

Fill in this information to identify the case:

Debtor 1 OTB Acquisition LLC

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Georgia

Case number 25-52416-sms

- ☒ Date Stamped Copy Returned
- ☐ No self addressed stamped envelope
- ☐ No copy to return

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

| | | | |
|--|---|--|---|
| 1. Who is the current creditor? | | <u>Barbara Griesemer</u> Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____ | |
| 2. Has this claim been acquired from someone else? | | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____ | |
| 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Where should notices to the creditor be sent? | | Where should payments to the creditor be sent? (if different) |
| | <u>Lou Britton c/o Hensley Legal Group, PC</u> Name <u>8350 Sunlight Dr, Suite 300</u> Number Street <u>Fishers</u> <u>IN</u> <u>46037</u> City State ZIP Code | | Name Number Street City State ZIP Code |
| | Contact phone <u>(463) 270-1228</u> Contact email <u>lou.britton@hirehensley.com</u> | | Contact phone _____ Contact email _____ |
| | Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ | | |
| | | | |
| 4. Does this claim amend one already filed? | | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____ | |



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Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☒ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ 250,000.00 Does this amount include interest or other charges?
☒ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
Personal injury accident 1/29/2023 in Indiana. See Complaint

9. Is all or part of the claim secured? ☒ No
☐ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

RECEIVED

MAY 06 2025

VERITA GLOBAL**Amount necessary to cure any default as of the date of the petition:** \$ _____**Annual Interest Rate** (when case was filed) _____ %

- ☐
- Fixed
-
- ☐
- Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☒ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☒ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 04/30/2025
MM / DD / YYYY

Louis J. Britton

Signature

Print the name of the person who is completing and signing this claim:

Name Louis J Britton
First name Middle name Last name

Title Attorney at Law

Company Hensley Legal Group, PC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 8350 Sunlight Dr, Suite 300
Number Street

Fishers IN 46037
City State ZIP Code

Contact phone (463) 270-1228 Email lou.britton@hirehensley.com

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MAY 06 2025

HERITAGLOBAL



HENSLEY
LEGAL GROUP, PC
Attorneys at Law

April 30, 2025

Kurtzman Carson Consultants LLC
d/b/a Verita Global
222 N. Pacific Coast Hwy, Suite 300
El-Segundo, CA 90245

RE: OTB Acquisition LLC
Bankruptcy Chapter 11
Case No: 25-52416-sms
Creditor: Barbara Griesemer c/o Attorney Louis Britton
Lawsuit: Barbara Griesemer v. OTB Acquisition LLC, et. al.
Cause No.: 41D04-2311-CT-000226

Dear Sir or Madam:

It is my understanding that your office is the Case Claims Agent handling the filing of Proof of Claims regarding the above- referenced matter. Ms. Griesemer has a pending lawsuit against Debtor, OTB Acquisition LLC, which has been filed in the State of Indiana.

I have enclosed my client's Proof of Claim along with the attached Second Amended Complaint for filing. Once the proof of claim and second amended complaint have been filed, please provide me with a file stamped copy.

Should you have any questions or require additional information, please feel free to contact me at 463-270-1228 or email lou.britton@hirehensley.com.

Sincerely,

A handwritten signature in cursive script that reads 'Louis J. Britton'.

Louis J. Britton
Attorney

LJB/lro

| | |
|-----------------------------|--------------------------------------|
| STATE OF INDIANA) | IN THE JOHNSON COUNTY SUPERIOR COURT |
|) SS: | |
| COUNTY OF JOHNSON) | CAUSE NO: 41D04-2311-CT-000226 |
| BARBARA GRIESEMER , |) |
| |) |
| Plaintiff, |) |
| |) |
| vs. |) |
| |) |
| OTB AQUISITION LLC, SWIFT |) |
| FACILITIES MAINTENANCE |) |
| LLC, S.L.P. MECHANICAL LLC, |) |
| NICK'S HANDYMAN SERVICE, |) |
| LLC | |
| | |
| Defendants. | |

SECOND AMENDED COMPLAINT FOR DAMAGES

COMES now the Plaintiff, Barbara Griesemer ("Plaintiff"), by counsel, and for her Complaint for Damages against the Defendants, OTB AQUISITION LLC, SWIFT FACILITIES MAINTENANCE LLC, S.L.P. MECHANICAL LLC, and NICK'S HANDYMAN SERVICE, LLC, alleges and asserts that:

1. At all times mentioned herein, the Plaintiff, Barbara Griesemer, was and is a resident of the City of Beech Grove, County of Marion, State of IN.
2. At all times mentioned herein, the Defendant, OTB Acquisition LLC, ("OTB Acquisition") was doing business in the State of Indiana and owned, managed, or otherwise maintained a premises located at On the Border, 867 U.S. Hwy 31 N, Greenwood, IN 46142.

