

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CHAPTER 11
OTB HOLDING LLC, et al, :
Debtor(s). :
: CASE NO. 25-52415-SMS
: :
: :

RESPONSE IN OPPOSITION TO LIQUIDATING TRUSTEE’S SECOND OMNIBUS OBJECTION TO CERTAIN DUPLICATE CLAIMS (DOC 729) FILED BY KRISTINA FERRELL, Individually and as Representative of the Estate of JOHNATHON FERRELL, and J.D. FERRELL

COMES NOW, KRISTINA FERRELL, Individually and as Representative of the Estate of JOHNATHON FERRELL, and J.D. FERRELL, creditors in the above-referenced matter (“Creditors”) and respond in opposition to the Liquidating Trustee’s Second Omnibus Objection to Certain Duplicate Claims as follows:

BACKGROUND

1. Prior to the filing of the present bankruptcy cases, Creditors filed a lawsuit against several parties, including two of the debtor entities: *OTB Acquisition, LLC d/b/a On the Border Mexican Grill and OTB Holding, LLC* (the “Debtor Entities”)(District Court of Dallas, Texas, 298th Judicial District bearing case number of DC-24-05031 (*KRISTINA FERRELL, Individually and as Representative of the Estate of JOHNATHON FERRELL, and J.D. FERRELL v. OTB Acquisition, LLC d/b/a On the Border Mexican Grill, OTB Holding, LLC, Madison Learn, Hunter Henderson and Patrick Grady*)(the “Pending Litigation”).
2. On April 28, 2025, Creditors file a Motion for Relief (doc 319) to pursue the Pending Litigation (the “MFR”).



3. On May 8, 2025 Creditors filed a proof of claim against debtor, OTB Acquisition (“POC 355”).
4. On May 8, 2025 Creditors filed a proof of claim against debtor, OTB Holding (“POC 356”).
5. On September 8, 2025, the Court entered an Agreed Order granting the MFR subject to objection (doc 599).
6. On September 29, 2029, Traveler’s Insurance filed its objection to the Agreed Order.
7. The parties resolved their concerns, and an Amended Agreed Order was entered on January 28, 2026 (doc 705).
8. The Amended Agreed Order allowed for the Liquidating Trustee to subsequently object to the Creditors proof of claims, which it has now done.

CLAIMS 355 AND 356 ARE NOT DUPLICATES

9. POC 355 is filed against debtor, OTB Acquisition, LLC.
10. POC 356 is filed against debtor, OTB Holding, LLC.
11. These debtors are separate and distinct entities.
12. This bankruptcy case has been jointly administered, but the debtor entities remain separate and distinct.
13. It is possible that the trier of fact in the Pending Litigation may find one of the debtor entities liable, but not the other. They may find that both entities are liable.
14. What is critical, however, is that, in addition to potentially having different liability obligations, each of the entities maintains separate insurance coverage.

15. If POC 355 and POC 366 are deemed duplicates and only POC 355 survives, the trier of fact may determine that one of the entities cannot be found liable.
16. More importantly, one of the insurance carriers could potentially deny coverage on that basis.
17. Creditors are not seeking to recover twice, but seek to preserve their rights against each of the respective debtor entities.

WHEREFORE, Creditors pray that Liquidating Trustee's Second Omnibus Objection to Certain Duplicate Claims be denied as to POC 355 and POC 356.

This 3rd day of March 2026.


s/ Ian M. Falcone

Ian M. Falcone
Attorney for Creditors
GA BAR NO. 254470

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CERTIFICATE OF SERVICE

This to certify that I have on this day served all parties in this matter with a copy of the foregoing "RESPONSE IN OPPOSITION" using the Bankruptcy Court's Electronic Case Filing program, which sends a notice and an accompanying link to this document to the parties who are registered to receive service via the CM/ECF system.

This 3rd day of March 2026

/s/ Ian M. Falcone

Ian M. Falcone
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