

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

THE HONORABLE J. CRAIG WHITLEY, PRESIDING

TUESDAY, DECEMBER 14, 2021

9:30 a.m. (In Person)

- 1) 11 Schletter Inc. 18-40169 2nd continued Status hearing regarding  
Court Order in Aid of Consummation  
(495/471)

GHIDINA / CRABTREE / OEBKER / FAWKES  
JOHNSTON / ROSALUK / MARTIN  
ABEL, TR.

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- 2) 11 Ballantyne Brands, LLC, 19-30083 4th continued status hearing regarding  
a Delaware limited liability Order in Aid of Consummation (203/  
company 182)

BROWN / WRIGHT

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- 3) 11 Aarna Hotels, LLC 21-30249 10th continued hearing on Debtor's Motion to Use Cash Collateral (6); Ninth Interim Order Authorizing Use of Cash Collateral (173)
- 2nd continued hearing on Motion of M2 Charlotte Airport, LLC for Relief from Stay, Including the Application of 11 USC § 362(e) (89)
- Hearing on Motion of Non-Party Georgia's Own Credit Union to Quash Subpoena and Enter Protective Order, and Objection to Document Production Request (186); Debtor's Response (196)
- Hearing on Debtor's Motion to Assume and Assign Executory Contracts (188)
- Hearing on Debtor's Motion for Authorization to Pay Trailing Expenses in the Ordinary Course and to Set Related Bar Dates (193)

WRIGHT  
EDWARDS  
RUSHER

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- 4) 11 Sri Vari CRE Development LLC 21-30250 10th continued hearing on Debtor's Motion to Use Cash Collateral (6); Ninth Interim Order Authorizing Use of Cash Collateral (175)
- 2nd continued hearing on Motion of M2 Steele Creek CY LLC for Relief from Stay, Including the Application of 11 USC § 362(e) (89)
- Hearing on Motion of Non-Party Georgia's Own Credit Union to Quash Subpoena and Enter Protective Order, and Objection to Document Production Request (189); Debtor's Response (199)
- Hearing on Debtor's Motion to Assume and Assign Executory Contracts (191)
- Hearing on Debtor's Motion for Authorization to Pay Trailing Expenses in the Ordinary Course and to Set Related Bar Dates (196)

WRIGHT  
EDWARDS  
RUSHER

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- 5) Adv Matthew W. Smith,  
Sole Manager for  
BK Racing, LLC 20-03016  
Ch. 11  
18-30241 3rd continued hearing for Status and  
Scheduling Conference (33)
- v.  
Brian Castel

HOUSTON  
DiMATTEO / WOODMAN

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- 6) Adv Matthew W. Smith, 20-03012 2nd continued hearing on Plaintiff's  
Sole Manager for Ch. 11 Motion to Compel (31)  
BK Racing, LLC 18-30241  
v.  
Race Engines Plus, LLC

HOUSTON / BROWN  
DANTINNE

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- 7) Adv Matthew W. Smith 20-03033 Continued hearing on Plaintiff's  
Sole Manager for Ch. 11 Motion to Compel (24)  
BK Racing, LLC 18-30241  
v.  
GGR Enterprises, Inc.,  
et al.

HOUSTON / BROWN  
THOMPSON / DANTINNE

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- 8) Adv Matthew W. Smith, 20-03014 Continued hearing on Plaintiff's  
Sole Manager for Ch. 11 Motion for Protective Order (48);  
BK Racing, LLC 18-30241 Defendants (1) Response to Plaintiff's  
v. Motion for Protective Order; and (2)  
Ronald C. Devine, et al. Motion to Compel Discovery  
Responses (49)

HOUSTON / BROWN  
DIMATTEO / WOODMAN

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9) 11 Sein Divine, LLC 21-30468 2nd continued hearing on Motion of First National Bank of Pennsylvania (1) to Determine Proceeding Single Asset Real Estate Case, (2) to Enjoin Use of Cash Collateral, and (3) Alternatively for Relief from Stay (19); Debtor's Response (30)

Hearing on Debtor's Motion for Authority to Sell Property Free and Clear of All Liens, Claims, Interests, or Encumbrances (29)

Hearing on Debtor's Motion to Reject Lease (33)

