

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:	§	CHAPTER 11
	§	
FRESH ACQUISITIONS, LLC, ET. AL.,¹	§	CASE No. 21-30721-SGJ11
	§	
<i>Debtors.</i>	§	PRELIMINARY HEARING
	§	SET FOR: 06/10/21 @ 1:30 P.M.

**AFFIDAVIT OF KENNETH DEWAYNE PAGE IN SUPPORT OF
MOTION FOR RELIEF FROM STAY**

BEFORE ME, the undersigned authority, personally appeared KENNETH DEWAYNE PAGE, who, being by me first duly sworn, deposed upon his oath as follows:

1. “My name is Kenneth Dewayne Page. I am an individual residing in Rockfield, Kentucky. I am over twenty-one years of age, of sound mind, and am capable of making this Affidavit. I have never been convicted of a felony or crime involving moral turpitude. I have personal knowledge of the statements made herein.

2. On February 14, 2020, I suffered severe injuries as a result of slipping and falling at premises owned, operated, and maintained by Alamo Buffets Payroll, LLC, and Fire Mountain Restaurants, LLC (together, the “Debtors”).

3. As a result of my injuries, I consulted with and then hired John M. Ritter and Justin B. May of the Dixie Law Group, PSC (the “Law Firm”) to represent me in connection with a law

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number are as follows: **Alamo Fresh Payroll, LLC (1590)**; Fresh Acquisitions, LLC (2795); Alamo Ovation, LLC (9002); Buffets LLC (2294); Hometown Buffet, Inc. (3002); Tahoe Joe’s Inc. (7129); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan’s Restaurant Group, LLC (7895); **Fire Mountain Restaurants, LLC (8003)**; Food Management Partners, Inc. (7374); FMP SA Management Group, LLC (3031); FMP-Fresh Payroll, LLC (8962); FMP-Ovation Payroll, LLC (1728); and Alamo Buffets Payroll, LLC (0998). The Debtors’ principal offices are located at 2338 N. Loop 1604 W., Suite 350, San Antonio TX, 78248, United States.

suit against the Debtors to recover on my injuries. On November 16, 2020, the Law Firm filed a Complaint in the Commonwealth of Kentucky, Warren Circuit Court Division Two, Case No. 20-CI-01351, styled *Kenneth Page v. Alamo Buffets Payroll, LC and Fire Mountain Restaurants, LLC* on my behalf (the “Personal Injury Lawsuit”). The Debtors filed their answer in the Personal Injury Lawsuit on December 7, 2020.

4. The Personal Injury Lawsuit progressed through the initial stages of discovery, with interrogatories and requests for production being served and answered.

5. On or about April 20, 2021, I received notice of a jointly administered Chapter 11 Bankruptcy involving the Debtors. As a result, the Personal Injury Lawsuit has been stayed.

6. I have incurred substantial expenses to date to the Law Firm in furtherance of the Personal Injury Lawsuit. Because of the Debtors’ bankruptcy filing, I have been forced to incur additional expense in hiring counsel for representation in the Debtors’ bankruptcy proceedings in the Northern District of Texas. My resources are finite and exponentially decreasing in my effort to obtain the relief at law to which I am entitled against the Debtors.

7. Without relief from the automatic stay, my Personal Injury Lawsuit against the Debtors cannot proceed to be liquidated in final judgment.

8. I do not believe that the Debtors’ insurance deductible poses a threat to their bankruptcy estate significant enough to outweigh lifting the stay. Nonetheless, I am willing to stipulate to a waiver of any distribution from the Debtors or the Debtors’ estate that I may otherwise receive on account of a proof of claim in the amount of the Debtors’ insurance deductible, with the intent of circumventing any concern regarding significant diminution of the Debtors’ bankruptcy estate.”

FURTHER AFFIANT SAYETH NAUGHT.

Kenneth Page

KENNETH PAGE

STATE OF Kentucky

COUNTY OF Jefferson

SUBSCRIBED and SWORN TO before me, on this, the 2nd day of June, 2021.



NOTARY SEAL

[Handwritten Signature]

NOTARY PUBLIC

Expires:

2/1/22