

**Fill in this information to identify the case:**

Debtor 1 Premier Kings, Inc.

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

United States Bankruptcy Court for the: Northern District of Alabama

Case number 23-02871-TOM-11

Official Form 410

**Proof of Claim**

04/22

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? Ashley Moore, as Mother and Next Friend of L.E., a minor  
Name of the current creditor (the person or entity to be paid for this claim)

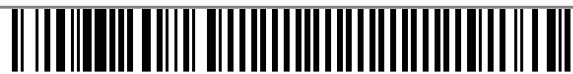
Other names the creditor used with the debtor \_\_\_\_\_

2. Has this claim been acquired from someone else?  No  
 Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent? <small>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</small>	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
	<u>Ashley Moore, as Mother and Next Friend of LE</u> Name <u>c/o Seth Grissom, 2 Office Pk Cir, Ste 2</u> Number Street <u>Birmingham AL 35223</u> City State ZIP Code Contact phone <u>2055401518</u> Contact email <u>sbg@pglawllc.com</u>	_____ Name _____ Number Street _____ City State ZIP Code 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?  No  
 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?  No  
 Yes. Who made the earlier filing? \_\_\_\_\_



2302871240102000000000024

**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? \$ Unknown. 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.  
Civil lawsuit for personal injury

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.)  
**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)?

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).

Amount entitled to priority

\$ \_\_\_\_\_

Up to \$3,350\* 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 \$15,150\*) 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.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/25 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 01/01/2024  
MM / DD / YYYY



Signature

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

Name Seth Bryant Grissom  
First name Middle name Last name

Title Attorney

Company Pilcher & Grissom, LLC  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 2 Office Park Circle, Suite 2  
Number Street  
Birmingham AL 35223  
City State ZIP Code

Contact phone 205-540-1518 Email sbg@pglawllc.com



## AlaFile E-Notice

46-CV-2021-900034.00

To: TED LEE MANN  
ted@mannpotter.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ASHLEY MOORE AS MOTHER AND NEXT FRIEND OF L.E., A MINOR V. PREMIER KIN  
46-CV-2021-900034.00

The following complaint was FILED on 3/23/2021 10:02:00 AM

Notice Date: 3/23/2021 10:02:00 AM

DAVID LOVE, JR.  
CIRCUIT COURT CLERK  
MACON COUNTY, ALABAMA  
101 EAST NORTHSIDE STREET  
TUSKEGEE, AL, 36083

334-724-2614  
david.love@alacourt.gov



**IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA**

ASHLEY MOORE, as mother and next friend of L.E., a minor

Plaintiff,

v.

PREMIER KINGS, INC. d/b/a BURGER KING, GINGER ATKINS; A being that person, firm or corporation or entity who owned or operated the restaurant known as Burger King and caused the injuries to the Plaintiff as alleged in the Complaint; B that person, firm partnership or corporation who contracted with any named Defendant to provide training or supervision of Burger King employees in the proper handling and maintaining products in the store in question as alleged herein; C being the person, firm or corporation who is a successor or predecessor in interest to any named or fictitiously identified Defendant; D being the person firm or corporation who contracted to maintain the premises and products of Burger King as alleged herein. Plaintiff avers the identities of fictitious party defendants are otherwise unknown to the Plaintiff at this time or if their names are known to the Plaintiff at this time, their identities as proper party defendants are not known to the Plaintiff at this time but whose true names will be substituted by amendment when ascertained,

Defendants.

**COMPLAINT****Parties**

1. The Plaintiff, Ashley Moore, as mother and next friend of L.E., a minor, is an individual resident citizen of Macon County, Alabama and is over the age of nineteen (19) years.

2. The Defendant Premier Kings, Inc. d/b/a Burger King (hereinafter referred to as "Burger King") is an Alabama Corporation with its principal place of business in Tuskegee, Alabama.

3. The Defendant, Ginger Atkins, is believe to be over the age of nineteen (19) years and a resident citizen of Macon County, Alabama.

