

Fill in this information to identify the case:

Debtor 1 John Q. Hammons Hotels Management, LLC

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of Kansas

Case number 16-21153

Official Form 410

Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached 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. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

| | | |
|---|--|---|
| <p>1. Who is the current creditor?</p> | <p><u>Dana Courtney</u> Name of the current creditor (the person or entity to be paid for this claim)</p> <p>Other names the creditor used with the debtor _____</p> | |
| <p>2. Has this claim been acquired from someone else?</p> | <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____</p> | |
| <p>3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</p> | <p>Where should notices to the creditor be sent?</p> <p><u>William C. Maddox</u> Name <u>P.O. Box 738</u> Number Street <u>Dothan AL 36302</u> City State ZIP Code Contact phone <u>334-678-8100</u> Contact email <u>chrismaddox@graceba.net</u></p> | <p>Where should payments to the creditor be sent? (if different)</p> <p>_____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____</p> <p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</p> |
| <p>4. Does this claim amend one already filed?</p> | <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____</p> | |
| <p>5. Do you know if anyone else has filed a proof of claim for this claim?</p> | <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____</p> | |
| <p>Filed on _____ MM / DD / YYYY</p> | | |

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ To be determined. Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
Personal Injury Claim (current lawsuit)

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 12/07/2016
MM / DD / YYYY

/s/ Richard M. Beheler

Signature

Print the name of the person who is completing and signing this claim:

Name Richard Mark Beheler
First name Middle name Last name

Title Senior Attorney

Company Southlaw, P.C.
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 13160 Foster, Ste. 100
Number Street

Overland Park KS 66213
City State ZIP Code

Contact phone 913-663-7646 Email Richard.Beheler@Southlaw.com

Statement as to Calculation of Claim

Dana Courtney's claim is currently unliquidated. It is believed that there is available insurance coverage which will pay for all or part of her claim. Once the litigation is concluded this claim will be amended to include amounts not covered by insurance or if fully satisfied by insurance this claim will be withdraw. The filing of this claim should not be construed as an election of remedies or waiver of the right to available insurance coverage.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

DANA COURTNEY)
Plaintiff,)
vs.)
JOHN Q. HAMMONS HOTELS, MGMT)
LLC, D/B/A EMBASSY SUITES)
HOTEL AND CONFERENCE CENTER,)
AND FICTITIOUS PARTIES 1-7,)
Being those persons, firms or entities who)
or which proximately caused or)
contributed to the Plaintiff's damages and)
all other damages as complained of herein)
whose true names are unknown to the)
Plaintiff but will be added by amendment)
when correctly ascertained.)
Defendants.)

CASE NO. _____

COMPLAINT

COMES NOW the Plaintiff, Dana Courtney, in the above styled cause, and brings this action against the Defendants, John Q. Hammons Hotels, Mgmt LLC., and fictitious parties numbered one through seven, and alleges as follows:

THE PARTIES

1. Plaintiff, Dana Courtney, is an adult resident of Dale County, Alabama residing at all times material hereto at 49 Leon Circle, Pinckard, AL 36371.
2. Defendant, John Q. Hammons Hotels, Mgmt LLC, is a limited liability company licensed to conduct business in the state of Alabama under the name Embassy Suites Hotel & Conference Center in Montgomery, Alabama. Upon information and belief, said Defendant's principal place of business is located in Springfield, Missouri. Said Defendant is subject to service of process at CSC Lawyers Incorporating Svc Inc, 150 S. Perry Street, Montgomery, AL 36104.
3. Fictitious Defendant No. 1, being that person or entity who or which was responsible for operating and maintaining the crates, machinery, tools, supplies and



materials which contributed to the hazardous condition which caused plaintiff's fall; No. 2, that person or entity who or which was responsible for operating and maintaining the premises in a reasonably safe manner, wherein the plaintiff was injured on the occasion made the basis of this lawsuit; No. 3, that person or entity who or which was responsible for warning the plaintiff on the occasion made the basis of this lawsuit of any unreasonably dangerous conditions on the premises in which plaintiff was injured; No. 4, that person or entity who or which contracted with the owner of the premises to provide exercise room maintenance services at the time of plaintiff's injuries; No. 5, that person or entity who or which owns the premises in which the plaintiff sustained her injuries on the occasion made the basis of this lawsuit; No. 6, that person or entity who or which provided any liability insurance for the benefit of the owner of the premises in which the plaintiff was injured; No 7, that person or entity who or which is a successor in interest to any of the named and/or fictitious parties hereinabove described.