DiMATTEO / WOODMAN  
PETTIT

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10) 11 Avivar Hospitality, LLC 20-30789 12th continued hearing on Amendment to Motion of Access Point Financial for Adequate Protection or, in the Alternative, Relief from Stay, Including the Application of 11 USC 362(e) (49/Exhibits 66); Debtor's Response (61); Response of American Lending Center (62); Declaration of Dilip Petigara (64); Reply in Support of Motion of Access Point Financial for Adequate Protection (106); Order Granting Adequate Protection and Temporarily Staying Guaranty Litigation (123); Amendment of Access Point Financial to (1) American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and (2) Motion of Access Point Financial for Adequate Protection or, in the Alternative, Relief from Stay, Including the Application of 11 USC 362(e) (185)

12th continued hearing on Amendment to Motion of American Lending Center

for Adequate Protection or, in the Alternative, Relief from Stay (104); Debtor's Objection (121); Limited Objection of Live Oak Banking Company (122); Substitution of Access Point Financial as Party in Interest to American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and Clarification / Amendment to Motion (137); Amended Objection to American Lending Center's (Now Access Point Financial) Motion for Adequate Protection or, in the Alternative, Relief from Stay (140); Debtor's Memorandum in Opposition to American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay (141); Access Point Financials Amendment to (1) American Lending Center's Motion for Adequate Protection or, in the Alternative, Relief from Stay and (2) Access Point Financials Motion for Adequate Protection or, in the Alternative, Relief from Stay, Including the Application of 11 USC 362(e) (185)

7th continued hearing on Disclosure Statement (98); First Amended Disclosure Statement (167); Second Amended Disclosure Statement (260); Limited Objection and Reservation of Rights of Marriott International, Inc. to the Debtor's (I) Second Amended Disclosure Statement and (II) Second Amended Plan of Reorganization (265); Objection of Access Point Financial, LLC to Second Amended Disclosure Statement of Debtor (266)

7th continued hearing on Debtor's Motion to Extend Exclusivity (139/98)

7th continued hearing on Objection of Access Point Financial to Claim/Motion

**to Disallow Asserted Claim of Sterling Holdings (149/35); Amended Motion of Access Point Financial to Equitably Recharacterize Asserted Claim of Sterling Holdings (237); Objection of Sterling Holdings to Amended Motion of Access Point Financial to Equitably Recharacterize Asserted Claim of Sterling Holdings (267)**

**7th continued hearing on Motion of Sterling Holdings for Ex Parte Order to Extend Time to File Response to Claim Objection and to Continue Hearing Thereon (162); Memorandum Regarding Pending Objection to Claim of Sterling Holdings and Appropriate Procedure to Address Objection (168)**

**7th continued hearing on Motion of Access Point Financial for Appointment of Chapter 11 Trustee (188); Response of the U.S. Bankruptcy Administrator to Motion for Appointment of Chapter 11 Trustee and Request for Alternative Relief (203); Debtor's Objection to Motion for Appointment of Chapter 11 Trustee (205)**

**7th continued hearing on Debtor's Motion for Authority to Sell Real Property Free and Clear (254); Objection of Access Point Financial (262)**

**5th continued hearing on Debtor's Motion to Designate Votes Under 11 U.S.C. § 1126 (e) (202); Response of Access Point Financial in Opposition to Debtor's Motion to Designate Votes (263); Debtor's Amendment to Motion to Designate Votes Under 11 U.S.C. § 1126 (e) (269)**

**5th continued hearing on Debtor's Motion for Ruling on Admissibility of Evidence (273)**

ESSER / FAJGENBAUM  
ABEL, BA  
WRIGHT  
WHELEHAN  
TARR  
GARDNER

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**11:00 a.m. (In Person)**

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| 11) | Adv Matthew W. Smith,<br>Sole Manager for<br>BK Racing, LLC<br>v.<br>Nancy O'Haro | 20-03007<br>Ch. 11<br>18-30241 | Continued hearing on Plaintiff's<br>Motion for Status and Scheduling<br>Conference (36) |
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WOODMAN

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| 12) | Adv Matthew W. Smith,<br>Sole Manager for<br>BK Racing, LLC<br>v.<br>Ronald C. Devine, et al. | 20-03014<br>Ch. 11<br>18-30241 | Continued hearing on Plaintiff's<br>Motion for Status and Scheduling<br>Conference (41) |
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| 13) | Adv Matthew W. Smith<br>Sole Manager for<br>BK Racing, LLC<br>v.<br>Michael Diserveria et al. | 20-03057<br>Ch. 11<br>18-30241 | Continued hearing on Plaintiff's<br>Motion for Status and Scheduling<br>Conference (26) |
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