

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In re:	)	Chapter 11
	)	
OTB HOLDING LLC, <i>et al.</i> , <sup>1</sup>	)	Case No. 25-52415 (SMS)
	)	
	)	
Debtors.	)	(Jointly Administered)
	)	

**DEBTORS' FIFTH OMNIBUS OBJECTION TO CLAIMS LISTED ON EXHIBIT A**

**PLEASE CAREFULLY REVIEW THIS OBJECTION AND PLEASE REVIEW EXHIBIT A ATTACHED HERETO TO LOCATE YOUR NAME AND CLAIM(S).**

**THIS IS AN OBJECTION TO YOUR CLAIM. SUBSTANTIVE RIGHTS MAY BE AFFECTED BY THIS OBJECTION AND BY ANY FURTHER OBJECTION THAT MAY BE FILED. PLEASE BE AWARE THAT THE DEBTORS ARE ASKING THE COURT TO DISALLOW CERTAIN OF THE CLAIMS THAT YOU FILED IN THESE CHAPTER 11 CASES.**

**TO THE EXTENT YOU DISAGREE WITH THE RELIEF SOUGHT IN THE OBJECTION, YOU SHOULD IMMEDIATELY CONTACT THE DEBTORS TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE DEBTORS AND THEIR COUNSEL. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE, YOUR CLAIM MAY BE DISALLOWED, EXPUNGED, OR ELIMINATED WITHOUT FURTHER NOTICE OR HEARING.**

<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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**THE RELIEF SOUGHT HEREIN IS WITHOUT PREJUDICE TO THE DEBTORS' OR ANY PARTY IN INTEREST'S RIGHTS TO PURSUE FURTHER OBJECTIONS AGAINST THE CLAIMS LISTED ON EXHIBIT A TO THIS OBJECTION.**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) hereby submit this omnibus objection (this “Objection”) to those certain priority claims and non-priority general unsecured claims set forth on Exhibit A attached hereto (each, a “Claim,” and collectively, the “Claims”) and respectfully represent as follows:

### **RELIEF REQUESTED**

1. By this Objection, the Debtors request entry of an order, substantially in the form attached hereto as Exhibit B (the “Proposed Order”), (a) disallowing the Claims set forth on Exhibit A pursuant to the Additional Omnibus Grounds (as defined herein by reference) because (i) the Claim was filed against the incorrect Debtor, (ii) the amount of the Claim is inconsistent with the Debtors’ Books and Records (as defined herein), and/or (iii) the Claim seeks recovery of amounts for which the Debtors are not liable; and (b) granting any other and further relief that this Court deems just and proper.

### **JURISDICTION AND VENUE**

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

3. The predicates for the relief requested herein are sections 105 and 502 of chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), Bankruptcy Rule 3007(d)(2), Rule 3007-1 of the Local Rules of the United States Bankruptcy Court for the Northern District of

Georgia (the “Local Rules”), 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**

4. On March 4, 2025 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code in the Court. The Debtors have continued in possession of their properties and have continued to operate and manage their business as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request has been made for the appointment of a trustee or examiner in these cases.

5. On March 7, 2025, the Court entered the *Order (I) Directing Joint Administration of Related Chapter 11 Cases and (II) Granting Related Relief* [Docket No. 45] authorizing the joint administration and procedural consolidation of the chapter 11 cases pursuant to Bankruptcy Rule 1015(b).

6. On March 17, 2025, the U.S. Trustee appointed the official committee of unsecured creditors (the “Committee”). See *Appointment and Notice of Appointment of Committee of Creditors Holding Unsecured Claims* [Docket No. 111].

7. The factual background relating to the Debtors’ commencement of these cases is set forth in detail in the *Declaration of Jonathan M. Tibus in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 18] (the “First Day Declaration”) filed on or about the Petition Date.

8. On April 2, 2025, the Debtors filed their *Motion Seeking Entry of an Order (I) Setting a Bar Date for Filing Proofs of Claim; (II) Setting an Amended Schedules Bar Date;*

*(III) Setting a Rejection Damages Bar Date; (IV) Approving the Form of and Manner for Filing Proofs of Claim; (V) Approving Notice of the Bar Dates; and (VI) Granting Related Relief* [Docket No. 187] (the “Bar Date Motion”).