4. At said time and place made the basis of this lawsuit, and for some time prior thereto, the fictitious party Defendants A-D are described as follows: A being that person, firm,



corporation or entity who owned or operated the restaurant known as Burger King and caused the injuries to the Plaintiff as alleged in the Complaint; B, being that person, firm, partnership or corporation who contracted with any named Defendant to provide training or supervision of Burger King employees in the proper handling and maintaining of merchandise in the store in question as alleged herein; C, being the person, firm or corporation who is a successor or predecessor in interest to any named or fictitiously identified Defendants; D, being the person, firm or corporation who contracted to maintain the premises of Burger King as alleged herein. Plaintiff avers the identities of fictitious party defendants are otherwise unknown to the Plaintiff at this time or if their names are known to the Plaintiff at this time, their identities as proper party defendants are not known to the Plaintiff at this time but whose true names will be substituted by amendment when ascertained.

### **Facts**

5. On June 17, 2020, the Plaintiff visited the restaurant owned and operated by the Defendant Burger King located in Tuskegee, Macon County, Alabama for the purpose of purchasing food. The store was owned and operated by Defendant Burger King, Ginger Atkins, and/or one or more of the fictitious party defendants listed and described hereinabove. While in the Burger King restaurant the Plaintiff purchased a whopper, large fry and large sprite.

6. After purchasing the food, the Plaintiff left the restaurant and went back to the job site where he had been working to eat his lunch. After the Plaintiff began eating his whopper sandwich, he noticed the bottom half of his sandwich was molded. Immediately after consuming the sandwich the Plaintiff began feeling nauseous and had a headache. The Plaintiff then called his mother, Ashley Moore, to come get him. The Plaintiff wrapped the remainder of his sandwich

and waited on his mother, who when she arrived drove directly to the Defendant Burger King restaurant and showed the Defendant Ginger Atkins, manager of Defendant Burger King, the partially consumed sandwich.

7. Defendants Ginger Atkins, knew about the molded sandwich consumed by the Plaintiff because she had seen pictures of the molded sandwich which had been shared on Facebook. The Defendant Ginger Atkins responded to Ashley Moore “I am very sorry and he will never work in the kitchen again.”

8. The Defendants Ginger Atkins, Burger King and/or one or more of the fictitious party defendants listed and described hereinabove, negligently, recklessly and/or wantonly failed to serve safe and edible food to its invitees, free of dangerous conditions.

9. As a proximate and direct result of the Defendants’ wrongful conduct as specifically set forth herein, the Plaintiff has been injured and damaged as follows:

- a. Suffered injury to his person;
- b. Caused to be injured;
- c. Was caused and will be caused in the future to expend large sums of money in the nature of doctor, hospital, drug and other medical expenses in and about an effort to heal and cure said injuries;
- d. Was caused to be unable to pursue normal and usual activities; and
- e. All other damages to which the Plaintiff may be entitled by law.

**COUNT I**

**(Negligence)**



10. The Plaintiff hereby adopts and incorporate by reference the allegations of the preceding Paragraphs of the Complaint.

11. On or about June 17, 2020, Plaintiff was injured as described above after purchasing contaminated food from the Defendant's Burger King store located on North Main Street in Tuskegee, Alabama where managed by Defendant Ginger Atkins, which he later consumed causing the Plaintiff injuries as set forth hereinabove.

12. As a direct and proximate consequence of the Defendants' negligence, Plaintiff has been caused to be damaged as described herein.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory and/or punitive damages in an amount to be determined by a jury of his peers plus interest and costs of this action.

## **COUNT II**

### **(Recklessness and Wantonness)**

13. The Plaintiff hereby adopts and incorporates by reference the allegations of the preceding Paragraphs of the Complaint.

14. On or about June 17, 2020, Plaintiff was injured as described above after purchasing contaminated food from the Defendant's Burger King store located on North Main Street in Tuskegee, Alabama where managed by Defendant Ginger Atkins, which he later consumed causing the Plaintiff injuries as set forth hereinabove.

