

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	)	CHAPTER 7
	)	
PIKE NURSERY HOLDING LLC,	)	CASE NUMBER: 07-79129-mgd
	)	
Debtor.	)	
_____	)	

TRUSTEE'S MOTION TO REJECT EXECUTORY CONTRACT WITH AMERICAN
EXPRESS COMPANY

COMES NOW Marcus A. Watson, the Interim Chapter 7 Trustee of Pike Nursery Holding LLC, and moves this Court for an Order pursuant to 11 U.S.C. § 365 and Bankruptcy Rule 6006 permitting him to reject a Credit card Processing Agreement with American Express Company. In support of his Motion, the Trustee states as follows:

1. On November 14, 2007 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. On March 17, 2008, the Court entered an Order Directing the United States Trustee to Appoint Chapter 11 Trustee in this bankruptcy case. On March 19, 2008, the Court approved the United States Trustee's application to appoint Marc A. Watson as the Chapter 11 Trustee for the Debtor.

3. On March 24, 2008, the Court converted the case to Chapter 7 and Marcus A. Watson was subsequently appointed as the Interim Chapter 7 Trustee.

4. On March 3, 2008, the Court entered a series of orders approving the sale of virtually all of the Debtor's wholesale and retail businesses and related assets. The Debtor thereafter ceased operations.

5. The Estate is a party to contracts that are no longer necessary to and no longer benefit the Estate, including a Credit Card Processing Agreement with American Express Company entered into on or about September 28, 2004 (the "Agreement"). Although the Agreement was not formally executed by the Debtor, and although the Trustee believes that no damages will be incurred in rejecting the Agreement, the Trustee files this Motion out of an abundance of caution.

6. Trustee seeks to reject the Agreement pursuant to 11 U.S.C. § 365 and Bankruptcy Rule 6006.

7. The Trustee has concluded that the rejection of the Agreement is in the best interest of the Estate and will eliminate the potential for accrual of further administrative claims. The Trustee requests that the rejection be as of the filing of this Motion with the Court.

WHEREFORE the Trustee requests that the Court enter an Order approving the rejection of the Credit Card Processing Agreement with American Express Company as of the date of this Motion.

This 18th day of June, 2008.

/s/ John A. Christy

John A. Christy, Esq.

Georgia Bar 125518

J. Carole Thompson Hord

Georgia Bar No. 291473

Attorneys for Marcus A. Watson,

Interim Chapter 7 Trustee

SCHREEDER, WHEELER & FLINT, LLP
1100 Peachtree Street, N.E.
Suite 800
Atlanta, Georgia 30309-4516
(404) 681-3450

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	)	CHAPTER 7
	)	
PIKE NURSERY HOLDING LLC,	)	CASE NUMBER: 07-79129-mgd
	)	
Debtor.	)	
_____	)	

NOTICE OF HEARING

PLEASE TAKE NOTICE that Marcus A. Watson, Interim Chapter 7 Trustee, has filed Trustee's Motion to Reject Executory Contract with American Express Company ("Motion") seeking to reject a contract with American Express Company.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in Courtroom 1201, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia, at 10:30 a.m. on July 10, 2008.

Your rights may be affected by the Court's ruling on the Motion. You should read the Motion carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the Motion with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so

that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below and if possible also e-mail a copy to the undersigned at the e-mail address noted below.

This 18th day of June, 2008.

/s/ John A. Christy

John A. Christy, Esq.

Georgia Bar 125518

J. Carole Thompson Hord

Georgia Bar No. 291473

Attorneys for Marcus A. Watson,

Interim Chapter 7 Trustee

SCHREEDER, WHEELER & FLINT, LLP

1100 Peachtree Street, N.E.

Suite 800

Atlanta, Georgia 30309-4516

(404) 681-3450

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the within and foregoing Trustee's Motion to Reject and Notice of Hearing was served via the ECF system where indicated or by first class United States mail in properly addressed envelopes with sufficient postage affixed thereon, to insure delivery upon the parties listed below, and upon the parties listed on the Master Service List which is attached hereto as Exhibit "A".

American Express Company
c/o CT Corporation System
111 Eighth Avenue
New York, New York 10011

This 18th day of June, 2008.

