

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

In re:

PREMIER KINGS, INC., *et al.*,<sup>1</sup>

Debtors.

(Chapter 11)

Case No. 23-02871-TOM

Jointly Administered

**RESPONSE AND LIMITED OBJECTION OF  
RRG OF JACKSONVILLE, LLC. TO CONFIRMATION  
OF SECOND AMENDED PLAN OF LIQUIDATION**

RRG of Jacksonville, LLC (“RRG”), a purchaser of certain of the Debtor’s assets responds and objects in part to confirmation of the Second Amended Plan of Liquidation (the “Plan”) [Docket No. 554]. For its response, RRG states the following:

1. By Order dated December 13, 2023 [Docket No. 355] (the “Sale Order”), the Court approved the sale of certain of the Debtor’s assets to RRG. Under the terms of the asset purchase agreement, RRG had the right to assume certain executory contracts. Under the terms of the Plan contracts not assumed by RRG, and the other purchasers of the Debtor’s assets, are being rejected by the Debtor. See Plan, § 8.1, p. 18 [.pdf p. 23].

2. RRG of Jacksonville, LLC is defined in the Plan as “RRG.” Plan, § 6.1, p. 14[.pdf p. 19]. The provisions of the Plan purporting to assume leases RRG has assumed and reject leases RRG has not assumed inadvertently refer to RRG as “BRG.” Plan, § 8.1, p. 18 [.pdf p. 23]. RRG asks that any confirmation order entered to confirm the Plan correct this typographical error.

<sup>1</sup> 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 Court entered an order for joint administration on October 30, 2023 [Doc. No. 84].



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3. Premier Holdings of Georgia, LLC (“PHG”) has commenced an adversary proceeding against RRG [Adv. Proc. No, 23-02871] (the “Adversary Proceeding”) seeking to compel RRG to assume a development agreement contract with PHG (the “Contract”) that it contends RRG inadvertently assumed as part of the Sale Order.

4. RRG did not assume the Contract as alleged in the Adversary Proceeding. It was not the intent of RRG to assume the Contract, nor would there be any reason or need for it to do so. RRG provides this response in part to preclude any claim by PHG that it has been disadvantaged by the confirmation of the Plan and has taken, or failed to take, any action that it may have taken but for the purported uncertainty alleged in the Adversary Proceeding.

5. To the extent the Plan proposes to reject executory contracts not assumed, the Contract referenced in the Adversary Proceeding should be treated as a rejected contract.

Wherefore, RRG prays that any order entered by the Court confirming the Plan correct the typographical error referenced above, be without prejudice to the rights of RRG to establish that the Contract has been rejected, and that the Court grant such other and further relief as is just.

RRG of Jacksonville, LLC

by its attorneys,

/s/ Peter J. Haley

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Dated: April 24, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and the parties listed below.

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Date: April 24, 2024

/s/ Peter J. Haley