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Attorneys for Steven R. Bailey, Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

**EMPIRE SOLAR GROUP, LLC,
Debtor.**

Bankruptcy Case No. 21-23636

Chapter 7

Honorable Joel T. Marker

**NOTICE OF CHAPTER 7 TRUSTEE'S MOTION TO MODIFY THE AUTOMATIC
STAY TO ALLOW CUSTOMERS UNDER COMPLETED AND FULLY PAID
CONTRACTS TO SEEK REDRESS FROM APPLICABLE STATE RECOVERY
FUNDS, AND NOTICE OF OPPORTUNITY FOR HEARING**

Objection Deadline: October 15, 2021

Reserved Hearing Date and Time: October 27, 2021, at 9:00 a.m.

PLEASE TAKE NOTICE that, on September 28, 2021, Steven R. Bailey, the duly appointed Chapter 7 Trustee in the above-entitled case (the "**Trustee**"), filed with the United States Bankruptcy Court for the District of Utah his *Chapter 7 Trustee's Motion to Modify the Automatic Stay to Allow Customers Under Completed and Fully Paid Contracts to Seek Redress from Applicable State Recover Funds* (the "**Motion**") (docket #60). If you would like a copy of the Motion, you may obtain a copy by requesting one from the undersigned counsel by email addressed to either Michael R. Johnson, at mjohnson@rqn.com, or David H. Leigh, at dleigh@rqn.com.

In the Motion, the Trustee seeks an Order modifying the automatic stay to permit Empire customers whose contracts were already completed and paid in full prior to the Petition Date,

which completed contracts have no remaining economic value to the estate and will not be sold by the Trustee, to pursue state court actions against the Debtor for the sole purpose of obtaining a judgment so that they can then seek restitution from various state-administered contractor recovery funds. The Trustee contends that cause exists to modify the stay in this fashion because the modification will (1) have little to no connection to the estate; (2) not interfere with the bankruptcy case or the administration of the estate; (3) not result in prejudice to any creditors or other parties in interest; and (4) may reduce the amount of claims against the bankruptcy estate.

YOUR RIGHTS MAY BE AFFECTED. You should read this notice and 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.

PLEASE TAKE FURTHER NOTICE that if you do not want the Court to grant the relief requested in the Motion, then you or your attorney must do the following:

(1) On or before **October 15, 2021**, file with the Bankruptcy Court a written Objection explaining your position, at:

Clerk of the Court
United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

(2) If you mail your objection to the Bankruptcy Court for filing, you must mail it early enough so that the Court will **receive** it on or before **October 15, 2021**. You must also mail a copy to the undersigned counsel at P.O. Box 45385, Salt Lake City, UT 84145-0385.

PLEASE TAKE FURTHER NOTICE THAT a telephonic hearing on the Motion (the “**Hearing**”) has been reserved before the Honorable Joel T. Marker, United States Bankruptcy Court Judge for the District of Utah, on **October 27, 2021, at 9:00 a.m.**, or as soon thereafter as the matter may be heard, in Room 341 of the Frank E. Moss United States Courthouse, 350 South Main Street, Salt Lake City, Utah 84101. **To attend the hearing by telephone, please call (636) 651-3182, and then enter the access code for the hearing which is 3834658#.** Please call at least five (5) minutes before the Hearing is scheduled to begin. There will be no further notice of the hearing, and failure to attend the hearing will be deemed a waiver of your objection.

PLEASE TAKE FURTHER NOTICE THAT if a timely response or objection to the Motion is not filed by the deadline set forth above, the Bankruptcy Court may grant the relief requested in the Motion without a hearing.

If you or your attorney do not take these steps, the Bankruptcy Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief. In the absence of a timely filed objection, the undersigned counsel may and will ask the Court to enter an order approving the Motion without hearing.

DATED this 28th day of September 2021.

RAY QUINNEY & NEBEKER P.C.

/s/ Michael R. Johnson _____

Michael R. Johnson

David H. Leigh

Attorneys for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2021, a true and correct copy of the foregoing **NOTICE OF CHAPTER 7 TRUSTEE'S MOTION TO MODIFY THE AUTOMATIC STAY TO ALLOW CUSTOMERS UNDER COMPLETED AND FULLY PAID CONTRACTS TO SEEK REDRESS FROM APPLICABLE STATE RECOVERY FUNDS, AND NOTICE OF OPPORTUNITY FOR HEARING** was electronically filed and therefore served via ECF on the following:

- **Steven R. Bailey tr** karen@baileylaw.org, UT06@ecfcbis.com
- **Megan K Baker** baker.megan@dorsey.com, long.candy@dorsey.com
- **Matthew M. Boley** mboley@ck.law, klopez@ck.law
- **Michael R. Johnson** mjohnson@rqn.com, docket@rqn.com;vmood@rqn.com
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- **Mark C. Rose** mrose@mbt-law.com, markcroselegal@gmail.com
- **Mark S. Swan** mswan@strongandhanni.com, mark@swanlaw.net
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov

I further certify that on the 28th day of September, 2021, a true and correct copy of the foregoing was mailed by first class mail, postage prepaid, to the following:

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/s/ Carrie Hurst