



SO ORDERED.

SIGNED November 7, 2014.


ROBERT SUMMERHAYS
UNITED STATES BANKRUPTCY JUDGE

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

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| In re: Piccadilly Restaurants, LLC, et al., Debtors. | Case No. 12-51127 (Joint Administration) ¹ Chapter 11 Judge Robert Summerhays |
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ORDER ON THE 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 matter is before the Court upon the *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*, filed by the Administrator² on October 2, 2014 [Docket Nos. 1588, 1589 and 1590] (collectively, the "Objection"). The

¹ 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).

² Capitalized terms not otherwise defined herein shall take the meanings ascribed to them in the Objection.

Court, having jurisdiction over this proceeding, upon consideration of the Objection and all other matters properly of record, finding good and sufficient cause appearing to grant the relief requested in the Objection, considering that the Objection was noticed for hearing on an if and only if basis, requiring a creditor to file a response no later than seven (7) days prior to the hearing date in order for the Court to hold a hearing on any such response on November, 4, 2014 at 10:00 a.m., and no hearing being necessary in view of the lack of responses to the Objection, hereby Orders as follows:

1. The Objection is hereby GRANTED to the extent provided herein.
2. Duplicate Claims. The following claims are hereby disallowed as duplicative of other scheduled or filed claims, and the Administrator is authorized to expunge the following claims from the official claims register in these Bankruptcy Cases:

| Claimant | Duplicate Claim to be Expunged | Duplicate Claim Amount |
|---|---------------------------------------|-------------------------------|
| Centerpoint Energy | 27-00001 ³ | \$4,634.21 |
| Circus Property II, LLC | 27-00184-1 | \$662.00 |
| Cleco Power, LLC | 27-00052-1 | \$7,043.39 |
| Coca-Cola Bottling Company United | 27-00076-1 | \$21,725.80 |
| Elliot's Cleaning Service, LLC (transferred to Liquidity Solutions, Inc.) | 27-00156 | \$2,733.26 |
| F Christiana & Co | 27-00016-1 | \$17,848.97 |
| Flagler SC LLC | 27-00296-1 | \$369,065.60 |
| Gold Mech Services, Inc. | 27-00124-1 | \$1,910.42 |
| Hanson All Locks | 27-00222 | \$497.92 |
| Infinite Energy, Inc. | 27-00442-1 | \$3,715.28 |

³ Format of claim numbers shall be the last two digits of the number of the case in which the claim was filed followed by the number of the claim at issue.

| Claimant | Duplicate Claim to be Expunged | Duplicate Claim Amount |
|-------------------------------------|---------------------------------------|-------------------------------|
| Internal Revenue Service | 27-00115-1 | \$121,728.11 |
| Internal Revenue Service | 27-00115-2 | \$121,628.11 |
| Internal Revenue Service | 27-0115-3 | \$55,168.10 |
| Internal Revenue Service | 27-0115-4 | \$2,175.00 |
| Kleinpeter Farms Dairy, LLC | 27-00017-1 | \$12,451.34 |
| Loomis | 27-00110 | \$1,353.10 |
| Memphis Light, Gas & Water Division | 27-00148-1 | \$46,562.57 |
| PAM Hourly Services | Scheduled ⁴ | \$9,968.75 |
| PAM Retainer | Scheduled | \$11,647.90 |
| Tommy Daniel Upholstery, LLC | 27-00261 | \$2,190.02 |
| Toyota Motor Credit Corporation | 27-00212-1 | \$6,246.89 |
| WAFB, LLC | 27-00007-1 | \$9,018.50 |
| WMC, LLC | 27-00006 | \$1,717.00 |
| WUPL Television | 27-00448 | \$671.50 |
| WVEC Television | 27-00449 | \$4,003.50 |
| WWL Television | 27-00447 | \$3,374.50 |

3. Insufficiently Documented Claims. The following claims are hereby disallowed because they are not supported by sufficient documentation to permit the Administrator to ascertain whether such claim is a valid prepetition unsecured obligation of the Debtors' estates. Accordingly, the Administrator is authorized to expunge the following claims from the official claims register in these Bankruptcy Cases:

⁴ Claims scheduled by the Debtors appear on the Schedules filed by the Debtors on October 28, 2012 at Docket No. 263, and related exhibits.

| Claimant | Claim to Be Expunged | Claim Amount |
|--|-----------------------------|---------------------|
| City of Norfolk – Treasurer | 27-00402 | \$1,492.87 |
| City of Richmond, Department of Public Utilities | 27-00146 | \$4,170.08 |
| Centerpoint Energy | 27-00001 | \$4,634.21 |
| Hanson All Locks | 27-00222 | \$497.92 |
| Memphis Light, Gas & Water Division | 27-00148-2 | \$46,562.57 |
| Missouri American Water | 27-00408 | \$902.87 |
| Mobile Gas Service Corporation | 27-00322 | \$9,723.80 |
| Tennessee American Water | 27-00406 | \$1,103.01 |
| Tennessee American Water | 27-00405 | \$688.64 |
| Wilhite Electric Co., Inc. | 27-00350 | \$875.00 |
| WVEC Television | 27-00449 | \$4,003.50 |
| WWL Television | 27-00447 | \$3,374.50 |