/s/ J. Carole Thompson Hord
J. Carole Thompson Hord

SCHREEDER, WHEELER & FLINT, LLP
1100 Peachtree Street, N.E.
Suite 800
Atlanta, Georgia 30309-4516
(404) 681-3450

CHAPTER 7 MASTER SERVICE LIST

Leroy Culton, Esq. – via ECF
U.S. Trustee
362 Richard Russell Bldg.
75 Spring Street, SW
Atlanta, GA 30303
Email: leroy.culton@usdoj.gov

Marcus A. Watson
Finley, Colmer and Company
3091 Governors Lake Drive
Suite 450
Norcross, GA 30071

John A. Christy, Esq. – via ECF
Carole Thompson Hord, Esq. – via ECF
Schreeder, Wheeler & Flint, LLP
1100 Peachtree Street, Suite 800
Atlanta, Georgia 30309
Email: jchristy@swfllp.com
Email: chord@swfllp.com

J. Robert Williamson – via ECF
Scroggins & Williamson
1500 Candler Building
127 Peachtree Street, NE
Atlanta, GA 30303
Email: rwilliamson@swlawfirm.com

William A. DuPre IV – via ECF
Paul M. Alexander – via ECF
Miller & Martin PLLC
1170 Peachtree St., N.E. Suite 800
Atlanta, GA 30309-7649
Email: bdupre@millermartin.com
Email: palexander@millermartin.com

Christopher T. Buchanan
James R. Langdon – via ECF
Moore & Van Allen
100 North Tryon Street
Suite 4700
Charlotte, NC 28202-4003
Email: jimlangdon@mvalaw.com

Jonathan S. Shenson
Klee, Tuchin, Bogdanoff & Stern, LLP
1999 Avenue of the Stars
39th Floor
Los Angeles, CA 90067-5061

Karen Fagin White – via ECF
Cohen Pollock Merlin & Small
3350 Riverwood Parkway
Atlanta, GA 30339
Email: kfwhite@cpmas.com

Scott B. Riddle, Esq. – via ECF
Suite 2250 Resurgens Plaza
945 East Paces Ferry Road
Atlanta, Georgia 30326
Email: sbriddle@mindspring.com

Ron C. Bingham, II, Esq. – via ECF
Thompson, O'Brien, Kemp & Nasuti, P.C.
40 Technology Parkway South
Suite 300
Norcross, GA 30092
Email: rbingham@tokn.com

John C. Pennington – via ECF
P. O. Box 275
Helen, GA 30545
Email: jcppc@alltel.net

Priscilla H. Douglas, Esq.
Corporate Counsel
California First Leasing Corporation
18201 Van Karman Avenue
Suite 800
Irvine, CA 92612

Robert M. D. Mercer – via ECF
Gwendolyn J. Godfrey – via ECF
Powell Goldstein, L.L.P.
Fourteenth Floor
One Atlantic Center
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488
Email: rmercerc@pogolaw.com
Email: ggodfrey@pogolaw.com

Jeffrey N. Pomerantz – via ECF
Jeffrey W. Dulberg – via ECF
Pachulski Stang Ziehl & Jones LLP
Eleventh Floor
10100 Santa Monica Blvd.
Los Angeles, CA 90067-4100
Email: jpomerantz@pszjlaw.com
Email: jdulberg@pszjlaw.com

Bruce Z. Walker, Esq. – via ECF
Cohen Pollock Merlin & Small
3350 Riverwood Parkway
Suite 1600
Atlanta, GA 30339
Email: *bwalker@cpmas.com*
Email: *mnewsome@cpmas.com*

Sarah R. Borders – via ECF
Robert K. Ozols
King & Spalding LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309
Email: *sborders@kslaw.com*

Michael W. Bishop, Esq. – via ECF
Looper Reed & McGraw, P.C.
1601 Elm Street, Suite 4100
Dallas, TX 75201
Email: *mbishop@lrmlaw.com*

Samuel D. Hicks
Hicks, Casey & Foster, P.C.
136 N. Fairground Street
Suite 100
Marietta, GA 30060

American Express Bank FSB – via ECF
c/o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701
Email: *notices@becket-lee.com*

American Express Travel & Related Svcs Co –
via ECF
c/o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701
Email: *notices@becket-lee.com*

Recovery Management Systems Corp.
Attn: Ramesh Singh
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Jody Charles Campbell – via ECF
Webb, Tanner, Powell, Mertz & Wilson LLP
P. O. Box 1390
Lawrenceville, GA 30046-1390
Email: *jcampbell@wtpllp.com*

Michael E. Hastings
Brandy M. Rapp
LcClairRyan
1800 Wachovia Tower
Drawer 1200
Roanoke, VA 24006

