

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

IN RE:)	BANKRUPTCY CASE NO.
)	
ROMA’S STEAK AND PIZZERIA, INC.,)	16-40260
)	
DEBTOR.)	CHAPTER 11

**OBJECTION TO DEBTOR’S DISCLOSURE STATEMENT
DATED NOVEMBER 21, 2016**

COMES NOW J. Thomas Corbett, United States Bankruptcy Administrator for the Northern District of Alabama (the “BA”), by and through the undersigned counsel of record, and hereby files this Objection to the Debtor’s Disclosure Statement Dated November 21, 2016 (Doc. #97). In support thereof, the BA states as follows:

1. Based on the following, the DS does not appear feasible:
 - A. The Debtor is relying on revenues in the amount of \$35,000.00 per month; however, the Debtor’s monthly revenue has been less than \$35,000.00 for five out of eight months. The average revenue for the Debtor over the past eight months is approximately \$31,662.00.
 - B. Based on the Operating Reports, the Debtor is not paying post-petition taxes as required by the Operating Order. Both the BA and the Alabama Department of Revenue have filed Motions to Dismiss (Doc. ##113 and 108, respectively). The assertion in DS ¶2.10 does not appear accurate.
2. DS ¶5.3.B. identifies Claim No. 7-1 as a priority claim for the Internal Revenue Service; however, Claim No. 8-1 is the actual claim number. Said claim was amended to reflect zero on November 23, 2016 (Claim No. 8-2), resulting in a total priority claim of \$3,612.70 for the Internal Revenue Service.
3. DS ¶5.4.A. omits secured Claim No. 7-1 of the Alabama Department of Revenue in the amount of \$6,466.72. The total secured claim of ALDOR should be \$8,995.03.
4. The DS should more specifically discuss the Debtor’s business operations, including how the business has improved, and explain assertions in DS ¶¶ 2.11 and 2.12 and the basis for the 2017 projections. The DS should also disclose the number of employees and insiders employed.

5. DS Exhibit “B” should be amended to reflect the correct amount of secured debt.
6. DS Exhibit “C” should be amended to include Workers’ Compensation payments.
7. DS Exhibit “C” should be amended to include the payment of quarterly fees. The quarterly fees in this case are usually \$975.00, or \$325.00 per month.
8. DS Exhibit “C” should be amended to reflect specific plan payments.
9. Absent a prima facie showing of feasibility of the DS, the BA will not consent to vesting of property in the Debtor or a discharge at the time of confirmation.
10. The following provisions should be edited for technical, formatting and/or minor drafting errors: DS ¶¶ 2.11 and 8.4.B.; Plan ¶¶ 5.3.C through F (misnumbered), 5.4, 5.8 and 9.13.A.
11. The Plan should be modified consistent with the DS as outlined herein.

WHEREFORE, PREMISES CONSIDERED, absent the Debtor adequately addressing the issues raised herein, the undersigned respectfully requests that this Court enter an order sustaining this objection to the Debtor’s DS.

Respectfully submitted this the 12th day of December, 2016.

/s/ Robert J. Landry, III
Assistant U.S. Bankruptcy Administrator
Bar ID No. ASB-3091-L55R

OF COUNSEL:
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DISCLOSURE

The BA leases office space from General Services Administration (“GSA”). GSA leases such space from Pavilion, LLC, a company owned by Harry P. Long (10%) and his wife, Susan Long (90%).

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2016, I have served a copy of the foregoing via email on the parties listed below:

Harry P. Long
Attorney for Debtor
hlonglegal8@gmail.com

/s/ Robert J. Landry, III