9. On April 16, 2025, after a hearing, the Court entered the *Order (I) Setting a Bar Date for Filing Proofs of Claim; (II) Setting an Amended Schedules Bar Date; (III) Setting a Rejection Damages Bar Date; (IV) Approving the Form of and Manner for Filing Proofs of Claim; (V) Approving Notice of the Bar Dates; and (VI) Granting Related Relief* [Docket No. 259] (the “Bar Date Order”) that, among other things, (a) established May 29, 2025 at 5:00 p.m. (prevailing Eastern Time) as the last day for creditors that are not governmental units to file proof of claims, proof of interest, and requests for payment of administrative expense claims under Bankruptcy Code section 503(b)(9); (b) established October 21, 2025 at 5:00 p.m. (prevailing Eastern Time) as the last day for creditors that are governmental units to file proofs of claim, proofs of interest, and requests for payment of administrative expense claims under Bankruptcy Code section 503(b)(9); and (c) approved a form of bar date notice, proof of claim form, and other related procedures.

10. On June 24, 2025, the Debtors filed *the Debtors’ Motion for Entry of an Order Pursuant to 11 U.S.C. § 105(a) and Rule 3007 of the Federal Rules of Bankruptcy Procedure Authorizing the Filing of Omnibus Claims Objections on Certain Additional Grounds* [Docket No. 475] (the “Omnibus Claims Objection Procedures Motion”).<sup>2</sup>

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<sup>2</sup> All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Omnibus Claims Objection Procedures Motion.

11. On July 16, 2025, the Court entered the *Order Pursuant to 11 U.S.C. § 105(a) and Rule 3007 of the Federal Rules of Bankruptcy Procedure Authorizing the Filing of Omnibus Claims Objections on Certain Additional Grounds* [Docket No. 514] (the “Omnibus Claims Objection Procedures Order”), authorizing the Debtors to file omnibus objections that include objections to claims provided for in Bankruptcy Rule 3007(d), Local Rule 3007-1, and/or Additional Omnibus Grounds, which include, but is not limited to filing a proof of claim against the incorrect Debtor or the proof of claim is inconsistent with the Debtors’ Books and Records.

12. In the ordinary course of business, including subsequent to the Petition Date, the Debtors maintained books and records (the “Books and Records”) that reflect, among other things, the Debtors’ liabilities and the amounts owed to their creditors.

#### **BASIS FOR RELIEF REQUESTED AND APPLICABLE AUTHORITY**

13. Bankruptcy Code section 502 provides, in pertinent part, that “[a] claim or interest, proof of which is filed under section 501 of [the Bankruptcy Code], is deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). The debtor has a duty to object to the allowance of any claim that is improper. *See* 11 U.S.C. § 1107(a).

14. When asserting a proof of claim against a bankrupt estate, a claimant must allege facts that, if true, would support a finding that the debtor is legally liable to the claimant. *See In re Allegheny Int’l, Inc.*, 954 F.2d 167, 173 (3d Cir. 1992). Where the claimant alleges sufficient facts to support its claim, its claim is afforded *prima facie* validity. *See id.*; *see also* Bankruptcy Rule 3001(f) (a properly executed and filed proof of claim “constitute[s] *prima facie* evidence of the validity and amount of the claim”).

15. A party wishing to dispute a claim's validity must produce evidence sufficient to negate the claim's *prima facie* validity. See *In re Allegheny Int'l, Inc.*, 954 F.2d at 173-74. Once an objecting party produces such evidence, the burden shifts back to the claimant to prove the validity of his or her claim by a preponderance of the evidence. *Id.* at 174; see also *Dollinger v. BV Retail, LLC (In re S&Q Shack, LLC)*, 2015 Bankr. LEXIS 1166, at \*6-7 (N.D. Ga. Feb. 13, 2015); *Chambliss v. Oakwood Acceptance Corp. (In re Chambliss)*, 315 B.R. 166, 169 (Bankr. S.D. Ga. 2004). Ultimately, the burden of persuasion is on the claimant. See *In re Moss*, No. 94-11959, 1995 WL 17005342, at \*1 (Bankr. S.D. Ga. Sept. 28, 1995).

16. Bankruptcy Rule 3007(d)(2) provides that objections to more than one claim may be joined in a single objection if the objections are based solely on the grounds that the claims should be disallowed, in whole or in part, because they (a) duplicate other claims; (b) were filed in the wrong case; (c) have been amended by later proofs of claim; (d) were not timely filed; (e) have been satisfied or released during the case; (f) were presented in a form that does not comply with applicable rules and the objector is therefore unable to determine a claim's validity; (g) are interests, not claims; or (h) assert a priority in an amount that exceeds the maximum amount allowable under Bankruptcy Code 507. See Fed. R. Bankr. P. 3007(d)(2).

