

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:

(Chapter 11)

PREMIER KINGS, INC., *et al.*,¹

Case No. 23-02871 (TOM)

Debtors.

Joint Administration Requested

**MOTION OF THE DEBTORS AND DEBTORS-IN-POSSESSION FOR ENTRY OF
AN ORDER EXTENDING THE TIME TO FILE SCHEDULES OF
ASSETS AND LIABILITIES AND STATEMENTS OF FINANCIAL AFFAIRS**

Premier Kings, Inc., and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (each a “Debtor” and, collectively, the “Debtors”), by their undersigned proposed counsel and pursuant to Rule 1007(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), hereby move for the entry of an Order extending the time within which the Debtors must file their schedules of assets and liabilities and statements of financial affairs (the “Schedules and SOFAs”). In support of the Motion, the Debtors rely upon and hereby incorporate by reference the *Declaration of David Baker in Support of First-Day Motions* (the “Baker Declaration”),² filed contemporaneously herewith. In further support of this Motion, the Debtors respectfully state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157(b) and 1334 and the *General Order of Reference* from the United States District Court for the Northern

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification numbers, are: Premier Kings, Inc. (3932); Premier Kings of Georgia, Inc. (9797); and Premier Kings of North Alabama, LLC (9282). The Debtors’ address is 7078 Peachtree Industrial Blvd., Suite #800, Peachtree Corners, GA 30071. The Debtors have filed a motion for joint administration with the Court.

² All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Baker Declaration.



District of Alabama dated July 16, 1984, as amended July 17, 1984. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) and (O).

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

I. General Background.

3. On the date hereof (the "Petition Date"), the Debtors filed voluntary petitions in this Court for relief under chapter 11 of the Bankruptcy Code (the "Chapter 11 Cases").

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

5. No official committee of unsecured creditors has been appointed.

6. No request for a trustee or examiner has been made in these Chapter 11 Cases.

II. Overview of the Debtor's Businesses.

7. The Debtors in this proceeding are Premier Kings, Inc., an Alabama Corporation; Premier Kings of Georgia Inc., a Georgia corporation; and Premier Kings of North Alabama, LLC, an Alabama limited liability company. The Debtors are the owners and operators of 174 operating Burger King franchise locations. Information regarding the Debtors' businesses, capital structure, and the circumstances leading to the commencement of these Chapter 11 Cases is set forth in the Baker Declaration. Those facts are incorporated herein by reference.

RELIEF REQUESTED

8. By this Motion, the Debtors seek entry of an order granting a thirty (30) day extension of the fourteen-day deadline provided by Bankruptcy Rule 1007(c), which will provide the Debtors with a total of forty-four (44) days after the Petition Date to file the Schedules and SOFAs.

BASIS FOR RELIEF REQUESTED

9. Pursuant to Bankruptcy Rule 1007(c), the Debtors' Schedules and SOFAs must be filed with their voluntary petition or within fourteen (14) days after the Petition Date if the petition is accompanied by a creditor list. Fed. R. Bankr. P. 1007(c).

10. Here, the Debtors have in excess of 200 creditors and operate 174 Burger King franchise locations throughout Alabama, Georgia, South Carolina, Tennessee, and Florida. As set forth in the Baker Declaration, the Debtors' employee workforce is comprised of 3,540 restaurant-level employees, who perform functions necessary to prepare and serve food, receive and stock inventory, and handle daily upkeep. An additional 65 employees are Area Directors, Directors of Operations, Regional Vice Presidents, Corporate Administrators, or who perform maintenance functions. The daily operation of the Debtors' businesses requires the Debtors to maintain extensive books and records.

11. The Debtors retained Aurora Management Partners, Inc. ("Aurora") to provide certain financial and business advisory services and later engaged Mr. Baker, Aurora's Managing Partner, as the Debtors' Chief Restructuring Officer. Mr. Baker and Aurora, along with the Debtors' other professionals, have worked diligently to stabilize the Debtors' businesses by communicating and working with their vendors and other creditors to ensure a smooth transition in the initial stages of the Chapter 11 Cases. Mr. Baker and Aurora have also had to reconcile the Debtors' financial records and work with the Debtors' landlords, secured lenders, and Burger King Corporate, Inc. ("BKCI") to maintain operations. Due to this substantial workload, the Debtors and their professionals have yet to complete the Schedules and SOFAs, and anticipate that such documents cannot reasonably be completed by the deadline established by Bankruptcy Rule 1007(c). Rather than filing incomplete documents that would require amendments at a later date, the Debtors seek an extension of time to complete this task.

