IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	)	**Case No. 07-79129-MGD**
	)	
PIKE NURSERY HOLDING LLC,	)	**CHAPTER 11**
	)	
Debtor.	)	**JUDGE DIEHL**

DEBTOR'S RESPONSE TO APPLICATION OF PAVESTONE COMPANY, L.P., A TEXAS LIMITED PARTNERSHIP, TO ALLOW ADMINISTRATIVE EXPENSE CLAIM PURSUANT TO 11 U. S. C. § 503(b)(9)

NOW COMES Pike Nursery Holding LLC, Debtor in the above-styled case ("Debtor"), and files this its response to the Application of Pavestone Company, L.P., a Texas Limited Partnership, to Allow Administrative Expense Claim Pursuant to 11 U. S. C. § 503(b)(9) and would show the Court as follows:

1.

On November 14, 2007 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the Bankruptcy Code. The Debtor continues to operate its business as debtor-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.

2.

An official committee of unsecured creditors was appointed on November 19, 2007, but no trustee or examiner has been appointed in this case.

3.

On December 18, 2007, Pavestone Company, L.P. ("Movant") filed the Application of Pavestone Company, L.P., a Texas Limited Partnership, to Allow Administrative Expense Claim Pursuant to 11 U. S. C. § 503(b)(9) (the "Motion"). This is a contested matter. In the Motion, Movant states that the Debtor is required to file a response no later than January 10, 2008, or that

relief may be granted without further notice. This statement is a violation of BLR 9014-2, which does not require responses to motions in contested matters in Chapter 11 cases.

4.

In further response, Debtor would state that to the extent Movant can prove the value of goods received by the Debtor from the Movant within twenty (20) days before the Petition Date in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business, Movant will be entitled to an administrative expense claim pursuant to Section 503(b)(9), subject to any and all defenses to said claim, including, but not limited to, those defenses available under 11 U. S. C. § 502(d).

5.

At this time, the Debtor has not had sufficient time to review Movant's claim, and therefore requests that the Court require the Movant to put its proof on at the time of hearing. The Debtor will endeavor to examine the Movant's claim and, to the extent possible, resolve outstanding issues prior to the time of trial.

WHEREFORE, premises considered, Debtor prays:

(a) that the Court require Movant to put on its proof at the hearing scheduled on this matter;

(b) that if, at the conclusion of said hearing, the Court determines that Movant is entitled to an administrative expense claim under 11 U. S. C. § 503(b)(9), the Court make said claim subject to any defenses and offsets which the Debtor may subsequently discover, including, but not limited to, those under 11 U. S. C. § 502(d);

(c) that the Court order that any administrative expense claim awarded to Movant under 11 U. S. C. § 503(b)(9) only be paid pursuant to further order of the Court once it is

determined there will be sufficient funds to pay all Chapter 11 administrative expense claims in full; and

(d) that the Court grant such other and further relief to which the Debtor may show itself justly entitled, under law or at equity.

This 10th day of January, 2008.

Respectfully submitted,

SCROGGINS & WILLIAMSON

/s/ John T. Sanders, IV
J. ROBERT WILLIAMSON
Georgia Bar No. 765214
JOHN T. SANDERS, IV
Georgia Bar No. 625705
Counsel for the Debtor

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127 Peachtree Street, NE
Atlanta, GA 30303
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CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the attached **Response** by causing it to be deposited in the United States Mail in a properly addressed envelope with adequate postage affixed thereon to the following persons:

Michael W. Bishop, Esq.
Looper Reed & McGraw, P.C.
1601 Elm Street, Suite 4100
Dallas, TX 75201

Office of the United States Trustee
362 Richard Russell Building
75 Spring Street, S.W.
Atlanta, GA 30303

This 10th day of January, 2008.

SCROGGINS & WILLIAMSON

/s/ John T. Sanders, IV
J. ROBERT WILLIAMSON
Georgia Bar No. 765214
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Georgia Bar No. 625705
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