FACTS

4. The Plaintiff hereby incorporates the foregoing material paragraphs as though fully set out herein.
5. On or about May 19, 2013, Plaintiff Dana Courtney was a business invitee and guest of Embassy Suites Hotel & Conference Center in Montgomery, Alabama. During her stay at Embassy Suites, Plaintiff went to the onsite exercise room for a morning workout.
6. Plaintiff walked to a treadmill and began her workout.
7. Shortly after she began her treadmill exercise, Plaintiff became aware that another hotel guest was attempting to enter the exercise room, but could not open the door from the outside. Plaintiff stopped the treadmill, stepped off the treadmill and proceeded toward the door to let the other hotel guest into the exercise room.
8. On her way to open the door, Plaintiff's foot caught on an uneven, raised tile on the floor, approximately midway to the door, and she fell, causing severe dislocation and multiple fractures to her right leg. Plaintiff was ultimately transported by ambulance off the premises for treatment.

COUNT 1
NEGLIGENCE/WANTONNESS

9. The Plaintiff hereby incorporates the foregoing material paragraphs as though fully set out herein.
10. The accident described hereinabove and the injuries suffered by Plaintiff were the proximate result of the Defendants' negligence and/or wantonness in that the Defendant had a duty to maintain its premises in a reasonably safe condition or in a condition and manner so as not to pose an unreasonable risk of harm to the Plaintiff, or other members of the public. Defendant further had a duty to discover and/or remediate dangerous or unreasonably unsafe conditions existing on Defendants' premises.
11. The Defendants breached said duty in that they failed to adequately and reasonably maintain the premises in a safe condition, or in a condition and manner such that the premises and the conditions thereon did not pose an unreasonable risk of harm to the Plaintiff, and the Defendants further failed to discover the existence of the dangerous or unsafe condition with regard to the raised flooring. Additionally, the Defendants failed to warn the Plaintiff of the existence of the dangerous or unsafe condition, which in fact, was the proximate cause of the accident and injuries suffered by the Plaintiff as described hereinabove, and the Defendants, with knowledge that a dangerous and/or unsafe condition existed on its premises, allowed said dangerous or unsafe condition to remain without taking reasonable and necessary steps to correct or remove the dangerous or unsafe condition or to warn Plaintiff of said unsafe condition.
12. As a direct and proximate result of Defendants' said negligence and/or wantonness, the Plaintiff was caused to suffer the following injuries and damages:
- a. The Plaintiff suffered physical injuries to her person, to wit: Plaintiff suffered dislocation and multiple fractures in her right leg;
 - b. Plaintiff was caused to suffer permanent scarring and disfigurement and will suffer same in the future;

- c. Plaintiff was caused to suffer physical pain and will suffer same in the future;
- d. Plaintiff was caused to suffer mental anguish and emotional distress and will suffer same in the future;
- e. Plaintiff was caused to suffer loss of capacity for the enjoyment of life and will suffer same in the future;
- f. Plaintiff was caused to suffer expense of hospitalization and will suffer same in the future;
- g. Plaintiff was caused to suffer the expense of medical, nursing care and treatment and will suffer same in the future;
- h. Plaintiff was caused to suffer surgery and may be caused to suffer same in the future;
- i. Plaintiff has been injured such that she was ordered by her treating physician not to work for a period of over three (3) months causing Plaintiff to lose over three (3) months of wages.
- j. Plaintiff has been injured such that her physical condition now prevents her from engaging in activities in which she was able to engage prior to this accident/injury described hereinabove.

