

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**IN RE:**

**PICCADILLY RESTAURANTS, LLC,  
ET AL.,**

**DEBTORS**

\* **CASE NO. 12-51127**  
\*  
\* **(JOINT ADMINISTRATION)<sup>1</sup>**  
\*  
\* **CHAPTER 11**  
\*  
\* **JUDGE ROBERT SUMMERHAYS**

**DEBTORS' FOURTEENTH OMNIBUS OBJECTION TO CLAIMS PURSUANT TO  
SECTIONS 105 AND 502(B) OF THE BANKRUPTCY CODE AND RULES 3001, 3003,  
AND 3007 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

**THIS OBJECTION SEEKS TO DISALLOW AND EXPUNGE CERTAIN  
FILED PROOFS OF CLAIM. CLAIMANTS RECEIVING THIS  
OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON THE  
EXHIBIT ATTACHED TO THIS OBJECTION.**

**NOW IN COURT**, through undersigned counsel, come the above-captioned debtors and debtors-in-possession (collectively, the "Debtors"),<sup>2</sup> who submit this Fourteenth Omnibus Objection to Claims Pursuant to Sections 105 and 502(b) of the Bankruptcy Code and Rules 3001, 3003, and 3007 of the Federal Rules of Bankruptcy Procedure (this "Objection"). In support of this Objection, the Debtors state as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

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<sup>1</sup> Jointly administered with *In re Piccadilly Food Service, LLC*, 12-51128 (Bankr. W.D. La. 2012), and *In re Piccadilly Investments, LLC*, 12-51129 (Bankr. W.D. La. 2012).

<sup>2</sup> The debtors in these Chapter 11 cases include Piccadilly Restaurants, LLC ("Restaurants"), Piccadilly Food Service, LLC, and Piccadilly Investments, LLC.

## BACKGROUND

2. On September 11, 2012 (the “Petition Date”), the Debtors filed a petition for relief under chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtors are operating their businesses and managing their properties as debtors-in-possession pursuant to Bankruptcy Code §§ 1107 and 1108.

3. No trustee or examiner has been appointed. An Official Committee of Unsecured Creditors was appointed in these Chapter 11 cases on October 23, 2012 (the “Unsecured Creditors’ Committee”).

4. The Debtors are jointly administrated pursuant to Bankruptcy Code § 105(a) and Bankruptcy Rule 1015(b). The statutory predicates for the relief requested herein are §§ 105(a) and 502(b) of the Bankruptcy Code.

## RELIEF REQUESTED

5. The Debtors have examined the proofs of claim identified on Exhibit A (the “Claims”) hereto filed by certain entities and have determined that the proofs of claim listed under the heading “*Claims to be Disallowed and Expunged to the Extent they Exceed The ‘Verified, Reduced Claim Amount’ Below*” (collectively, the “Claims”) seek recovery for amounts in excess of what the contents of the Debtors’ books and records support. After searching their books and records, the Debtors can only find documentation to support the Verified, Reduced Claim Amounts listed in Exhibit A. Thus, the Debtors pray herein that the amount of the Claims be disallowed and expunged to the extent that they exceed the Verified, Reduced Claim Amounts listed in Exhibit A. The Debtors reserve all their rights to object on any other basis to any Claim.

## LEGAL STANDARD

6. A filed proof of claim is “deemed allowed, unless a party in interest . . . objects.”

11 U.S.C. § 502(a). If an objection refuting at least one of the claim's essential allegations is asserted, the claimant has the burden to demonstrate the validity of the claim. *See In re Fidelity Holding Co.*, 837 F.2d 696, 698 (5th Cir. 1988).

7. Section 502(b)(1) of the Bankruptcy Code provides, in relevant part, that a claim may not be allowed to the extent that "such a claim is unenforceable against the debtor and property of the debtor under any agreement or applicable law." 11 U.S.C. § 502(b)(1). The Debtors have carefully analyzed the proofs of claim identified on **Exhibit A**, as well as their books and records, and the Debtors can find records to support only part of the amounts stated as owed in each Claim in Exhibit A. To the extent the amount stated as owed in each Claim is verified by the Debtors' records, it is listed in Exhibit A as a Verified, Reduced Claim Amount. And the Claims should be disallowed to the extent that they exceed the Verified, Reduced Claim Amounts, since the absence of supporting documentation in the Debtors' books and records indicates that such excess Claim amounts are not actually owed by the Debtors to the respective creditors.

8. Accordingly, to avoid the possibility of improper recovery against the Debtors' estates and for the benefit of the proper creditors of the Debtors, the Debtors request that the Court disallow and expunge each Claim identified in Exhibit A to the extent it exceeds the Verified, Reduced Claim Amount listed for that Claim in Exhibit A. Furthermore, the Debtors reserve all their rights to object to any Claim on any other basis.

