

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re)	
)	
PREMIER KINGS, INC.)	Case No.: 23-bk-02871-TOM-11
)	
Debtor,)	Chapter 11
<hr/>)	
)	
NYEISHA BRYANT,)	
)	
Movant,)	
)	
v.)	
)	
PREMIER KINGS OF GEORGIA and)	
PREMIER KINGS, INC.)	
)	
Respondents/Debtors,)	

**NYEISHA BRYANT’S MOTION FOR RELIEF
FROM AUTOMATIC STAY**

Comes now, Nyeisha Bryant (hereinafter referred to as “Movant”), by and through counsel, Brent McIntosh of W. Calvin Smith, II, P.C., and moves this Honorable Court for relief from the automatic stay for limited purpose as discussed as follows:

1. This is a Motion under Section 362(d) of the US Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and to allow the Movant to continue her litigation against the Premier Kings of Georgia, Inc./Premier Kings, Inc. (hereinafter referred to as “Defendants/Debtors.”)

2. Movant is the Plaintiff and Debtor is the Defendant in an action now pending styled as follows: *Nyeisha Bryant v. Premier Kings of Georgia, Inc.*, Magistrate Court of Fulton County,



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Georgia, Case Number 23MS193706 (the “state court litigation”).¹ This action was filed on October 25, 2023. In the state court litigation, Movant seeks damages against the Debtor for damages relating to a food poisoning incident that occurred on October 7, 2022. In the state court litigation, the Premier Kings of Georgia, Inc. was served and moved for a stay in the state court litigation due to the bankruptcy. The Magistrate Court of Fulton County ordered the state court litigation be stayed on January 11, 2024. A copy of this Order is attached as Exhibit A.

3. In the underlying state court action, the Defendants/Debtors are represented by Sean W. Martin and Stephen A. Swanson with Carr Allison and they will receive a service copy of this Motion.

4. Movant’s state court litigation has a jurisdictional limit of \$15,000.00, which is the maximum number of monetary compensation that Movant could be awarded.

5. Based on information learned prior to filing the state court litigation, the Defendants/Debtors maintained an insurance policy on the subject Burger King restaurant where the incident occurred through Trisura Specialty Insurance Company.

6. Movant asserts that due to the relatively small amount of damages that could be awarded and the existence of insurance which would cover any damages award, the Defendants/Debtors will suffer no monetary consequences from a finding of liability on their part. Movant respectfully asserts that the existence of this bankruptcy proceeding should not allow Movant’s claims to be unresolved for an indefinite period of time when resolution of her claims would likely only come from Defendants/Debtors’ insurer.

¹ By prior Order of this Honorable Court, Premier Kings of Georgia, Inc. is an affiliated entity with primary Debtor Premier Kings, Inc. and the bankruptcy proceeding of Premier Kings of Georgia, Inc. was consolidated within this subject case number for procedural and administrative purposes.

WHEREFORE, Movant prays for an Order which

- 1) Lifts the automatic stay in her case of: *Nyeisha Bryant v. Premier Kings of Georgia, Inc.* pending in the Magistrate Court of Fulton County, Georgia, Case Number 23MS193706;
- 2) Authorizes Movant to continue her state court litigation, referenced above, against the Defendants/Debtors; and
- 3) For other and further relief as is just and equitable.

This the 27th day December, 2024.

W. CALVIN SMITH, II, P.C.

/s/ Brent McIntosh

By _____

Brent McIntosh
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Attorney for Nyeisha Bryant

IN THE MAGISTRATE COURT OF FULTON COUNTY
STATE OF GEORGIA

Fulton County Magistrate Court
E-FILEDBMR
Date: 1/11/2024 2:33 PM
Che Alexander, Clerk
23MS193706

NYEISHA BRYANT,

Plaintiff,

v.

PREMIER KINGS OF GEORGIA INC.,

Defendant.

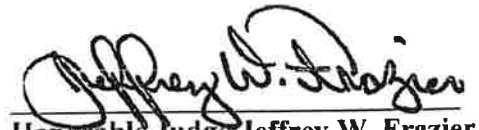
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CASE NO. 23MS193706

ORDER

This matter came before the Court upon the Suggestion of Bankruptcy filed by Defendant Premier Kings of Georgia Inc. ("Premier Kings") and pursuant to 11 U.S.C. § 362. Upon consideration of the Suggestion of Bankruptcy, it appears to the Court that Premier Kings filed a petition for Chapter 11 bankruptcy in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division under case number 23-02874-TOM-11. Accordingly, pursuant to the automatic stay provisions of 11 U.S.C. § 362, this case is **STAYED** pending further order of the United States Bankruptcy Court for the Northern District of Alabama, Southern Division under case number 23-02874-TOM-11.

ENTERED this 10th day of January, 2023.


Honorable Judge Jeffrey W. Frazier
Magistrate Court of Fulton County



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**[PROPOSED] ORDER GRANTING NYEISHA BRYANT'S MOTION FOR RELIEF
FROM AUTOMATIC STAY**

Movant having filed her Motion for Relief from Automatic Stay seeking an order lifting the 11 U.S.C. § 362(a) stay that has been put in place

IT IS HEREBY ORDERED that the 11 U.S.C. § 362(a) stay is lifted as to Movant herein for the purposes of allowing her to prosecute the action currently pending in the Magistrate Court of Fulton County, Georgia, Case Number 23MS193706 styled *Nyeisha Bryant v. Premier Kings of Georgia, Inc.* to the extent that any recovery would be paid by insurance policies and not the Debtor directly.

Dated: _____

UNITED STATES BANKRUPTCY JUDGE