

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

In re:

Piccadilly Restaurants, LLC, et al.,

Debtors.

Case No. 12-51127

(Joint Administration)²

Chapter 11

Judge Robert Summerhays

**ADMINISTRATOR’S OMNIBUS OBJECTION TO THE ALLOWANCE
OF CERTAIN CLAIMS AS DUPLICATES, INSUFFICIENTLY DOCUMENTED,
PAID OR SATISFIED, CONFLICTING WITH THE DEBTORS’
BOOKS AND RECORDS, AND/OR LATE FILED**

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

Ronald L. Glass, in his capacity as the Administrator (the “Administrator”) under the First Amended Joint Chapter 11 Plan (the “Plan”) files this *Omnibus Objection to the Allowance of Certain Claims as Duplicates, Insufficiently Documented, Paid or Satisfied, Conflicting with the Debtors’ Books and Records, and/or Late Filed* (the “Objection”), to the claims listed on Exhibits A-F attached hereto. In support of this Objection, the Administrator moves as follows:

I. Relief Requested

1. By this Objection, the Administrator respectfully requests the entry of an order, pursuant to 11 U.S.C. § 502 and Federal Rule of Bankruptcy Procedure 3007, disallowing, expunging or reducing the Subject Claims (defined below) listed on Exhibits A–F.

² Jointly administered with *In re Piccadilly Food Service, LLC*, 12-51128 (Bankr. W.D. La. 2010), and *In re Piccadilly Investments, LLC*, 12-51129 (Bankr. W.D. La. 2010).

II. Jurisdiction

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

III. Background

3. The Debtors filed their chapter 11 bankruptcy cases on September 11, 2012.

4. On October 31, 2013, the Court entered the *Order Establishing Omnibus Claims Objection Procedures* [Docket No. 1211], setting forth certain omnibus claim objection procedures.

5. The Plan was confirmed by Order of the Court on February 13, 2014.

6. On April 17, 2014, the Effective Date of the Plan occurred [Docket No. 1536].

7. Pursuant to the Plan, the Administrator has, *inter alia*, the authority to reconcile and pursue objections with respect to General Unsecured Claims³ and Convenience Claims. The Administrator is in the process of reviewing the Debtors' schedules and proofs of claim filed in these cases and reconciling the claims with the Debtors' books and records. This Objection to the claims itemized in Exhibits A–F (collectively, the "Subject Claims") is based upon the Administrator's review of these claims.

8. Each Subject Claim is either a General Unsecured Claim or a Convenience Claim.

9. To date, the Administrator has collected approximately \$2.5 million, and an initial distribution to general unsecured creditors was made on July 16, 2014.

10. If granted, in excess of \$5.5 million in general unsecured claims and convenience claims will be expunged and disallowed, which will increase the percentage distribution to

³ Capitalized terms not otherwise defined herein shall take the meanings ascribed to them in the Plan.

holders of allowed general unsecured claims. By the end of this calendar year, the Administrator will have made two distributions on account of each allowed general unsecured claim, and a distribution paying in full each allowed convenience claim.

IV. Basis for Relief Requested

A. Duplicate and Amended Claims – Exhibit A

11. The Administrator has determined that each claim listed on Exhibit A attached hereto under the heading “Duplicate Claim to be Expunged” (the “Duplicate Claims”) is a claim scheduled by the Debtors or filed by the claimant that was duplicated or amended by a subsequently-filed claim. Each of the subsequently-filed claims is listed in the “Remaining Claims” column.

12. The Administrator respectfully requests that the Duplicate Claims be disallowed and expunged and that the Administrator be authorized to expunge each Duplicate Claim from the official claims register in these cases. Unless the Duplicate Claims are disallowed and expunged, each holder of a Duplicate Claim would receive a larger recovery than that to which it is entitled.

13. The claims listed under the “Remaining Claims” column (the “Remaining Claim”) of Exhibit A are not affected by this Objection, unless the “Remaining Claims” are the subject of a separate objection brought by the Administrator. The Administrator reserves the right to object to each claim listed in the “Remaining Claims” column on any grounds, whether or not asserted herein.

B. Claims With Insufficient Documentation – Exhibit B

14. The Administrator has determined that the claims listed on Exhibit B were submitted or scheduled without sufficient documentation to enable the Administrator to ascertain

whether such claim is a valid prepetition unsecured obligation of the Debtors' estates (the "Insufficiently Documented Claims").

15. Unless the Insufficiently Documented Claims are disallowed and expunged, each holder of such a claim could receive a recovery on an invalid obligation. Therefore, the Administrator respectfully requests that the Insufficiently Documented Claims be disallowed and the Administrator be authorized to expunge such claims from the official claims register in these cases.