4. Satisfied Claims. The following claims are hereby disallowed because they have been satisfied by virtue of payment made by the Debtors or pursuant to an order of this Court, or are based upon one or more executory contracts or unexpired leases that were assumed by the Debtors and cured. The Administrator is authorized to expunge these claims from the official claims register in these Bankruptcy Cases.

The following claims have been satisfied by virtue of payment by the Debtors or an Order of this Court and are hereby expunged:

| Claimant | Claim | Claim/Schedule Amount |
|---|--------------|------------------------------|
| Acoustech | Scheduled | \$2,260.50 |
| Alameda Mall LP | Scheduled | \$4,352.08 |
| American Home Assurance Company, Chartis, <i>et al.</i> | 27-00394 | Unliquidated |

| Claimant | Claim | Claim/Schedule Amount |
|---------------------------------|--------------|------------------------------|
| Central Illinois Produce | Scheduled | \$1,029.83 |
| City of College Park, Georgia | 27-00043 | \$9,776.66 |
| Chesapeake Mall, LLC | Scheduled | \$5,523.00 |
| Cleco Power, LLC | 27-00053 | \$4,654.25 |
| Cleco Power, LLC | 27-00052-2 | \$7,043.39 |
| Dependabill | Scheduled | \$27,013.64 |
| Earworks | Scheduled | \$1,540.00 |
| Freedom Fresh | Scheduled | \$5,386.55 |
| Keany Produce Company | Scheduled | \$4,976.88 |
| Merchants Foodservice | Scheduled | \$4,181,833.73 |
| MPress | Scheduled | \$525.25 |
| New Orleans Model and Talent | Scheduled | \$402.50 |
| Next Day Signs | Scheduled | \$294.51 |
| Nlaws Produce, Inc. | Scheduled | \$1,642.37 |
| Office Depot | Scheduled | \$318.31 |
| PAM Pass Through | Scheduled | \$856.67 |
| P&P Produce, Inc. | Scheduled | \$56.25 |
| Shutterstock | Scheduled | \$49.00 |
| Simply Fresh Produce Company | Scheduled | \$1,835.45 |
| Sterling Properties, Inc. | Scheduled | \$16,884.52 |
| Stirling properties, Inc. | Scheduled | \$12,657.14 |
| SPG Prien, LLC | Scheduled | \$7,329.74 |
| Sunrise Fresh Produce | Scheduled | \$1,050.21 |
| Taylor Boys' Produce, Inc. | Scheduled | \$1,004.96 |
| Tax Collector | Scheduled | \$22,951.31 |
| Toyota Motor Credit Corporation | 27-00212-2 | \$4,023.57 |

The following claims are based upon executory contracts or unexpired leases that have been assumed by the Debtors and cured and are therefore satisfied:

| Claimant | Claim | Claim/Schedule Amount |
|---|--------------|------------------------------|
| Bill Mabros | Scheduled | \$5,000.00 |
| Brixmore GA Springdale/Mobile Limited Partnership | 27-00299 | \$44,677.66 |
| Brocato Piccadilly, LLC | Scheduled | \$10,038.58 |
| Capmark Finance, Inc. | Scheduled | \$12,135.50 |
| CBL Management, Inc. | Scheduled | \$19,885.37 |
| Chatham Enterprises, Inc. | 27-00075 | \$112,323.32 |
| Edgewood Mall Developers, Ltd. | 27-00272 | \$3,750.00 |
| Flagler SC, LLC | 27-00446 | \$2,872.05 |
| Harry W. Livingston, Jr. | Scheduled | \$5,533.01 |
| Jackson Medical Mall | Scheduled | \$13,826.61 |
| Jolly Fisherman Associates | Scheduled | \$7,717.50 |
| KDI Atlanta Mall, LLC | 27-00404 | \$38,384.57 |
| LeFleur's Gallery | Scheduled | \$27,348.40 |
| Lunati Michele | Scheduled | \$40,712.50 |
| Madison Square Ptn LP | Scheduled | \$3,710.31 |
| Merchants Sq. Shopping Center | Scheduled | \$4,960.72 |
| Mr. James H. Brooks | Scheduled | \$10,733.32 |
| Mrs. Watson Brooks-Hall | Scheduled | \$10,733.34 |
| Oglethorpe Mall, Inc. | Scheduled | \$15,215.62 |
| Pelican State Credit Union | Scheduled | \$20,582.62 |
| Retail Management Services, LLC | Scheduled | \$26,274.42 |
| The Overby Company | Scheduled | \$22,411.10 |
| Thor Gallery at Military | Scheduled | \$5,488.52 |
| Thor Gallery at South DeKalb, LLC | Scheduled | \$20,833.33 |
| Twin City Shopping Ctr | Scheduled | \$7,825.84 |

