Case 25-10356-pmb Doc 64

Certificate of Nuice

Entered 03/22/25 00:50 Desc Imaged Docket #0064 Date Filed: 03/21/2025



IT IS ORDERED as set forth below:

Date: March 19, 2025

Pal Baisie

Paul Baisier U.S. Bankruptcy Court Judge

IN THE UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF GEORGIA NEWNAN DIVISION

In re:

Chapter 11

AFH AIR PROS, LLC, et al.,¹

Debtors.

(Jointly Administered)

Case No. 25-10356 (PMB)

Re: Docket No. 13

INTERIM ORDER (I) AUTHORIZING THE DEBTORS TO (A) MAINTAIN EXISTING INSURANCE POLICIES, PAY ALL POLICY PREMIUMS, AND RENEW OR ENTER INTO NEW POLICIES, AND (B) CONTINUE INSURANCE PREMIUM FINANCING PROGRAM, PAY INSURANCE PREMIUM FINANCING OBLIGATIONS ARISING IN CONNECTION THEREWITH, AND RENEW SUCH PREMIUM FINANCING ARRANGEMENTS; (II) AUTHORIZING THE DEBTORS TO MAINTAIN THEIR SURETY BOND PROGRAM, PAY OBLIGATIONS IN CONNECTION THEREWITH, AND RENEW OR OBTAIN NEW SURETY BONDS; AND (III) AUTHORIZING BANKS TO HONOR AND PROCESS CHECKS AND ELECTRONIC TRANSFER REQUESTS RELATED THERETO, AND SETTING A FINAL HEARING FOR APRIL 14, 2025

¹ The last four digits of AFH Air Pros, LLC's tax identification number are 1228. Due to the large number of debtor entities in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the claims and noticing agent at https://www.veritaglobal.net/AirPros. The mailing address for the debtor entities for purposes of these chapter 11 cases is: 150 S. Pine Island Road, Suite 200, Plantation, Florida 33324.



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Upon the Emergency Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain Existing Insurance Policies, Pay all Policy Premiums, and Renew or Enter Into New Policies, and (B) Continue Insurance Premium Financing Program, Pay Insurance Premium Financing Obligations Arising in Connection Therewith, and Renew Such Premium Financing Arrangements; (II) Authorizing the Debtors to Maintain Their Surety Bond Program, Pay Obligations in Connection Therewith, and Renew or Obtain New Surety Bonds; and (III) Authorizing Banks to Honor and Process Checks and Electronic Transfer Requests Related Thereto (Docket No. 13)(the "Motion");² which was filed on March 16, 2025, and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue of these Chapter 11 Cases and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that due and adequate notice of the Motion has been given under the circumstances; and this Court having held a hearing (the "Hearing") to consider the relief requested in the Motion; and upon the First Day Declaration and the record of the Hearing, this Court having determined that there is good and sufficient cause for the relief set forth in this Order; and after due deliberation thereon,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. The Debtors are authorized to honor the terms of their existing Policies, including making all postpetition payments (including postpetition fees and premiums) with respect to the Policies on an uninterrupted basis and may renew or enter into new Policies as needed without further order of the Court.

 $^{^2}$ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

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3. The Debtors are authorized to honor the terms of their existing Surety Bonds, including making all postpetition payments with respect to the Surety Bonds and renew or, as necessary, acquire additional bonding capacity as needed in the ordinary course of business, and execute other agreements, as needed, in connection with the Surety Bond Program.

4. The Debtors are authorized to pay any prepetition claims owed under the Policies and Surety Bonds.

5. The Debtors are authorized to honor any prepetition or postpetition obligations under the PFA, as needed, in the ordinary course of business without further application to this Court; <u>provided</u> that payments under the PFA on account of prepetition obligations shall not exceed \$295,606.93 during the interim period unless further ordered by the Court. The Debtors are further authorized to renew the PFA, and to extend or obtain a replacement premium finance agreement, as needed, in the ordinary course of businesses without further application to this Court.

6. To the extent that the Policies or related agreements may be deemed executory contracts within the meaning of section 365 of the Bankruptcy Code, the Debtors do not at this time seek authority to assume such contracts, no relief is granted in respect thereof, and no determination is made as to whether any such contracts are executory. Nothing in this Order (i) is intended or shall be deemed to constitute an assumption of any agreement pursuant to section 365 of the Bankruptcy Code or an admission as to the validity of any claim against the Debtors and their estates; (ii) shall impair, prejudice, waive, or otherwise affect the rights of the Debtors and their estates; (iii) shall impair, prejudice, waive, or otherwise affect the rights of the Debtors and their estates; (iii) shall impair, prejudice, waive, or otherwise affect the rights of the Debtors and their estates with respect to any and all claims or causes of action against any of the Insurers; or (iv) shall be construed as a promise to pay a claim.