C. Satisfied Claims – Exhibit C

16. The Administrator has determined that each claim listed on Exhibit C has been paid by the Debtors or otherwise satisfied pursuant to an order of this Court (the "Paid Claims"). Thus, these claims should be expunged as paid.

D. Assumed Claims – Exhibit D

17. Based on review of the docket in these cases, the Court has determined that each claim listed on Exhibit D is based on an executory contract or unexpired lease that has been assumed and cured by the Debtors (the "Assumed Claims", and together with the Paid Claims, the "Satisfied Claims"). The Assumed Claims have been cured and should be expunged.

18. Pursuant to section 9.1(a) of the Plan and paragraph H(7) of the *Findings of Fact, Conclusions of Law, and Order Confirming the First Amended Joint Chapter 11 Plan of Piccadilly Investments, LLC, Piccadilly Restaurants, LLC, and Piccadilly Food Service, LLC*, entered by the Court on February 13, 2014 [Docket No. 1420] (the "Confirmation Order"), all the Debtors' executory contracts and unexpired leases were assumed except for those specifically identified by the Debtors. On March 14, 2014, the Debtors filed their *Notice of Proposed Cure Amounts for, and Assumption of, Executory Agreements in Accordance with Plan Confirmation*

[Docket No. 1469], in which the Debtors provided a cure amount and attached a schedule summarizing the executory contracts and unexpired leases that were rejected or to be rejected.

19. Unless the Satisfied Claims are expunged, the holders of such claims will receive a larger recovery than that to which they are entitled. The Administrator respectfully requests that the Satisfied Claims be expunged and that the Administrator be authorized to make such adjustments on the official claims register in these cases.

E. Claims Conflicting with the Debtors' Books and Records Objections – Exhibit E

20. The Administrator has determined that each claim listed on Exhibit E conflicts with the amount due to such claimant according to the Debtors' books and records (the "Conflicting Claims"). According to the Debtors' records, the amounts owed on account of each of the Conflicting Claims is shown in the "Remaining Amount" column of Exhibit E, with each such claim being reduced in the amount stated in the "Amount Reduced" column.

21. Unless each of the Conflicting Claims is reduced as set forth on Exhibit E, the holders thereof will receive a larger recovery than that to which they are entitled. Therefore, the Administrator respectfully requests that the Conflicting Claims be reduced to the amount set forth in the "Remaining Amount" column of Exhibit E and that the Administrator be authorized to make such adjustments on the official claims register in these cases.

F. Late Filed Claims – Exhibit F

22. The last day for filing Claims against the Debtors' estates was March 15, 2013 (the "Bar Date"). Claims filed after the Bar Date are not allowed. Claims listed on Exhibit F were filed after the Bar Date (the "Late Filed Claims").

23. The Administrator respects that the Late Filed Claims be disallowed and expunged from the official claims register in these cases. Unless the Late Filed Claims are

disallowed and expunged, the holders thereof will receive a larger recovery than that to which they are entitled.

F. Legal Standard

24. 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).

25. The allegations set forth in this Objection refute at least one of the essential elements of each of the Subject Claims. The Subject Claims should therefore be disallowed unless the Court finds that the claimant has carried its burden to demonstrate the validity of its claim.

G. Reservation of Rights

26. The Administrator reserves the right to supplement this Objection, file additional objections and omnibus objections, and object to the Subject Claims and any other claim on any other grounds not stated herein.

H. Notice

27. Notice of this Objection has been provided to each claimant holding a Subject Claim and to (a) the Reorganized Debtors via their counsel of record, Brent R. McIlwain and Brian Smith, (b) the Debtors via their counsel of record, Elizabeth J. Futrell and Mark A. Mintz, Jones, Walker, Waechter, Poitevent, Carrere, & Denegre, LLP, 201 St. Charles Ave., 51st Floor, New Orleans, LA 70170, (c) the 30 largest unsecured creditors, (d) the twenty (20) additional random unsecured creditors, (e) all parties who have requested special notice pursuant to Bankruptcy Rule 2002, and (f) the Office of the United States Trustee. The Administrator

submits that no further notice is necessary for this Court to enter an Order granting the relief requested herein.

WHEREFORE, the Administrator prays that the Court enter an Order in the form attached as Exhibit G, (a) granting this Objection, (b) disallowing, reducing, and/or expunging the Subject Claims as set forth on Exhibits A through F hereto, and (c) granting such other general and equitable relief as is just and proper.

Dated: October 2, 2014.

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