

Filed in U.S. Bankruptcy Court  
Northern District of Georgia  
Vania S. Allen, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**AUG 13 2025**

By: \_\_\_\_\_  
Deputy Clerk

IN RE:	§	CHAPTER 11
	§	
OTB HOLDING LLC., et	§	CASE NO. 25-52415
al., <sup>1</sup>	§	
	§	
DEBTORS	§	(Jointly Administered)

**MOTION TO WAIVE REQUIREMENT TO DESIGNATE LOCAL COUNSEL**

Callan C. Searcy, Assistant Attorney General, Texas Attorney General's Office, hereby moves the Court for an order granting a waiver of the requirement to designate local counsel for the purpose of appearing on behalf of the Texas Comptroller of Public Accounts (the "Texas Comptroller") for the above-styled case only.

This motion is based on the following:

1. In order to protect the Texas Comptroller's rights with respect to uncollected taxes arising from the Debtors' operations in Texas, an appearance by counsel for the Texas Comptroller is necessary.
2. The Texas Comptroller and the Texas Attorney General's Office are state agencies funded by taxpayer dollars. The Texas Comptroller is an involuntary creditor in bankruptcy cases. That is, it does not voluntarily lend money to parties outside the state of Texas but when taxpayers with out-of-state headquarters choose to file bankruptcy in other states and neglect to pay taxes collected in the state of Texas, the Texas Comptroller must protect the rights of the state of Texas and other taxpayers by appearing in sometimes distant forums as in this case.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: OTB Holding LLC (3213), OTB Acquisition LLC (8500), OTB Acquisition of New Jersey LLC (1506), OTB Acquisition of Howard County LLC (9865), Mt. Laurel Restaurant Operations LLC (5100), OTB Acquisition of Kansas LLC (9014), OTB Acquisition of Baltimore County, LLC (6963). OTB Holding LLC's service address is One Buckhead Plaza, 3060 Peachtree Road, NW, Atlanta, GA 30305.



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3. Because the Texas Comptroller is an involuntary creditor in hundreds of cases across the country each year, it would be difficult to obtain private counsel in each case. Under the Texas Constitution, the Texas Attorney General is designated to represent state agencies in court proceedings. Although the Texas Attorney General's Office frequently cooperates with other state attorneys general in cases filed in other states, neither those states nor the Texas Attorney General's Office are authorized under state constitutions or laws to represent any state other than their own.

4. Representing state tax agencies in bankruptcy cases is a "national practice" with uniform Bankruptcy Code provisions and Bankruptcy Rules governing most matters. To the extent local bankruptcy rules govern contested matters or adversary proceedings, the Texas Attorney General's Office endeavors to carefully review and comply with those rules. In general, however, the local law of the "host state" in bankruptcy cases is often less pertinent to Texas tax claims, thereby negating the necessity of local counsel. As a result, it is not uncommon for various jurisdictions to excuse federal and state government attorneys in good standing in other courts from being required to designate local counsel in bankruptcy cases.

5. For all of the foregoing reasons, the Texas Comptroller and the Texas Attorney General's Office respectfully request that the requirement to designate local counsel be waived in this case.

6. Counsel for the Texas Comptroller has filed an application for pro hac vice contemporaneously with this motion. Counsel for the Texas Comptroller has not been disbarred or formally censured by a court of record or by a state bar association; there are no pending disciplinary proceedings against her; and she is in good standing with the State Bar of Texas as

well as the United States District Courts for the Northern, Eastern, Western, and Southern Districts of Texas.

7. Counsel for Debtors has confirmed via email they do not oppose waiver of this Court's local counsel requirement for the undersigned counsel and her client.

DATED: August 12, 2025.

Respectfully submitted,

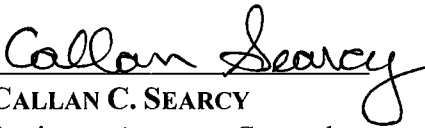
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**ATTORNEYS FOR THE TEXAS COMPTROLLER  
OF PUBLIC ACCOUNTS**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing has been served via the Court's Electronic Filing System on all parties requesting notice in this proceeding and via First Class U.S. Mail, to the parties listed below on August 12, 2025.

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Received in U.S. Bankruptcy Court  
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Vania S. Allen, Clerk

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