17. Pursuant to the Omnibus Claims Objection Procedures Order, the Debtors are authorized to file omnibus objections to claims on the Additional Omnibus Grounds, seeking the reduction, reclassification, and/or disallowance of claims on one or more of the following grounds:

- a. the amount of the claim is inconsistent with the Debtors' books and records;
- b. the claim was incorrectly classified, including, but not limited to, as (i) a claim entitled to improper priority treatment under the Bankruptcy Code or (ii) a claim with an asserted but unperfected or invalid security interest against the Debtors;

- c. the proof of claim seeks recovery of amounts for which the Debtors are not liable;
- d. the claim asserts administrative priority under Bankruptcy Code section 503(b)(9) but fails to assert a claim for goods delivered to the Debtors within twenty (20) days of the Petition Date;
- e. the claim has been formally withdrawn by the claimant through the filing of a pleading or through the entry of a Court order indicating withdrawal of the claim;
- f. the proof of claim is filed against non-Debtors, the incorrect Debtor, or is filed against multiple Debtors;
- g. the proof of claim fails to specify a Debtor against whom the claim is asserted;
- h. the claim is disallowed or subordinated pursuant to Bankruptcy Code sections 502 or 510;
- i. the claim is satisfied by payment in full or in part on account of such claim from a party that is not a Debtor, including one or more of the Debtors' insurers;
- j. the proof of claim fails to specify the asserted amount of the claim (other than "unliquidated"); and
- k. the proof of claim fails to sufficiently specify the basis for the claim or does not include sufficient documentation to ascertain the validity of the claim.

18. The Debtors object to the Claims identified on **Exhibit A** attached hereto pursuant to the Additional Omnibus Grounds because (i) the Claim was filed against the incorrect Debtor, (ii) the amount of the Claim is inconsistent with the Debtors' Books and Records, and/or (iii) the Claim seeks recovery of amounts for which the Debtors are not liable.

19. Failure to disallow and expunge the Claims may result in the respective claimants receiving an unwarranted recovery against the respective Debtor to the detriment of other parties-in-interest. Accordingly, the Debtors request that the Court enter an order disallowing and expunging the Claims. The Debtors reserve the right to further object to the Claims during these Chapter 11 Cases.

### **RESERVATION OF RIGHTS**

20. The Debtors reserve the right to supplement this Objection and to object to the Claims as well as any other claims filed by the respective claimants in the Chapter 11 Cases, on any and all other substantive, non-substantive, legal, or factual grounds. Without limiting the generality of the foregoing, the Debtors specifically reserve the right to amend this Objection, file additional papers in support of this Objection, file a subsequent objection on any ground to the Claims to the extent they are not disallowed in their entirety as requested herein or take other appropriate actions to (a) respond to any allegation or defense that may be raised in a response filed by or on behalf of any claimant or other interested parties, (b) further object to any portion of the Claims, (c) further object to any other claim for which any claimant provides (or attempts to provide) additional documentation or substantiation, or (d) further object to the Claims based on additional information that may be discovered upon further review by the Debtors or through discovery pursuant to the applicable provisions of Part VII of the Bankruptcy Rules. In addition, the Debtors reserve the right to object to all other claims filed in the Chapter 11 Cases.

### **NOTICE**

21. The Debtors will provide notice of this Objection to each claimant set forth on **Exhibit A**, their counsel where applicable, and all parties on the Limited Service List. The Debtors respectfully submit that such notice is sufficient and proper under the circumstances and that no other or further notice is required.

### **NO PRIOR REQUEST**

22. No previous request for the relief sought herein has been made to this or any other court.



**COMPLIANCE WITH LOCAL RULE 3007-1**

23. To the best of the Debtors' knowledge and belief, the Objection, including its exhibits, substantially complies with Local Rule 3007-1. To the extent that the Objection does not comply with the requirements of Local Rule 3007-1, the Debtors submit that the deviations are not material and respectfully request that those requirements be waived.

**CONCLUSION**

WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit B**, (a) disallowing and expunging the Claims in their entirety and (b) granting such other relief as the Court deems just, equitable, and proper.

Date: August 21, 2025  
Atlanta, GA

Respectfully submitted,

KING & SPALDING LLP

/s/Jeffrey R. Dutson

Jeffrey R. Dutson

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*Counsel for the Debtors in Possession*