J. Hayden Kepner, Jr., Esq. – via ECF
Arnall Golden Gregory LLP
171 17th Street, SW, Suite 2100
Atlanta, GA 30363
Email: *hkepner@agg.com*

Paul M. Rosenblatt, Esq. – via ECF
Kilpatrick Stockton LLP
1100 Peachtree Street, NE
Suite 2800
Atlanta, GA 30309-4530
Email: *prosenblatt@kilpatrickstockton.com*

William H. Short Jr., Esq.
Haynsworth Sinkler Boyd, P.A.
P. O. Box 11889
Columbia, SC 29211-1889

Samuel R. Arden, Esq. – via ECF
Hartman, Simons, Spielman & Wood LLP
6400 Powers Ferry Road, NW
Suite 400
Atlanta, GA 30339
Email: *sarden@hssw.com*

Michael D. Payne, Esq. – via ECF
Lisa Ritchey Craig, Esq. – via ECF
McCullough, Payne & Haan, LLC
171 17th Street NW
Atlanta, GA 30363
Email: *mpayne@mphlawfirm.com*
Email: *lcraig@mphlawfirm.com*

David H. Conaway, Esq.
Shumaker, Loop & Kendrick, LLP
128 S. Tryon Street, Suite 1800
Charlotte, NC 28202

Mark A. Baker – via ECF
Morris Schneider Prior Johnson & Freedman
1587 Northeast Expressway
Atlanta, GA 30329
Email: *M_Baker@Prommis.com*

James C. Joedecke, Jr., Esq. – via ECF
Ryan D. Worsley, Esq.
Andersen, Tate & Carr, P.C.
1505 Lakes Parkway, Suite 100
Lawrenceville, GA 30043
Email: *gconroy@atclawfirm.com*

J. Dewayne Bunch, Esq.
McCoin, McCoin and Bunch
443 Worth Street, NW
Cleveland, TN 37311

Charles M. Gisler, Esq.
165 N. Main Street
Jonesboro, GA 30236-3568

Thomas R. Walker, Esq. – via ECF
McGuireWoods LLP
The Proscenium
1170 Peachtree Street, NE
Atlanta, GA 30309
Email: trwalker@mcguirewoods.com

David W. Cranshaw – via ECF
Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326
Email: dhp@mmmlaw.com

Michael F. Holbein, Esq. – via ECF
Arnall Golden Gregory LLP
171 17th Street, NW
Suite 2100
Atlanta, GA 30363-1031
Email: michael.holbein@agg.com

S. Elizabeth Hall, Esq. – via ECF
McKenna Long & Aldridge LLP
303 Peachtree Street, Suite 5300
Atlanta, GA 30308
Email: ehall@mckennalong.com

Vivieon E. Kelley, Esq. – via ECF
Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree Street NE
Atlanta, GA 30308-2216
Email: vivieon.kelley@troutmansanders.com

J. Scott Jacobson, Esq.
Melissa J. Perignat, Esq. – via ECF
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 600
Atlanta, GA 30339
Email: mperignat@hznw.com

William Rountree, Esq. – via ECF
Macey, Wilensky & Kessler, LLP
600 Marquis Two Tower
285 Peachtree Center Avenue, NE
Atlanta, GA 30303
Email: wrountree@MaceyWilensky.com

Monrovia Nursery Company
Attn: Tyler Page
18331 E. Foothill Blvd.
Azusa, CA 91702

Internal Revenue Service
Centralized Insolvency Operation
P. O. Box 21126
Philadelphia, PA 19114

Internal Revenue Service
Insolvency
Attn: District Director
Room 400 - Stop 334D
401 West Peachtree Street NW
Atlanta, GA 30308

Commissioner
Georgia Department of Labor
Sussex Place - Room 600
148 International Blvd., N.E.
Atlanta, GA 30303

United States Attorney General
950 Pennsylvania Avenue NW
Washington, DC 20530

US Attorney
Civil Process Clerk
1800 Richard B. Russell Building
75 Spring Street, S.W.
Atlanta, GA 30303

Secretary of Labor
U.S. Department of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210

Federal Trade Commission
Southeast Region
Attn: Bradley Elbein, Director
Suite 1500
225 Peachtree Street, NE
Atlanta, GA 30303

Ronald S. Gellert, Esq. – via ECF
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place
50 S. 16th Street, 22nd Floor
Philadelphia, PA 19102
Email: rgellert@eckertseamans.com

CLIENTS:7031:1:NEW MASTER SERVICE LIST.doc

CHAPTER 7 MASTER SERVICE LIST

Leroy Culton, Esq. – via ECF
U.S. Trustee
362 Richard Russell Bldg.
75 Spring Street, SW
Atlanta, GA 30303
Email: leroy.culton@usdoj.gov