15. As a direct and proximate consequence of the reckless and/or wanton conduct of the Defendants in failing to maintain the products in a safe manner, the Plaintiff has been damaged as described above.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory and/or punitive damages in an amount to be determined by a jury of his peers plus interest and costs of this action.

### **COUNT III**

#### **(Negligent, Reckless and Wanton Supervision in Training)**

16. The Plaintiff hereby adopts and incorporates by reference the allegations of the preceding Paragraphs of the Complaint.

17. The Defendants, Burger King, Ginger Atkins, and fictitious parties A through D, were under an obligation and duty to train employees who handle and maintain the products for customers to purchase non-contaminated food so as not to cause any unreasonable danger for customers of the store.

18. These Defendants were under an obligation and duty to train and supervise store employees to serve food which were non-contaminated and safe for consumption.

19. These Defendants negligently, wantonly and recklessly failed to properly train employees to only serve food safe for consumption food and free of dangerous condition. The Defendants' failure to properly train its employees directly resulted in the Plaintiff's injuries as describe above.

20. As a direct and proximate consequence of the Defendants' negligent, reckless and wanton training and supervision, Plaintiff was injured as described hereinabove.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory and/or punitive damages in an amount to be determined by a jury of his peers plus interest and costs of this action.

**COUNT V****Failure to Warn**

21. The Plaintiff hereby adopts and incorporates by reference the allegations of the preceding Paragraphs of the Complaint.

22. The Defendants Burger King, Ginger Atkins, and/or one or more of the fictitious party defendants listed and described hereinabove were under a duty and obligation to warn the Plaintiff of dangerous food and as a proximate result of the said Defendants' failure to warn, the Plaintiff was injured and damaged.

23. The Defendants Burger King, Ginger Atkins, and/or one or more of the fictitious party defendants listed and described hereinabove knew or should have known of the under contaminated food and that said condition presented an unsafe condition to members of the public, including the Plaintiff.

24. The Defendants Burger King, Ginger Atkins, and/or one or more of the fictitious party defendants listed and described hereinabove negligently and/or wantonly failed to warn the Plaintiff of the dangerous condition of food served.

25. As a direct and proximate consequence of the Defendants' failure to warn, the Plaintiff was injured as described above.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants, jointly and severally, for compensatory and punitive damages in an amount to be determined by a jury of their peers plus interest and costs of this action.

s/Ted L. Mann  
Ted L. Mann

E-mail: [ted@mannpotter.com](mailto:ted@mannpotter.com)

Attorney Code: MAN021

s/Seth Bryant Grissom

Seth Bryant Grissom

E-mail: [seth@mannpotter.com](mailto:seth@mannpotter.com)

Attorney Code: GRI090

Attorneys for Plaintiff

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s/Keith Thomas

Keith Thomas

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Attorney Code: THO135

Attorney for Plaintiff

Keith Thomas, Esquire

Post Office Box 830899

Tuskegee, Alabama 36083

Phone: (334) 724-0035

Fax: (334) 724-0076

s/ John L. Adams

John L. Adams

Email: [johnny@johnnyadamslaw.com](mailto:johnny@johnnyadamslaw.com)

Attorney Code: ADA087

Attorney for Plaintiff

Johnny Adams Law Firm, LLC

324 Ellis Street

Union Springs, AL 36089

Phone: (334) 738-3300

**JURY DEMAND**

Plaintiff hereby demands a trial by struck jury.

s/Ted L. Mann  
OF COUNSEL

**DEFENDANTS' ADDRESSES:**

Premier Kings, Inc. d/b/a Burger King  
c/o John A. Howard, Jr.  
3300 Eastern Boulevard  
Montgomery, Alabama 36116

Ginger Atkins  
c/o Burger King  
504 North Main Street  
Tuskegee, Alabama 36083

**PLEASE SERVE THE SUMMONS AND COMPLAINT, TOGETHER WITH ALL  
DISCOVERY, BY CERTIFIED MAIL.**