

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

In re:)	
)	Case No. 23-02871-TOM11
)	
PREMIER KINGS, INC., et al.,)	Chapter 11
)	
Debtors.¹)	Substantively Consolidated
)	

OMNIBUS MOTION FOR EXPEDITED HEARING

Mark Smith as Plan Administrator (the “Plan Administrator”) pursuant to the *Findings of fact, Conclusions of Law and Order Confirming the Debtors’ Second Amended Plan of Liquidation Under Chapter 11 of the Bankruptcy Code Proposed by the Debtors*, ECF 627 (the “Confirmation Order”) confirming that certain *Second Amended Plan of Liquidation under Chapter 11 of the Bankruptcy Code Proposed by the Debtor*, ECF 554 (the “Plan”) filed by Premier Kings, Inc., and related debtors (collectively, the “Debtors”) moves this Court pursuant to 11 U.S.C. § 105 and Rule 9006(c) of the Federal Rules of Bankruptcy Procedure to expedite the hearing on the Plan Administrator’s pending motions for 2004 examination. Pursuant to the Plan, the Plan Administrator is charged with investigating and prosecuting certain of litigation claims belonging to the Debtors. The pending motions for 2004 examination are in furtherance of the Plan Administrator’s duties. In further support of this motion to expedite, the Plan Administrator states as follows:

¹ The Debtors in these cases are Premier Kings, Inc., Premier Kings of Georgia, Inc., and Premier Kings of North Alabama, LLC.



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Jurisdiction and Venue

1. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1334(b), 151, and 157(a), and the District Court’s General Order of Reference dated July 16, 1984, as amended July 17, 1984.
2. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).
3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
4. The statutory bases for the relief requested herein are Bankruptcy Code section 105(a), Bankruptcy Rule 9006(c),

Background Facts

5. On May 1, 2024, the Court entered the Confirmation Order, thus confirming the Plan.
6. Pursuant to the Plan, the Plan Administrator has certain duties and responsibilities, including but not limited to investigating the claims and causes of action that the Debtors had as of the Petition Date.
7. On June 11, 2024, the Plan Administrator filed the following motions for 2004 examinations, seeking to examine and seeking document from certain parties (collectively, the “Rule 2004 Motions”):

<u>ECF</u>	<u>Motion</u>
694	Motion for Examination of Auburn Bank
695	Motion for Examination of CB&S Bank
696	Motion for Examination of First Chatham Bank
697	Motion for Examination of First Horizons Bank
698	Motion for Examination of Merit Bank

ECF	Motion
699	Motion for Examination of PeoplesSouth Bank
700	Motion for Examination of Renasant Bank
701	Motion for Examination of Premier Holdings of Georgia, LLC
702	Motion for Examination of Premier Holdings, LLC
703	Motion for Examination of Premier Kings Holdings, LLC
704	Motion for Examination of Premier Kings Holdings of Alabama, LLC
705	Motion for Examination of Premier Kings Holdings of Georgia, LLC

Relief Requested

8. By this Motion the Plan Administrator requests entry of an order pursuant to section 105(a) of the Bankruptcy Code, and Rule 9006(c) of the Bankruptcy Rules setting an expedited hearing for the Rule 2004 Motions at the Court’s earliest convenience.

9. Bankruptcy Code section 105(a) permits this Court to “issue any order, process, or judgement that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

10. Under Bankruptcy Rule 9006(c), “the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1).

11. As set forth in the Rule 2004 Motions, the Plan Administrator is investigating numerous prepetition transactions between the Debtors and various counterparties as well as potential litigation claims against the Debtors’ former officers and directors for approving and consummating those transactions. Information regarding the subjects of the Plan Administrator’s investigation is largely not publicly available. To reasonably assess the transactions and claims at issue, the Plan Administrator needs to review documents concerning those transactions.

12. This matter is all the more urgent because the Debtors’ directors and officers insurance policy requires the Plan Administrator to assert his claims on or before July 31, 2024.

13. Therefore, time is of the essence for the subjects of the Rule 2004 Motions to produce the documents that the Plan Administrator requests, and potentially sit for an examination.

WHEREFORE, the Plan Administrator requests that the Court (a) enter an order setting an expedited hearing on the Rule 2004 Motions at the Court's earliest convenience and (b) provide the Plan Administrator with such other and further relief as the Court may deem just, proper and equitable.

Respectfully submitted this day June 11, 2024.

/s/ Bill D. Bensinger
Bill D. Bensinger
Attorney for Mark Smith, as Plan
Administrator

OF COUNSEL:

CHRISTIAN & SMALL, LLP
1800 Financial Center
505 North 20th Street
Birmingham, Alabama 35203
Tel: 205-250-6626
Fax: 205-328-7234
Email: bdb@csattorneys.com

Certificate of Service

I do hereby certify that I have had served a copy of the above and foregoing on the creditor matrix attached hereto, and the parties identified below, via U.S. Mail on this the 11 day of June, 2024:

Heather Jamison
Burr & Forman, LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203

Premier Holdings of Georgia, LLC
c/o Jay Gill
755 Tate Overlook
Marietta, Georgia 30064

Premier Kings Holdings, LLC
c/o Jay Gill
755 Tate Overlook
Marietta, Georgia 30064

Premier Holdings, LLC
c/o Jay Gill
755 Tate Overlook
Marietta, Georgia 30064

Premier Kings Holdings of Alabama,
LLC
c/o Jay Gill
755 Tate Overlook
Marietta, Georgia 30064

Premier Kings Holdings of Georgia,
LLC
c/o Jay Gill
755 Tate Overlook
Marietta, Georgia 30064

Jeremy L. Retherford
Balch & Bingham, LLP
1901 Sixth Avenue North
Suite 1500
Birmingham, Alabama 35203

Charles N. Parnell, III
Parnell & Parnell, P.A.
PO Box 224
Montgomery, Alabama 36102

Auburn Bank
100 North Gay Street
Auburn, Alabama 36830

William M. Hancock
Wolfe, Jones, Wolfe,
Hancock, Daniel & South, LLC
905 Bon Wallace Avenue
Huntsville, Alabama 35801

CB&S Bank
521 Madison Street SE
Huntsville, Alabama 35801

Steven D. Altmann
The Nomberg Law Firm
3940 Montclair Road, Suite 401
Birmingham, Alabama 35213

First Chatham Bank
111 Barnard Street
2nd Floor
Savannah, Georgia 31401

Danielle E. Douglass
Adams & Reese, LLP
1901 Sixth Avenue North
Suite 1110
Birmingham, Alabama 35203

First Horizon Bank
Attn: Jeanna McWilliams
211 Franklin Road, Suite 300
Brentwood, Tennessee 37027

Tazewell T. Shepard IV
Sparkman, Shepard & Shepard, LLC
PO Box 19045
Huntsville, Alabama 35804

PeoplesSouth Bank
203 West Crawford Street
PO Box 218
Colquitt, Georgia 39837-3903

Merit Bank
3810 Governors Drive NW, Unit 300
Huntsville, Alabama 35805

PeoplesSouth Bank
519 Kirkland Street
Abbeville, Alabama 36310

/s/ Bill D. Bensinger _____
Bill D. Bensinger