Marcus A. Watson
Finley, Colmer and Company
3091 Governors Lake Drive
Suite 450
Norcross, GA 30071

John A. Christy, Esq. – via ECF
Carole Thompson Hord, Esq. – via ECF
Schreeder, Wheeler & Flint, LLP
1100 Peachtree Street, Suite 800
Atlanta, Georgia 30309
Email: jchristy@swfllp.com
Email: chord@swfllp.com

J. Robert Williamson – via ECF
Scroggins & Williamson
1500 Candler Building
127 Peachtree Street, NE
Atlanta, GA 30303
Email: rwilliamson@swlawfirm.com

William A. DuPre IV – via ECF
Paul M. Alexander – via ECF
Miller & Martin PLLC
1170 Peachtree St., N.E. Suite 800
Atlanta, GA 30309-7649
Email: bdupre@millermartin.com
Email: palexander@millermartin.com

Christopher T. Buchanan
James R. Langdon – via ECF
Moore & Van Allen
100 North Tryon Street
Suite 4700
Charlotte, NC 28202-4003
Email: jimlangdon@mvalaw.com

Jonathan S. Shenson
Klee, Tuchin, Bogdanoff & Stern, LLP
1999 Avenue of the Stars
39th Floor
Los Angeles, CA 90067-5061

Karen Fagin White – via ECF
Cohen Pollock Merlin & Small
3350 Riverwood Parkway
Atlanta, GA 30339
Email: kfwhite@cpmas.com

Scott B. Riddle, Esq. – via ECF
Suite 2250 Resurgens Plaza
945 East Paces Ferry Road
Atlanta, Georgia 30326
Email: sbriddle@mindspring.com

Ron C. Bingham, II, Esq. – via ECF
Thompson, O'Brien, Kemp & Nasuti, P.C.
40 Technology Parkway South
Suite 300
Norcross, GA 30092
Email: rbingham@tokn.com

John C. Pennington – via ECF
P. O. Box 275
Helen, GA 30545
Email: jcppc@alltel.net

Priscilla H. Douglas, Esq.
Corporate Counsel
California First Leasing Corporation
18201 Van Karman Avenue
Suite 800
Irvine, CA 92612

Robert M. D. Mercer – via ECF
Gwendolyn J. Godfrey – via ECF
Powell Goldstein, L.L.P.
Fourteenth Floor
One Atlantic Center
1201 West Peachtree Street, NW
Atlanta, GA 30309-3488
Email: rmercerc@pogolaw.com
Email: ggodfrey@pogolaw.com

Jeffrey N. Pomerantz – via ECF
Jeffrey W. Dulberg – via ECF
Pachulski Stang Ziehl & Jones LLP
Eleventh Floor
10100 Santa Monica Blvd.
Los Angeles, CA 90067-4100
Email: jpomerantz@pszjlaw.com
Email: jdulberg@pszjlaw.com

Bruce Z. Walker, Esq. – via ECF
Cohen Pollock Merlin & Small
3350 Riverwood Parkway
Suite 1600
Atlanta, GA 30339
Email: bwalker@cpmas.com
Email: mnewsome@cpmas.com

Sarah R. Borders – via ECF
Robert K. Ozols
King & Spalding LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309
Email: sborders@kslaw.com

Michael W. Bishop, Esq. – via ECF
Looper Reed & McGraw, P.C.
1601 Elm Street, Suite 4100
Dallas, TX 75201
Email: mbishop@lrmlaw.com

Samuel D. Hicks
Hicks, Casey & Foster, P.C.
136 N. Fairground Street
Suite 100
Marietta, GA 30060

American Express Bank FSB – via ECF
c/o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701
Email: notices@becket-lee.com

American Express Travel & Related Svcs Co –
via ECF
c/o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701
Email: notices@becket-lee.com

Recovery Management Systems Corp.
Attn: Ramesh Singh
25 SE 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Jody Charles Campbell – via ECF
Webb, Tanner, Powell, Mertz & Wilson LLP
P. O. Box 1390
Lawrenceville, GA 30046-1390
Email: jcampbell@wtpllp.com

Michael E. Hastings
Brandy M. Rapp
LcClairRyan
1800 Wachovia Tower
Drawer 1200
Roanoke, VA 24006

