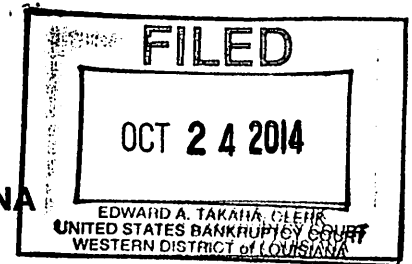


UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION



In re: ) CHAPTER 11  
)  
PICCADILLY RESTAURANTS, LLC, *et al.*, ) Case No. 12-51127  
) (Jointly Administered)  
Debtors. )  
) Related to Docket No. 1589  
) (Insufficiently Documented and  
) Paid Claims)

**HENRICO COUNTY'S RESPONSE IN OPPOSITION TO 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**

COMES NOW, Henrico County, Virginia (the "County"), by counsel, and files its Response in Opposition to 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. The County's opposition is based on the following:

**I. Facts, Law, and Argument**

1. On January 22, 2013, the County filed Claim No. 249, a utility service claim for water and sewer services in the amount of \$530.51. See Exhibit A.
2. On or about October 2, 2014, the Debtors' Administrator filed an "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" (the "Omnibus Objection"), seeking, among other things, to

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Jason M. Hart, Virginia State Bar # 76818  
P. O. Box 90775  
Henrico, VA 23273-0775  
Phone: (804) 501-4677  
*Counsel for Henrico County, Virginia*

expunge certain claims he has deemed to be satisfied. In support of this request, the Administrator states that he “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.” Although Henrico’s Claim 249 is listed in Exhibit C of the Omnibus Objection, the Administrator fails to provide any evidence substantiating his contention that Claim 249 has been satisfied.

3. Pursuant to 11 U.S.C. § 502(a), a filed proof of claim is presumptively allowed unless a party in interest objects. The objecting party “then has the burden of going forward with the evidence to rebut the presumption of validity.” *In re Farmer’s Co-op of Arkansas and Oklahoma, Inc.*, 43 B.R. 619, 620 (Bankr. W.D. Ark. 1984).

4. Here, the Administrator entirely fails to provide any evidence that Claim 249 has been satisfied. Conversely, the County’s records indicate that the Debtors have not made any payments towards this claim, and the claim remains outstanding. See Exhibit B. Accordingly, absent evidence demonstrating that the Debtors have paid Claim 249 in full, the County would respectfully request this Court deny the Omnibus Objection.

## **II. Requests for Waiver of Requirements for Local Counsel or Personal Appearance**

5. Pursuant to Local Rule 2090-1, *pro hac vice* admissions must conform to Uniform Local Rule 83.2.6. Generally, Local Rule 83.2.6 requires out-of-state attorneys join with local co-counsel admitted to practice before the Court. However, Local Rule 83.2.7 provides that counsel ineligible for admission to the Western District of Louisiana may be authorized to appear without joinder of local co-counsel upon a showing of undue hardship and that the obligations and duties of counsel will be fulfilled.

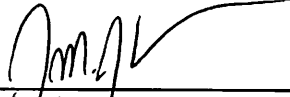
6. Given the relatively small amount of the County's claim, the County would suffer undue hardship were the Court to require the undersigned counsel to join with local co-counsel in order to represent the County in this matter. Additionally, as the undersigned counsel is a member in good standing of the bars of the Supreme Court of Virginia, the United States Court of Appeals for the Fourth Circuit, the United States District Court for the Eastern District of Virginia, and the United States Bankruptcy Court for the Eastern District of Virginia, the obligations and duties of counsel in the undersigned matter will be fulfilled. Accordingly, the County respectfully requests the Court waive any requirement of joinder of local counsel in this matter.

7. Because the County is located more than 1,000 miles away from the Court and the claim at issue is relatively small, the County would suffer undue hardship if its representative were required to appear in person at the hearing on this issue. Accordingly, the County respectfully requests the Court waive any requirement of the County's personal appearance at the hearing and either issue its determination on the pleadings or grant the County leave to appear telephonically.

