac vice*)

Cia H. Mackle (Fla. Bar No. 0026471, *admitted pro hac vice*)

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(SIGNATURES CONTINUED ON NEXT PAGE)

¹ First class mail service is not required if the recipient is a registered ECF user who has agreed to waive all other service in favor of ECF service pursuant to Bankruptcy Local Rule 5005-8, in which case ECF notification shall serve as the required service. The party certifying service should certify ECF service on such recipients.

SMALL HERRIN, LLP

Proposed Local Counsel for the Committee of Creditors Holding Unsecured Claims

By: /s/ Anna M. Humnicky

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Anna M. Humnicky
GA Bar No. 377850
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