WHEREFORE, PREMISES CONSIDERED, Plaintiff hereby demands judgment against the Defendants for compensatory and punitive damages in an amount as the jury may assess is just, plus interest from the date of judgment and costs of this litigation.

COUNT TWO
BREACH OF CONTRACT

13. The Plaintiff hereby incorporates the foregoing material paragraphs as though fully set out herein.
14. Defendants, both named and/or fictitious, entered into an implied contract with Plaintiff, whereby Defendants both named and/or fictitious, who are open to the public to do business, contracted, and undertook the duty to provide Plaintiff with a reasonably safe environment. Defendants, both named and/or fictitious, after having accepted said contract, by doing business with the public did not fulfill the terms and conditions of the contract with Plaintiff/invitee, but to the contrary violated the implied contract by failing to provide a safe environment and exposed Plaintiff to unreasonable harm.
15. Plaintiff has substantially performed all conditions to said implied in fact contract.
16. The Defendants have failed to perform according to the terms of the implied contract between the parties.
17. The Defendants' failure to perform has proximately caused the Plaintiff to suffer damages, more fully described in Count One.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants in an amount to be determined and assessed by a jury, including, but not limited to all amounts paid to Defendants, plus interest and the costs of this action. Additionally, Plaintiff requests such other, further and different relief to which she may be entitled.

COUNT THREE
PREMISES LIABILITY

18. The Plaintiff hereby incorporates the foregoing material paragraphs as though fully set out herein.
19. On May 19, 2013, Plaintiff was using the provided exercise room on the premises of Embassy Suites Hotel & Conference Center. On this occasion, Defendants negligently and/or wantonly caused, permitted, allowed, or created a dangerous condition to exist on these premises in the form of raised floor tiles to walk across. Defendants had actual notice and/or had constructive notice of this condition and/or failed to exercise reasonable care with respect to its maintenance of its premises, thereby negligently and/or wantonly failing to discover and remove or warn invitees of this condition.

20. As a proximate consequence of the aforementioned negligence and/or wantonness, Plaintiff was caused to slip and/or fall, and to incur injuries and damages as described in paragraph number ten (10) of this complaint.

WHEREFORE, PREMISES CONSIDERED, Plaintiff hereby demands judgment against the Defendants, named and fictitious, for compensatory and punitive damages in an amount as the jury may assess is just, plus interest from the date of judgment and costs of this litigation,

Dated this the 11th day of May, 2015.

s/William C. Maddox
William C. Maddox, Esq.
Attorney for Plaintiff

OF COUNSEL:

The Law Offices of William C. Maddox, P.C.
P.O. Box 738
Dothan, AL 36302
334-678-8100 phone
chrismaddox@graceba.net

JURY DEMAND

Plaintiff hereby demands a trial by struck jury of all issues and demands in this cause.

s/William C. Maddox
OF COUNSEL

PLEASE SERVE DEFENDANT AT:
John Q. Hammons Hotels Mgmt, LLC
C/O: CSC Lawyers Incorporating Svc Inc
150 S. Perry Street
Montgomery, AL 36104



ELECTRONICALLY FILED
7/5/2016 3:11 PM
03-CV-2015-900767.00
CIRCUIT COURT OF
MONTGOMERY COUNTY, ALABAMA
TIFFANY B. MCCORD, CLERK

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

DANA COURTNEY,)
)
Plaintiff,)
)
v.)
)
JOHN Q. HAMMONS HOTELS)
MANAGEMENT, LLC, et al.)
)
Defendant.)

Case No.: CV-2015-900767

**DEFENDANT JOHN Q. HAMMONS HOTELS MANAGEMENT'S
SUGGESTION OF BANKRUPTCY**

On June 26, 2016, John Q. Hammons Hotels Management, a Defendant in this action, filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, (the "Bankruptcy Code"), in the United States Bankruptcy Court for the District of Kansas, Case No. 16-21153.