**Exhibit A**

**The Claims**

<b>Claims</b>							
<b>#</b>	<b>Name of Claimant</b>	<b>Debtor</b>	<b>Case Number</b>	<b>Claim Number</b>	<b>Original Priority Claim Amount</b>	<b>Original General Unsecured Claim Amount</b>	<b>Reason for Disallowance</b>
1	Comptroller of Maryland	OTB Acquisition LLC	25-52416	619	\$56,933.00	\$5,301.00	The Claim is filed against OTB Acquisition LLC, which is the incorrect Debtor; The amount of the Claim is inconsistent with the Debtors' Books and Records; The Claim seeks recovery of amounts for which the Debtors are not liable.
2	Comptroller of Maryland	OTB Acquisition of Howard County LLC	25-52418	657	\$118,854.00	\$12,781.00	The amount of the Claim is inconsistent with the Debtors' Books and Records; The Claim seeks recovery of amounts for which the Debtors are not liable.
3	DTOM ENTERPRISES INC	OTB Acquisition of New Jersey LLC	25-52417	332		\$1,172.93	The Claim is filed against OTB Acquisition of New Jersey LLC, which is the incorrect Debtor.
4	NRG BUSINESS MARKETING LLC	OTB Acquisition of New Jersey LLC	25-52417	248	\$8,607.51	\$2,929.02	The Claim is filed against OTB Acquisition of New Jersey LLC, which is the incorrect Debtor.
5	Operation HVAC-R, LLC	OBT Acquisition of Baltimore County, LLC	25-52421	124		\$2,605.95	The Claim is filed against OTB Acquisition of Baltimore County, LLC, which is the incorrect Debtor.
6	Reacts LLC	OTB Acquisition of New Jersey LLC	25-52417	415		\$1,243.68	The Claim is filed against OTB Acquisition of New Jersey LLC, which is the incorrect Debtor.

**Exhibit B**

**Proposed Order**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

In re:	)	Chapter 11
	)	
OTB HOLDING LLC, <i>et al.</i> , <sup>1</sup>	)	Case No. 25-52415 (SMS)
	)	
	)	
Debtors.	)	(Jointly Administered)
_____	)	

**ORDER SUSTAINING**  
**DEBTORS' FIFTH OMNIBUS OBJECTION TO CLAIMS LISTED ON EXHIBIT A**

This matter is before the Court on the *Debtors' Fifth Omnibus Objection to Claims Listed on Exhibit A* [Docket No. [●]] (the "Objection") of the above captioned debtors and debtors in possession (collectively, the "Debtors") for entry of an order disallowing and expunging the priority and non-priority general unsecured claims filed by certain claimants (each, a "Claimant," and collectively, the "Claimants") identified on **Schedule 1** (collectively, the "Claims") attached

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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.

hereto, all as more fully set forth in the Objection. All capitalized terms used but not defined herein shall have the meanings given to them in the Objection.

The Court having jurisdiction over the Objection pursuant to 28 U.S.C. §§ 1334 and 157(b), the Objection being a core matter pursuant to 28 U.S.C. § 157(b)(2), the Court having found that venue of this proceeding and the Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Objection is in the best interests of the Debtors' estates, their creditors, residents and other parties in interest; and the Court being able to enter a final order consistent with Article III of the United States Constitution; and the Debtors having filed a notice setting the Objection and any responses thereto for hearing on [●], 2025 (the "Hearing"); and the Court having found that notice of the Objection and opportunity for hearing on the Objection were appropriate under the circumstances and no other notice need be provided; and the Court having found that all requisite parties-in-interest had an opportunity to file a response to the Objection and attend the Hearing to support any asserted response to the Objection; and no response to the Objection was filed and no creditor or party in interest appeared to oppose the relief requested in the Objection; and the Court having reviewed and considered the Objection and all other matters of record in these chapter 11 cases, including the lack of objection thereto; and it appearing that the relief requested in the Objection is in the best interests of the Debtors, their estates, and their creditors, and that the legal and factual bases set forth in the Objection and at the Hearing establish just cause for the relief granted herein; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Objection is SUSTAINED and GRANTED as set forth herein.

2. The Claims are disallowed and expunged in their entirety. All rights of the Debtors to further object to the Claims during these Chapter 11 Cases are reserved.

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

4. This Court shall retain jurisdiction with respect to any matters, claims, rights, or disputes arising from or relating to the implementation of this Order.

[END OF ORDER]

Prepared and presented by:

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*Counsel for the Debtors in Possession*



**Schedule 1**

**The Claims**

#	Name of Claimant	Debtor	Case Number	Claim Number	Original Priority Claim Amount	Original General Unsecured Claim Amount
1	Comptroller of Maryland	OTB Acquisition LLC	25-52416	619	\$56,933.00	\$5,301.00
2	Comptroller of Maryland	OTB Acquisition of Howard County LLC	25-52418	657	\$118,854.00	\$12,781.00
3	DTOM ENTERPRISES INC	OTB Acquisition of New Jersey LLC	25-52417	332		\$1,172.93
4	NRG BUSINESS MARKETING LLC	OTB Acquisition of New Jersey LLC	25-52417	248	\$8,607.51	\$2,929.02
5	Operation HVAC-R, LLC	OBT Acquisition of Baltimore County, LLC	25-52421	124		\$2,605.95
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