

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

In re:

PREMIER KINGS, INC, *et al.*,  
  
Debtors.

Case No. 23-02871-TOM11

Chapter 11

**AGREED ORDER ALLOWING PAYMENT OF DEFENSE COSTS UNDER  
DIRECTOR'S AND OFFICER'S LIABILITY INSURANCE POLICY**

Upon the motion (the “Motion”) of Jaipal Gill (“Gill”), John A. Howard (“Howard”), and Joginder Sidhu, solely in his capacity as Personal Representative for the Estate of Manraj Sidhu (deceased) (the “Personal Representative” and together with Gill and Howard, collectively, the “Movants”) for entry of an order (this “Order”) confirming that the proceeds under a certain directors and officers liability insurance policy (the “D&O Policy”) are not subject to the automatic stay and may be used by the Insurer<sup>1</sup> to pay the insureds’ defense costs consistent with the terms and conditions of the D&O Policy; and the Court having found that it has jurisdiction over this matter, and venue is proper in this district; and it appearing that due and sufficient notice of the Motion has been given; and no other or further notice need be provided; and the Court having considered the Motion and any objections or responses thereto; and after due deliberation and sufficient cause appearing therefore:

IT IS HEREBY ORDERED THAT:

1. The MOTION is GRANTED.
2. The automatic stay contained in 11 U.S.C. § 362 does not apply to the proceeds of the D&O Policy, or, to the extent it does apply, it is lifted and modified to allow the Insurer to pay

<sup>1</sup> The capitalized, but undefined, terms used herein shall have the meanings ascribed in the Motion.



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the defense costs on behalf of all insureds under the D&O Policy with the proceeds in accordance with the terms and conditions of the D&O Policy.

3. Nothing in this Order modifies the terms and conditions of the D&O Policy.

4. Any payment or advancement made by the Insurer to, or on behalf of, the insureds pursuant to the D&O Policy shall not be considered property of the Debtors' estates.

5. Any payment or advancement made by the Insurer under the D&O Policy shall not be subject to disgorgement, avoidance, clawback, or any other similar action, claim, or proceeding, whether legal or equitable in nature, brought by any party in interest.

6. The Movants shall provide monthly reports, not later than the 15<sup>th</sup> day of each month, to counsel for Mark Smith, as Plan Administrator (the "Administrator"), disclosing the amount of fees and expenses paid in the preceding month. If no fees and expenses were paid by the Insurer to the Movants' counsel in a particular month, the Movants shall have no obligation to provide a monthly report to the Administrator's counsel.

7. This Order is effective immediately upon its entry.

8. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: October 8, 2024

/s/ Tamara O. Mitchell  
TAMARA O. MITCHELL  
UNITED STATES BANKRUPTCY JUDGE

## Notice Recipients

District/Off: 1126-2  
Case: 23-02871-TOM11

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intp Mosaic Gold Crown Group, LLC  
intp Tracey Scussell