J. Hayden Kepner, Jr., Esq. – via ECF
Arnall Golden Gregory LLP
171 17th Street, SW, Suite 2100
Atlanta, GA 30363
Email: hkepner@agg.com

Paul M. Rosenblatt, Esq. – via ECF
Kilpatrick Stockton LLP
1100 Peachtree Street, NE
Suite 2800
Atlanta, GA 30309-4530
Email: prosenblatt@kilpatrickstockton.com

William H. Short Jr., Esq.
Haynsworth Sinkler Boyd, P.A.
P. O. Box 11889
Columbia, SC 29211-1889

Samuel R. Arden, Esq. – via ECF
Hartman, Simons, Spielman & Wood LLP
6400 Powers Ferry Road, NW
Suite 400
Atlanta, GA 30339
Email: sarden@hssw.com

Michael D. Payne, Esq. – via ECF
Lisa Ritchey Craig, Esq. – via ECF
McCullough, Payne & Haan, LLC
171 17th Street NW
Atlanta, GA 30363
Email: mpayne@mphlawfirm.com
Email: lcraig@mphlawfirm.com

David H. Conaway, Esq.
Shumaker, Loop & Kendrick, LLP
128 S. Tryon Street, Suite 1800
Charlotte, NC 28202

Mark A. Baker – via ECF
Morris Schneider Prior Johnson & Freedman
1587 Northeast Expressway
Atlanta, GA 30329
Email: M_Baker@Prommis.com

James C. Joedecke, Jr., Esq. – via ECF
Ryan D. Worsley, Esq.
Andersen, Tate & Carr, P.C.
1505 Lakes Parkway, Suite 100
Lawrenceville, GA 30043
Email: gconroy@atclawfirm.com

J. Dewayne Bunch, Esq.
McCain, McCain and Bunch
443 Worth Street, NW
Cleveland, TN 37311

Charles M. Gisler, Esq.
165 N. Main Street
Jonesboro, GA 30236-3568

Thomas R. Walker, Esq. – via ECF
McGuireWoods LLP
The Proscenium
1170 Peachtree Street, NE
Atlanta, GA 30309
Email: trwalker@mcguirewoods.com

David W. Cranshaw – via ECF
Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, NE
Atlanta, GA 30326
Email: dhp@mmlaw.com

Michael F. Holbein, Esq. – via ECF
Arnall Golden Gregory LLP
171 17th Street, NW
Suite 2100
Atlanta, GA 30363-1031
Email: michael.holbein@agg.com

S. Elizabeth Hall, Esq. – via ECF
McKenna Long & Aldridge LLP
303 Peachtree Street, Suite 5300
Atlanta, GA 30308
Email: ehall@mckennalong.com

Vivieon E. Kelley, Esq. – via ECF
Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree Street NE
Atlanta, GA 30308-2216
Email: vivieon.kelley@troutmansanders.com

J. Scott Jacobson, Esq.
Melissa J. Perignat, Esq. – via ECF
Holt Ney Zatzoff & Wasserman, LLP
100 Galleria Parkway, Suite 600
Atlanta, GA 30339
Email: mperignat@hnzw.com

William Rountree, Esq. – via ECF
Macey, Wilensky & Kessler, LLP
600 Marquis Two Tower
285 Peachtree Center Avenue, NE
Atlanta, GA 30303
Email: wroundtree@MaceyWilensky.com

Monrovia Nursery Company
Attn: Tyler Page
18331 E. Foothill Blvd.
Azusa, CA 91702

Internal Revenue Service
Centralized Insolvency Operation
P. O. Box 21126
Philadelphia, PA 19114

Internal Revenue Service
Insolvency
Attn: District Director
Room 400 - Stop 334D
401 West Peachtree Street NW
Atlanta, GA 30308

Commissioner
Georgia Department of Labor
Sussex Place - Room 600
148 International Blvd., N.E.
Atlanta, GA 30303

United States Attorney General
950 Pennsylvania Avenue NW
Washington, DC 20530

US Attorney
Civil Process Clerk
1800 Richard B. Russell Building
75 Spring Street, S.W.
Atlanta, GA 30303

Secretary of Labor
U.S. Department of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210

Federal Trade Commission
Southeast Region
Attn: Bradley Elbein, Director
Suite 1500
225 Peachtree Street, NE
Atlanta, GA 30303

Ronald S. Gellert, Esq. – via ECF
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place
50 S. 16th Street, 22nd Floor
Philadelphia, PA 19102
Email: rgellert@eckertseamans.com

CLIENTS:7031:1:NEW MASTER SERVICE LIST.doc