3. At all times mentioned herein, the Defendant, Swift Facilities Maintenance was doing business in the State of Indiana and was maintaining a premises located at On the Border, 867 U.S. Hwy 31 N, Greenwood, IN 46142.
4. At all times mentioned herein, the Defendant, S.L.P Mechanical LLC, ("S.L.P. Mechanical") was doing business in the State of Indiana and was maintaining a premises located at On the Border, 867 U.S. Hwy 31 N, Greenwood, IN 46142.
5. At all times mentioned herein, the Defendant, Nick's Handyman Service, LLC, ("Nick's Handyman Service") was doing business in the State of Indiana and was maintaining a premises located at On the Border, 867 U.S. Hwy 31 N, Greenwood, IN 46142.
6. All of the acts and/or omissions of the Defendants, herein alleged, were performed and/or omitted by and through the agents, servants, and/or employees of the Defendants while they were acting within the scope and course of their employment.
7. On or about January 29, 2023, the Plaintiff was a guest and invitee of the Defendants at the above-referenced premises, when a metal air vent fell from the ceiling and hit her in the head.
8. The Defendants were required to exercise reasonable and ordinary care under all circumstances and operation of its premises, including the above-referenced premises at which the Plaintiff was injured.
9. The above-mentioned incident was directly and proximately caused by the carelessness and negligence of the Defendants, including, but not limited to, one or more of the following acts and/or omissions:
 - a. The Defendants carelessly and negligently failed to inspect and discover the dangerous condition existing at said location;

- b. The Defendants carelessly and negligently failed to warn the Plaintiff of the dangerous condition existing at said location when the Defendant knew or should have known of the same;
- c. The Defendants carelessly and negligently failed to provide premises reasonably safe under the existing conditions; and
- d. The Defendants carelessly and negligently failed to correct the dangerous condition at said location when the Defendant knew or should have known of the existence of the same.

10. As a direct and proximate result of the Defendants' carelessness and negligence, the Plaintiff sustained personal injuries, resulting in pain and suffering.

11. As a result of her injuries and their effects, the Plaintiff, has been required to engage the services of hospitals, physicians, and medical technicians for medical treatment, medication and x-rays, and has incurred, and may incur in the future, medical expenses for such treatment.

12. As a result of her injuries, the Plaintiff has incurred reasonable medical expenses for medical care and treatment and may incur additional medical expenses in the future.

WHEREFORE, the Plaintiff, Barbara Griesemer, prays for judgment against the Defendants, OTB AQUISITION LLC, SWIFT FACILITIES MAINTENANCE LLC, S.L.P. MECHANICAL LLC, NICK'S HANDYMAN SERVICE, LLC, in an amount commensurate with her injuries and damages, for the costs of this action, and for all other just and proper relief in the premises. Previously named nonparty Nick's Handyman Service, LLC, has been added as a defendant.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'KS', is written over a horizontal line.

Kelly Sweeney, #35462-49

Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC

8350 Sunlight Drive, Ste. 300

Fishers, IN 46037

(317) 472-3333 (Phone)

(317) 472-3340 (Facsimile)

Kelly.sweeney@hirehensley.com

REQUEST FOR TRIAL BY JURY

Comes now the Plaintiff, Barbara Griesemer by counsel, and file herein her request for trial by jury for the above action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KS' followed by a stylized flourish.

Kelly Sweeney, #35462-49
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
8350 Sunlight Drive, Ste. 300
Fishers, IN 46037
(317) 472-3333 (Phone)
(317) 472-3340 (Facsimile)
ksweeney@hirehensley.com

CERTIFICATE OF SERVICE


I hereby certify that a copy of the above was filed via the Court's Electronic Filing System (ECF) and will be served on the following via the Court's electronic ECF system on January 13, 2025:

Anthony M. Eleftheri
Megan T. Wellman
Drewry Simmons Vornehm, LLP
736 Hanover Place
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Carmel, IN 46032

Michael R. Augur
Franklin Family Law
98 North Jackson St
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Kelly Sweeney, #35462-49
Attorney for Plaintiff