TOTAL: 2

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TOTAL: 60

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| db      | Premier Kings, Inc.                            | 7078 Peachtree Industrial Blvd #800    | Peachtree Corners, GA 30071                                                              |
| intp    | Renasant Bank                                  | 1901 Sixth Ave. N., Suite 1500         | Birmingham, AL 35203                                                                     |
| cr      | Burger King Company LLC                        | 5707 Blue Lagoon Drive                 | Miami, FL 33126 UNITED STATES                                                            |
| intp    | RRG of Jacksonville, LLC                       | c/o Peter Haley                        | Nelson Mullins Riley & Scarborough LLP One Financial Center, Suite 3500 Boston, MA 02111 |
| op      | Kurtzman Carson Consultants LLC                | 222 N. Pacific Coast Highway           | Suite #300 El Segundo, CA 90245                                                          |
| intp    | Premier Holdings, LLC                          | 3300 Eastern Blvd                      | Montgomery, AL 36116                                                                     |
| cr      | Kemco Facilities Services, LLC                 | 5750 Bell Circle                       | Montgomery, AL 36116                                                                     |
| cr      | CB&S Bank                                      | P.O. Box 910                           | Russellville, AL 35653                                                                   |
| crcm    | Playland Maintenance Service Inc.              | 3935 Tamiami Trail                     | Cumming, GA 30041                                                                        |
| crcm    | M D Homes Alabama LLC                          | PO Box 6415                            | East Brunswick, NJ 08816                                                                 |
| crcm    | BK Collinsville LLC                            | 4615 University Drive                  | Coral Gables, FL 33146                                                                   |
| crcm    | GAJ Realty Group Inc                           | 8 Rosewood Drive                       | North Massapequa, NY 11758                                                               |
| crcm    | Hudson Construction Company                    | 1425 Market Blvd                       | Suite 530 318 Roswell, GA 30076                                                          |
| crcm    | Brinks Incorporated                            | PO Box 101031                          | Atlanta, GA 30392                                                                        |
| crcm    | TK&K Unlimited Inc                             | 8014 Cumming Hwy                       | Suite 403 332 Canton, GA 30115                                                           |
| crcm    | E.S.S., Inc.                                   | 203 McMillin St                        | Nashville, TN 37203-2912                                                                 |
| crcm    | Hemphill Services Inc                          | PO Box 1234                            | Trussville, AL 35173                                                                     |
| intp    | Bulldog Restaurants, LLC                       | c/o Baker Donelson                     | 1901 6th Ave. N., Suite 2600 Birmingham, AL 35203                                        |
| cr      | South Coast Enterprises, LLC                   | c/o Heard, Ary & Dauro, LLC            | 303 Williams Avenue SW Suite 921 Huntsville, AL 35801                                    |
| cr      | Rave II Enterprises, LLC                       | c/o Heard, Ary & Dauro, LLC            | 303 Williams Avenue SW Suite 921 Huntsville, AL 35801                                    |
| cr      | Rave Enterprises, LLC                          | c/o Heard, Ary & Dauro, LLC            | 303 Williams Avenue SW Suite 921 Huntsville, AL 35801                                    |
| cr      | AuburnBank                                     | c/o Parnell & Parnell, P.A.            | P.O. Box 224 Montgomery, AL 36102                                                        |
| intp    | Merit Bank                                     | 3810 Governors Drive NW                | Unit 300 Huntsville, AL 35805-3586                                                       |
| cr      | DPI Group, LLC                                 | c/o Stephen Porterfield                | 2311 Highland Avenue South Birmingham, AL 35205                                          |
| mv      | Willie J Butler                                | c/o The Evans Law Firm, P.C.           | 1736 Oxmoor Road Birmingham, AL 35209 UNITED STATES                                      |
| cr      | Karen L Nystrom                                | C/O ENGEL HAIRSTON--RAULSTON BROWN, PC | P.O. Box 1927 BIRMINGHAM, AL 35201                                                       |
| fa      | Aurora Management Partners                     | 1201 Peachtree Street, Suite 1570      | Atlanta, GA 30361                                                                        |
| op      | Raymond James & Associates, Inc.               | 880 Carillon Parkway                   | St. Petersburg, FL 33716                                                                 |
| cr      | Premier Kings Holdings of Georgia, LLC         | c/o Heather A. Jamison                 | Burr & Forman LLP 420 N. 20th St., Ste. 3400 Birmingham, AL 35203                        |
| cr      | Premier Kings Holdings of Alabama, LLC         | c/o Heather A. Jamison                 | Burr & Forman LLP 420 N. 20th St., Ste. 3400 Birmingham, AL 35203                        |
| cr      | Premier Kings Holdings, LLC                    | c/o Heather A. Jamison                 | Burr & Forman LLP 420 N. 20th St., Ste. 3400 Birmingham, AL 35203                        |
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| cr      | Gates of Beachwood, LLC                        | 505 20th Street, North. Suite 800      | Birmingham                                                                               |
| cr      | PeoplesSouth Bank                              | c/o Parnell & Parnell, P.A.            | P.O. Box 224 Montgomery, AL 36102                                                        |
| cr      | Ashley Moore                                   | c/o Pilcher & Grissom, LLC             | 2 Office Park Cir, Suite 2 Birmingham, AL 35223                                          |
| cr      | UNITED STATES                                  |                                        |                                                                                          |
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| cr      | c/o Luke Buckler Marshall Septic Service, LLC  | P.O. Box 940                           | Guntersville, AL 35976 UNITED STATES                                                     |
| r       | Marcus & Millichap Real Estate Services        | 6 Cadillac Drive, Ste 100              | Brentwood, TN 37027                                                                      |
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TOTAL: 61