Respectfully submitted,

/s/ C. Winston Sheehan, Jr.
C. WINSTON SHEEHAN, JR. (SHE013)
CHALANKIS BROWN (BRO295)
Attorneys for Defendant,
John Q. Hammons Hotels Management, LLC

OF COUNSEL:
BALL, BALL, MATTHEWS & NOVAK, P.A.
445 Dexter Avenue, Suite 9045
Post Office Box 2148
Montgomery, Alabama 36102-2148
(334) 387-7680
(334) 387-3222 (Fax)



CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2016, electronically filed the foregoing with the Clerk of the Court, using the AlaFile system which will send notification of such filing to the following registered persons and that those persons not registered with the AlaFile system were served by U.S. mail:

William C. Maddox
The Law Offices of William C. Maddox, P.C.
Post Office Box 738
Dothan, Alabama 36302

/s/ C. Winston Sheehan, Jr.

OF COUNSEL



BALLBALL

RICHARD A. BALL, JR.
TABOR R. NOVAK, JR.
CLYDE C. OWEN, JR.
WINSTON SHEEHAN, JR.
WILLIAM H. BRITTAIN II
E. HAMILTON WILSON, JR.
RICHARD E. BROUGHTON
T. COWIN KNOWLES
GERALD C. SWANN, JR.
MARK T. DAVIS
JAMES A. RIVES

ALLISON ALFORD INGRAM
B. SAXON MAIN
EMILY C. MARKS
W. EVANS BRITTAIN
WILLIAM D. MONTGOMERY, JR.
W. CHRISTOPHER WALLER, JR.
BROOKE E. REID
JOHN W. MARSH
BENJAMIN C. HEINZ
KIRBY HOWARD
MILAND SIMPLER
CHALANKIS BROWN

August 2, 2016

Hon. Truman M. Hobbs, Jr.
Circuit Judge, 15th Judicial Circuit
Post Office Box 1667
Montgomery, Alabama 36102-1667

RE: *Dana Courtney v. John Q. Hammons Hotels Management, LLC, et al.*
In the Circuit Court of Montgomery County; Case No. CV-2015-900767

Dear Judge Hobbs:

I have notified the Plaintiff's attorney in the above-referenced matter that our client, John Q. Hammons Hotels Management, LLC, has filed a Ch. 11 Bankruptcy Petition.


I have spoken with the Plaintiff's attorney, Chris Maddox, and he indicated that he would be filing a Motion to Lift Stay in the future.

I wanted to alert the Court of the bankruptcy filing in that Trial had previously been scheduled for September 26, 2016.

I assume that the Trial date will be postponed due to the bankruptcy filing in this action.

Thank you for your consideration.

Sincerely yours,


C. Winston Sheehan, Jr.
CWSjr/tm

cc: William C. Maddox (via facsimile; 334.702.8424)
Chalankis Brown

District of Kansas Claims Register

[16-21142 John Q. Hammons Fall 2006, LLC](#)

Judge: Robert D. Berger

Chapter: 11

Office: Kansas City

Last Date to file claims: 12/23/2016

Trustee:

Last Date to file (Govt):

Creditor: (8622982)
Dana Courtney
c/o William C. Maddox
PO Box 738
Dothan, AL 36302

Claim No: 319
Original Filed
Date: 12/07/2016
Original Entered
Date: 12/07/2016

Status:
Filed by: CR
Entered by: Richard M. Beheler
Modified:

Amount claimed: \$0.00

History:

[Details](#) [319-1](#) 12/07/2016 Claim #319 filed by Dana Courtney, Amount claimed: \$0.00 (Beheler, Richard)

Description:

Remarks: (319-1) Open litigation amount to be determined

Claims Register Summary

Case Name: John Q. Hammons Fall 2006, LLC

Case Number: 16-21142

Chapter: 11

Date Filed: 06/26/2016

Total Number Of Claims: 1

| | |
|------------------------------|--------|
| Total Amount Claimed* | \$0.00 |
| Total Amount Allowed* | |

*Includes general unsecured claims

The values are reflective of the data entered. Always refer to claim documents for actual amounts.

| | Claimed | Allowed |
|-----------------------|---------|---------|
| Secured | | |
| Priority | | |
| Administrative | | |