**WHEREFORE**, the County prays that this Court enter an Order denying the Omnibus Objection, allowing the County's Claim No. 249, and requiring that the Debtors promptly pay this claim in the total amount of \$530.51.

Date: October 21, 2014

Respectfully Submitted,  
Henrico County, Virginia

By:   
Jason M. Hart (Virginia State Bar # 76818)  
Assistant Henrico County Attorney  
Office of the County Attorney  
County of Henrico  
P.O. Box 90775  
Henrico, Virginia 23273-0775  
Telephone: (804) 501-4677  
Facsimile: (804) 501-4140  
jason.hart@henrico.us

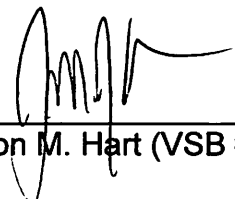
**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of October, 2014, a true copy of the foregoing *Henrico County's Response in Opposition to 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* was served via first-class mail on the following:

Clerk of the U.S. Bankruptcy Court  
Western District of Louisiana  
Lafayette Division  
214 Jefferson Street, Suite 100  
Lafayette, Louisiana 70501-7050

Shari L. Heyen, Esquire  
Greenberg Traurig, LLP  
1000 Louisiana Street, Suite 1700  
Houston, Texas 77002

David B. Kurzweil, Esquire  
Greenberg Traurig, LLP  
Terminus 200  
3333 Piedmont Road NE, Suite 2500  
Atlanta, Georgia 30305

  
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Jason M. Hart (VSB #76818)

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT <u>WESTERN</u> DISTRICT OF <u>LOUISIANA</u>	<b>PROOF OF CLAIM</b>
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Name of Debtor: <b>PICCADILLY RESTAURANTS LLC</b>	Case Number: <b>12-51127</b>
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NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the debtor owes money or property): <b>HENRICO COUNTY, VIRGINIA (Acct # 0050750-00377265)</b>	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: <b>JASON M. HART, ASSISTANT COUNTY ATTORNEY</b> P.O. BOX 90775 HENRICO, VIRGINIA 23273-0775 Telephone number: (804) 501-4200	Court Claim Number: <u>249</u> (If known)
Name and address where payment should be sent (if different from above): <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 5px auto; width: fit-content;"> <b>FILED</b>   <b>JAN 22 2013</b> </div> EDWARD A. TAKAHA, CLERK UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF LOUISIANA	Filed on: _____

Name and address where payment should be sent (if different from above): EDWARD A. TAKAHA, CLERK UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF LOUISIANA	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
Telephone number: _____	<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: <u>\$ 530.51</u>  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.	5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim.
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2. Basis for Claim: <u>Water, Sewer &amp; Waste</u> (See instruction #2 on reverse side.)	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
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3. Last four digits of any number by which creditor identifies debtor: _____  3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).
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4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____  Value of Property: \$ _____ Annual Interest Rate _____ %  Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____  Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____	<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).
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6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain: _____	<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).  Amount entitled to priority: \$ _____  *Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
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Date: <u>1/19/13</u> Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.  /s/JASON M. HART, Assistant County Attorney	FOR COURT USE ONLY
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Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



**EXHIBIT B**



Created Date/Time: 10/20/2014 11:31:11 AM

Customer Number: 00377265

Account Number: 0050750

Service Address: 8004 W BROAD STREET

Mailing Address:

PICCADILLY RESTAURANTS LLC #RICH2

LACEY DARBY

C/O ADVANTAGE IQ - MS 2342

PO BOX 2440

SPOKANE WA 99210-2440

**Customer/Account Transaction History**

Trans Date	Transaction	Amount	Balance
10/19/2012 0:00	Bankruptcy - Water/Sewer	\$530.51	\$530.51