

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

In Re:)	CHAPTER 11
)	
CCHG Liquidation Co.,)	CASE NO. 12-01220
)	
Debtor.)	Substantively Consolidated
)	
_____)	
)	
CCHG Liquidation Co.,)	
)	
Movant,)	
)	
v.)	Contested Matter
)	
Nelson Mullins Riley & Scarborough,)	
LLP-Claim Nos. 579 and 580,)	
)	
Respondent)	

NELSON MULLINS RILEY & SCARBOROUGH, LLP'S RESPONSE TO DEBTOR'S OBJECTION TO THE ALLOWANCE OF CLAIM NOS. 579 AND 580

Nelson Mullins Riley & Scarborough LLP ("NMRS") does hereby respond to the *Debtor's Objection to the Allowance of Claim Nos. 579 and 580 Filed by Nelson Mullins Riley & Scarborough LLP* ("Objection", Dkt. No. 883, filed March 29, 2013) and alleges as follows:

1. On May 10, 2012, NMRS timely filed two proofs of claim against the Debtors for unpaid legal services as follows:

- Claim Number 579 in the amount of \$82,497.31 was filed in Case Number 12-01220 (The Cliffs Club & Hospitality Group, Inc)
- Claim Number 580 in the amount of \$27,815.25 was filed in Case Number 12-01234 (The Cliffs at Glassy Golf & Country Club, LLC)

2. Claim Numbers 579 and 580 are collectively referred to as the "Claims" and are attached hereto as **Exhibit A** and incorporated herein by reference.

3. On October 26, 2012 and in response to the Debtor's request for supporting invoices for the Claims, NMRS emailed the Debtor its invoices referenced in the Claims. A copy of the October 26, 2012 email to the Debtor and NMRS' supporting invoices are attached hereto as **Exhibit B** and incorporated herein by reference.

4. After providing its supporting invoices to the Debtor, the Debtor never further responded to NMRS requesting any additional information.

5. On March 29, 2013, the Trustee filed the Objection, which, *inter alia*, objected to the Claims on the ground that the Claims are not consistent with the Debtor's books and records. The Debtor seeks to allow the Claims as a single claim in the reduced amount of \$37,084.00.

6. Pursuant to Federal Rule of Bankruptcy Procedure 3001(f), the Claims "constitute prima facie evidence of the validity and amount of the claim." Fed. R. Bank. P. 3001(f). Accordingly, the amount of NMRS' Claims are presumptively valid, and NMRS has provided the Debtor with sufficient information sought regarding the Claims.

7. Thereafter, "the burden shifts to the Debtor to object to the claim", who must "introduce evidence to rebut the claim's presumptive validity." See In re BI-LO, LLC et al., Ch. 11 Case No. 09-02140 (HB) at *4 (Bankr. D.S.C. May 25, 2010) citing In re Harford Sands Inc., 372 F.3d 637, 640 (4th Cir. 2004).

8. The Debtor has failed to meet its burden to rebut the Claims' presumptive validity, as it has introduced no evidence to substantiate its objection. Instead, the Debtor merely states that "[t]he books and records of the debtors reflect that the debtors owe an obligation to Nelson Mullins in a lesser sum than is asserted by the Nelson Mullins Claims." As such, the Claims should be allowed in their full amounts.

WHEREFORE, based on the foregoing, NMRS requests the Court to enter its order denying the Debtor's Objection, granting NMRS' Claims in their full amounts, and granting such other and further relief as the Court deems just and proper.

NELSON MULLINS RILEY & SCARBOROUGH L.L.P.

By: /s/ 

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April 30, 2013

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CERTIFICATE OF SERVICE

I, the undersigned administrative assistant of the law offices of Nelson Mullins Riley & Scarborough L.L.P., *Pro Se* attorneys, do hereby certify that I have served the below named parties in this action with a copy of the pleading(s) hereinbelow specified, via U.S. Mail, to the following address(es):

Pleading: **Nelson Mullins Riley & Scarborough LLP's Response to Debtor's Objection to the Allowance of Claim Nos. 579 And 580**

Parties Served: Däna Wilkinson
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Gary W. Marsh
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/s/ Eileen Hindman
Eileen Hindman

A handwritten signature in cursive script, appearing to read "Eileen Hindman", written over a horizontal line.

April 30, 2013