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7. Notwithstanding anything to the contrary contained in this Order, any payment, deposit, or other transfer made or to be made under this Order, any authorization contained in this Order, or any claim for which payment is authorized hereunder, shall be subject to the terms and provisions of any orders of this Court approving any debtor in possession financing for, or any use of cash collateral by, the Debtors and any approved budget (subject to permitted variances thereto) in connection therewith. Nothing herein is intended to modify, alter, or waive, in any way, any terms, provisions, requirements, or restrictions of (a) any such orders approving any debtor in possession financing agreements and documents related thereto.

8. A final hearing to consider the relief requested in the Motion shall be held on <u>April 14, 2025 at 10:00 a.m. (prevailing Eastern Time) at the United States Bankruptcy</u> <u>Court for the Northern District Georgia, Courtroom 1202 in the Richard B. Russell Federal</u> <u>Building & United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303³</u> and any objections to entry of such order shall be in writing and filed with this Court no later than April 7, 2025 at 4:00 p.m. (prevailing Eastern Time) and served on: (i) the Debtors, c/o Air Pros Solutions, LLC, 150 S. Pine Island Road, Suite 200, Plantation, Florida 33324, Attn: Andrew D.J. Hede (ahede@accordion.com); (ii) proposed counsel to the Debtors, Greenberg Traurig, LLP, Terminus 200, 3333 Piedmont Road, NE, Suite 2500, Atlanta, Georgia 30305, Attn: David B.

³ Parties may attend the Final Hearing in **Courtroom 1202** in the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303 or virtually via Judge Baisier's Virtual Hearing Room. The link for the Virtual Hearing Room can be found on Judge Baisier's webpage at https://www.ganb.uscourts.gov/content/honorable-paul-m-baisier and is best used on a desktop or laptop computer but may be used on a phone or tablet. Participants' devices must have a camera and audio. You may also join the Virtual Hearing Room through the "Dial-In and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov. Please review "Instructions for Appearing by Telephone and Video Conference" located under the "Hearing Information" tab on the judge's webpage prior to the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position unless you are speaking or until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

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Kurzweil, Esq. (kurzweild@gtlaw.com) and Matthew A. Petrie (petriem@gtlaw.com); (iii) counsel for the DIP Lenders and the Prepetition Lenders, (a) Latham & Watkins LLP, 330 N. Wabash Avenue, Suite 2800, Chicago, Illinois 60611, James Ktsanes Attn: (james.ktsanes@lw.com), Ebba Gebisa (ebba.gebisa@lw.com), Whit and Morlev (whit.morley@lw.com), (b) Latham & Watkins LLP, 1271 Avenue of the Americas, New York, New York 10020, Attn: Nikhil Gulati (nikhil.gulati@lw.com), and (c) Scroggins, Williamson & Ray, P.C., 4401 Northside Parkway, Suite 230, Atlanta, GA 30327 Attn: J. Robert Williamson (rwilliamson@swlawfirm.com); and (iv) the Office of the United States Trustee for Region 21, 362 Richard Russell Building & U.S. Courthouse, 75 Ted Turner Drive, S.W., Atlanta, GA 30303 (Attn: Jonathan S. Adams).

9. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order.

10. The requirements of Bankruptcy Rule 6003(b) are satisfied.

11. Notwithstanding any applicable Bankruptcy Rule, this Order shall be effective and enforceable immediately upon entry hereof.

12. Debtors' proposed counsel will promptly cause a copy of this Order to be served on the parties listed on the Consolidated List of Creditors That Have the Thirty Largest Unsecured Claims and Are Not Insiders, on counsel for the Prepetition Secured Parties (as defined by the Debtors' in their pleadings), the United States Trustee and their counsel, on counsel for the DIP Secured Parties (as defined by the Debtors' in their pleadings), the United States Attorney; the Georgia Department of Revenue, the Internal Revenue Service, the Securities & Exchange Commission, the Georgia Secretary of State, states attorneys general for states in which the Debtors conduct business, and any parties that were served with *Emergency Motion of the Debtors*

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for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Maintain Existing Insurance Policies, Pay all Policy Premiums, and Renew or Enter Into New Policies, and (B) Continue Insurance Premium Financing Program, Pay Insurance Premium Financing Obligations Arising in Connection Therewith, and Renew Such Premium Financing Arrangements; (II) Authorizing the Debtors to Maintain Their Surety Bond Program, Pay Obligations in Connection Therewith, and Renew or Obtain New Surety Bonds; and (III) Authorizing Banks to Honor and Process Checks and Electronic Transfer Requests Related Thereto. Debtors' proposed counsel shall cause a Certificate of Service evidencing such service to be filed within three (3) days of service.

13. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and interpretation of this Order.

END OF DOCUMENT

Prepared and presented by:

GREENBERG TRAURIG, LLP

/s/ David B. Kurzweil

David B. Kurzweil (Ga. Bar No. 430492) Matthew A. Petrie (Ga. Bar No. 227556) Terminus 200 3333 Piedmont Road, NE, Suite 2500 Atlanta, Georgia 30305 Telephone: (678) 553-2100 Email: kurzweild@gtlaw.com petriem@gtlaw.com

Proposed Counsel for the Debtors and Debtors in Possession

Debt	ors					
		CERTIFICATE OF NOTICE				
District/off: 113E-7		User: bncadmin	Page 1 of 3			
Date Rcvd: Mar 19, 2025		Form ID: pdf453	Total Noticed: 1			
The following symbols are used throughout this certificate:SymbolDefinition						
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.					
Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 21, 2025:						
Recip ID	Recip ID Recipient Name and Address					

Recip ID	Recipient Name and Address		
db	+ AFH Air Pros, LLC, 150 S. Pine Island Road, Suite 200, Plantation, FL 33324-2695		

TOTAL: 1

In re:

AFH Air Pros. LLC

Air Pros Atlanta LLC

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS. NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 21, 2025

Signature:

/s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 19, 2025 at the address(es) listed below: Name Email Address David Wender on behalf of Creditor Columbia Home Services LLC davidwender@eversheds-sutherland.com David B. Kurzweil on behalf of JointAdmin Debtor Mauzy Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com David B. Kurzweil on behalf of Debtor Air Pros Boca LLC kurzweild@gtlaw.com brattons@gtlaw.com David B. Kurzweil on behalf of JointAdmin Debtor Air Pros Colorado LLC kurzweild@gtlaw.com brattons@gtlaw.com David B. Kurzweil on behalf of JointAdmin Debtor Dallas Plumbing Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com David B. Kurzweil

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United States Bankruptcy Court Northern District of Georgia

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Chapter 11

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Date Rcvd: Mar 19, 2025	Form ID: pdf453	Total Noticed: 1		
	on behalf of Debtor Dream Team Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Hansen Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor CM Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Colorado LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Texas LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros West LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros Solutions Holdings LLC kurzweild@gtlaw.com, brattons@	gtlaw.com		
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros Dallas L.L.C. kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros One Source LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Atlanta LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros Atlanta LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Hansen Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Washington LLP kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros One Source LLC kurzweild@gtlaw.com brattons@gtlaw.co	om		
David B. Kurzweil	on behalf of Debtor Doug's Service Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Dallas L.L.C. kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Dallas Plumbing Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Doug's Service Air Pros LLC kurzweild@gtlaw.com, brattons@gtla	w.com		
David B. Kurzweil	on behalf of Debtor CM Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros Boca LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor East Coast Mechanical LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
	on behalf of Debtor AFH Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros Solutions LLC kurzweild@gtlaw.com, brattons@gtlaw.com	n		
David B. Kurzweil	on behalf of Debtor Air Pros West LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Solutions Holdings LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Dream Team Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.	com		

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Date Rcvd: Mar 19, 2025	Form ID: pdf453	Total Noticed: 1		
David B. Kurzweil	B. Kurzweil on behalf of JointAdmin Debtor Air Pros Texas LLC kurzweild@gtlaw.com brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros Washington LLP kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Solutions LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of JointAdmin Debtor Air Pros Blue Star LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil on behalf of JointAdmin Debtor East Coast Mechanical LLC kurzweild@gtlaw.com, brattons@gtlaw.com		@gtlaw.com, brattons@gtlaw.com		
David B. Kurzweil	on behalf of Debtor Mauzy Air Pros LLC kurzweild@gtlaw.com, brattons@gtlaw.com			
David B. Kurzweil	on behalf of Debtor Air Pros Blue Star LLC kurzweild@gtlaw.com, bra	ttons@gtlaw.com		
J. Robert Williamson	on behalf of Creditor OCIII LVS LXI LP rwilliamson@swlawfirm.com centralstation@swlawfirm.com;aray@swlawfirm.com;hkepner@swlawf m	ïrm.com;fharris@swlawfirm.com;mlevin@swlawfirm.co		
Jeff Dutson	on behalf of Interested Party East Coast Mechanical Home Services LLC	C jdutson@kslaw.com		
Jonathan S. Adams	on behalf of U.S. Trustee Office of the United States Trustee jonathan.s.	adams@usdoj.gov		
Office of the United States Truste	e ustpregion21.at.ecf@usdoj.gov			

TOTAL: 44