#### NOTICE

9. Notice of this Objection has been provided to each claimant asserting a Claim as identified on **Exhibit A**, and to (a) the secured creditor, through Atalaya Administrative, LLC, and its counsel of record, Brent R. McIlwain and David F. Waguespack, (b) the 30 largest unsecured creditors, the identity of which may be amended from time to time, (c) the twenty (20)

additional random unsecured creditors, (d) all parties who have requested special notice pursuant to Bankruptcy Rule 2002, (e) counsel for the Unsecured Creditors' Committee, and (f) the Office of the United States Trustee. The Debtors submit that no further notice is necessary for this Court to enter an Order granting the relief requested herein.

**WHEREFORE**, the Debtors pray that the Court enter an Order in the form attached as **Exhibit B**, (a) granting this Objection, (b) disallowing and expunging each Claim identified in Exhibit A to the extent such claims exceed the Verified, Reduced Claim Amount listed for each Claim in Exhibit A, and (c) granting such other general and equitable relief as is just and proper.

Respectfully submitted,

/s/ Patrick L. McCune

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Piccadilly Food Service, LLC, and  
Piccadilly Investments, LLC**

# **EXHIBIT A**

# EXHIBIT A

Claims to be Disallowed and Expunged to the Extent they Exceed The "Verified, Reduced Claim Amount" Below

Affected Claim Number(s)	Claimant Name	Original Claim Amount	Verified, Reduced Claim Amount	Amount of Claim To Be Dissallowed
187	ALABAMA CARPET SPECIALIST	\$ 2,472.00	\$ 1,350.00	\$ 1,122.00
191	DREW ECKL & FARNHAM, LLP	\$ 15,905.30	\$ 13,439.65	\$ 2,465.65
197	UNITED REFRIGERATION INC	\$ 13,406.73	\$ 11,724.48	\$ 1,682.25
203	TECHNICAL SERVICES	\$ 33,876.77	\$ 31,578.42	\$ 2,298.35
208	AMBRIT LLC DBA GASKET GUY OF LOUISIANA	\$ 6,210.09	\$ 5,144.15	\$ 1,065.94
217	HOME COMFORT SOLUTIONS INC BY MCKELVEY MECHANICAL	\$ 195.99	\$ 115.99	\$ 80.00
223	NJ SERVICES, INC DBA NJ DEPENDABLE SERVICE, INC	\$ 6,390.00	\$ 6,152.02	\$ 237.98
226	LOOMIS	\$ 4,533.46	\$ 4,344.77	\$ 188.69
228-1 as amended by 228-2	ECOLAB INC	\$ 244,181.63	\$ 233,381.09	\$ 10,800.54
245	FIRE TECH SALES & SERVICE, LLC	\$ 2,639.38	\$ 2,104.06	\$ 535.32
246	MONTGOMERY POULTRY & EGGS	\$ 2,821.24	\$ 2,650.18	\$ 171.06
252	FRANKLIN MACHINE PRODUCTS INC	\$ 6,758.96	\$ 5,728.58	\$ 1,030.38

# **EXHIBIT B**



**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**IN RE:**

**PICCADILLY RESTAURANTS, LLC,  
ET AL.,**

**DEBTORS**

\* **CASE NO. 12-51127**  
\*  
\* **(JOINT ADMINISTRATION)<sup>3</sup>**  
\*  
\* **CHAPTER 11**  
\*  
\* **JUDGE ROBERT SUMMERHAYS**

**ORDER GRANTING DEBTORS' FOURTEENTH OMNIBUS  
OBJECTION TO CLAIMS**

Considering the *Fourteenth Omnibus Objection to Claims Pursuant to Sections 105 and 502(b) of the Bankruptcy Code and Rules 3001, 3003, and 3007 of the Federal Rules of Bankruptcy Procedure* (the "Objection") (Dkt. No. \_\_), filed on behalf of Debtors and Debtors-

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<sup>3</sup> Jointly administered with *In re Piccadilly Food Service, LLC*, 12-51128 (Bankr. W.D. La. 2012), and *In re Piccadilly Investments, LLC*, 12-51129 (Bankr. W.D. La. 2012).

in-possession (collectively, the “Debtors”),<sup>4</sup> and upon the record of these chapter 11 cases and due deliberation thereon, and good and sufficient cause appearing therefor,

**IT IS ORDERED** that the Objection is SUSTAINED;

**IT IS FURTHER ORDERED** that each claim identified in **Exhibit A** to the Objection is disallowed and expunged to the extent the claim exceeds the Verified, Reduced Claim Amount listed for that Claim in Exhibit A; and

**IT IS FURTHER ORDERED** that this Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

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**This Order was prepared and is being submitted by:**

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<sup>4</sup> The debtors in these Chapter 11 cases include Piccadilly Restaurants, LLC, Piccadilly Food Service, LLC, and Piccadilly Investments, LLC.

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