12. The deadline for a debtor to file its Schedules and SOFAs may be extended on motion “for cause shown.” Fed. R. Bankr. P. 1007(c). The Debtors respectfully submit that cause exists to grant the Debtors a thirty (30) day extension of the fourteen-day deadline provided by Bankruptcy Rule 1007(c), which will provide the Debtors with a total of forty-four (44) days after the Petition Date to file their Schedules and SOFAs.

13. Courts in this and other districts have routinely granted relief similar to that requested herein. See, e.g., In re Premier Cajun Kings, LLC, Case No. 23-00656 (DSC) (Bankr. N.D. Ala. Mar. 14, 2023) (Dkt. No. 56) (granting additional thirty (30) days to file schedules); In re FM Coal, LLC, Case No. 20-02783 (Bankr. N.D. Ala. September 1, 2020) (Dkt. No. 38) (granting an additional twenty (20) days to file schedules); In re Mission Coal Co., LLC, Case No. 18-04177 (Bankr. N.D. Ala. Oct. 16, 2018) (Dkt. No. 73) (granting additional thirty (30) days to file schedules); In re Walter Energy, Inc., Case No. 15-02741 (Bankr. N.D. Ala. July 15, 2015) (Dkt. No. 57) (granting additional thirty (30) days to file schedules); In re American Printing Company, Inc., Case No. 19-01844 (Bankr. N.D. Ala. May 3, 2019) (Dkt. No. 41) (granting additional fourteen (14) days to file schedules).³

14. The Debtors submit that the increased burden placed on the Debtors’ organizations and their professionals, the substantial amount of information that the Debtors must assemble and compile, and the number of employee and professional hours required to complete the Schedules and SOFAs while managing the operations of the Debtors’ ongoing businesses, all constitute good and sufficient cause for granting the requested extension of time.

³ The orders referenced in this paragraph are not attached to the Motion but are publicly available and can be provided upon request to the Debtors’ proposed counsel.

NOTICE

15. The Debtors will provide notice of this Motion to: (a) the Office of the Bankruptcy Administrator for the Northern District of Alabama; (b) the holders of the forty (40) largest unsecured claims against the Debtors on a consolidated basis; (c) counsel to BKCI; (d) counsel to Wells Fargo Bank, National Association, as Administrative Agent for the Lender Group; (e) the United States Attorney's Office for the Northern District of Alabama; (f) the Internal Revenue Service; (g) the office of the Attorney General for the State of Alabama; (h) the Securities and Exchange Commission; and (i) 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.

WHEREFORE, the Debtors respectfully request that the Court enter an Order, substantially in the form attached hereto, granting the relief requested herein, and such other and further relief as the Court deems just and proper.

Dated: October 25, 2023
Birmingham, Alabama

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**pro hac vice admissions pending*

EXHIBIT A
PROPOSED ORDER

**IN THE UNITED STATES BANKRUPTCY COURT
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SOUTHERN DIVISION**

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**ORDER EXTENDING THE TIME FOR THE DEBTORS AND DEBTORS-IN-
POSSESSION TO FILE SCHEDULES OF ASSETS AND LIABILITIES AND
STATEMENTS OF FINANCIAL AFFAIRS**

Upon consideration of the motion (the “Motion”)² of the Debtors for entry of an Order extending the time within which the Debtors must file their schedules of assets and liabilities and statements of financial affairs (the “Schedules and SOFAs”), pursuant to Bankruptcy Rule 1007(c); and upon consideration of all pleadings related thereto, including the Baker Declaration; and this Court having jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334; and the matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and the venue of this proceeding and the Motion being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Motion is in the best interests of the Debtors, their estates, and their creditors; and the Debtors having provided appropriate notice of the Motion and the opportunity for a hearing on the Motion under the circumstances and no

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further notice need be provided; and after due deliberation and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT, ADJUDGED, AND DECREED THAT:

1. The Motion is granted on a final basis.
2. The time by which the Debtors shall file their Schedules and SOFAs is extended through and including _____, 2023, without prejudice to the Debtors' rights to seek further extensions upon a showing of cause therefor.
3. Notwithstanding the possible applicability of Bankruptcy Rules 6004, 7062, or 9014, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
4. The Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

Dated: _____, 2023
Birmingham, Alabama

UNITED STATES BANKRUPTCY JUDGE