5. Conflicting Claims. The following claims conflict with the amounts due to each claimant according to the Debtors' books and records. Each of the below claims is hereby reduced by the amount set forth in the "Amount Reduced" column and shall remain pending in the amount set forth in the "Remaining Amount" column, which is the amount reflected by the Debtors' books and records. The Administrator's rights to object to each of the below claims on

any other basis are reserved. The Administrator is authorized to make adjustments accordingly on the official claims register in these Bankruptcy Cases.

| Claimant | Claim | Claim/Schedule Amount | Amount Reduced | Remaining Amount |
|------------------------------|-----------|-----------------------|----------------|------------------|
| Carr & Osborne Plumbing, LLC | Scheduled | \$875.00 | \$437.50 | \$437.50 |
| Clear Window Solutions | Scheduled | \$300.00 | \$150.00 | \$150.00 |
| Crescent Business Machines | 27-00409 | \$22,222.50 | \$1,150.00 | \$21,072.50 |
| Date Label Corp. | Scheduled | \$975.06 | \$487.53 | \$487.53 |
| Fish Window Cleaning | Scheduled | \$976.00 | \$488.00 | \$488.00 |
| MR C's Service, Inc. | 27-00057 | \$12,746.71 | \$9,765.91 | \$2,980.80 |

6. Late Filed Claims. The following claims were filed after the deadline for filing proofs of claim in these Bankruptcy Cases and are hereby disallowed as late-filed. The Administrator is authorized to expunge each of the following claims from the official claims register in these bankruptcy cases.

| Claimant | Claim | Claim Amount | Date Filed |
|--------------------------------------|------------|--------------|------------|
| AFA Investment, Inc. , <i>et al.</i> | 27-00461 | \$71,805.60 | 5-Feb-14 |
| Howard, Tonya Y. Moore | 27-00462 | \$20,000.00 | 24-Feb-14 |
| Infinite Energy, Inc. | 27-00442-1 | \$3,715.28 | 25-Mar-13 |
| Infinite Energy, Inc. | 27-00442-2 | \$1,116.48 | 5-Mar-14 |
| Virginia Natural Gas | 27-00458 | \$1,346.59 | 19-Aug-13 |
| WUPL Television | 27-00451 | \$671.50 | 13-May-13 |
| WUPL Television | 27-00448 | \$671.50 | 6-May-13 |
| WVEC Television | 27-00452 | \$4,003.50 | 13-May-13 |
| WWL Television | 27-00450 | \$3,374.50 | 13-May-13 |

7. The Administrator's Objection to Claim No. 320 filed by BP&W Wholesale Produce, Inc., DBA Charles Bills Produce, has been withdrawn by the Administrator.

8. On October 24, 2014, Henrico County, Virginia filed a Response in Opposition to the Objection [Docket No. 1606] as it relates to the claim of Henrico County (the "Henrico County Claim"). The Administrator and Henrico County are in discussions to resolve the Administrator's Objection to the Henrico County Claim. The Administrator and Henrico County have jointly agreed to continue the hearing on the Objection as it relates to the Henrico County Claim to the Court's hearing scheduled for 10:00 a.m. on December 2, 2014 in Lafayette, Louisiana.

9. The Administrator's rights to object to any claim not disallowed in its entirety and expunged by this Order are hereby reserved and preserved.

10. The Administrator may object to any claim on any additional grounds that the Administrator deems appropriate and in the best interests of the Debtors' estates.

11. The Administrator represents to the Court that the underlying Objection was filed and served in conformity with the local rules, that no pleading or response has been filed in opposition thereto that remains unresolved, and that the relief to be granted in this Order is consistent with the relief sought in the Objection.

12. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

Prepared and presented by:

GREENBERG TRAURIG, LLP

By: /s/ Shari L. Heyen
Shari L. Heyen (Admitted *Pro Hac Vice*)
HeyenS@gtlaw.com
Texas State Bar No. 09564750
1000 Louisiana, Suite 1700
Houston, Texas 77002
Telephone: 713-374-3564
Facsimile: 713-374-3505

- and -

David B. Kurzweil (Admitted *Pro Hac Vice*)
KurzweilD@gtlaw.com
Georgia Bar No. 430492
3333 Piedmont Road, NE, Suite 2500
Atlanta, Georgia 30327
Telephone: 678-553-2100
Facsimile: 678-553-2269

Counsel for the Administrator