

This order is SIGNED.

Dated: October 22, 2021



JOEL T. MARKER
U.S. Bankruptcy Judge



msc

Prepared and Submitted by:

Michael R. Johnson (7070)
David H. Leigh (9433)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, 14th Floor
P.O. Box 45385
Salt Lake City, UT 84145
(801) 532-1500
Email: mjohnson@rqn.com
Email: dleigh@rqn.com

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

**ORDER AUTHORIZING THE TRUSTEE TO REJECT CERTAIN NON-
RESIDENTIAL REAL PROPERTY LEASES MORE SPECIFICALLY IDENTIFIED
ON EXHIBIT 1 TO THE TRUSTEE'S MOTION**

This matter is before the Court on the *Chapter 7 Trustee's First Omnibus Motion to Reject Unexpired Leases of Nonresidential Real Property* (the "**Motion**") filed on October 1, 2021 [Dkt. 66] by Steven R. Bailey, the duly appointed Chapter 7 Trustee in the above-entitled case (the "**Trustee**"). In the Motion, the Trustee requests entry of an Order from the Court authorizing him to reject twenty (20) unexpired leases of real property (the "**Leases**"). The

Leases are more fully described in Exhibit 1 to the Motion, which Exhibit 1 also identifies each counterparty to the Leases. A copy of Exhibit 1 is also attached hereto.

The Court, after reviewing the Motion and such other matters in the Court's file as the Court deemed appropriate, and after noting the lack of any objections or responses to the Motion in the Court's file, and the time for objecting or responding to the Motion having now expired, has determined that the Motion is well-taken, and that the relief requested therein should be granted.

Based upon the foregoing and good cause appearing therefore, **IT IS HEREBY ORDERED** as follows:

1. The Court has jurisdiction over this case and the Motion pursuant to 28 U.S.C. §§ 1334 and 157(b)(2)(G), and the Motion is a core proceeding. Venue of this case is appropriate under 28 U.S.C. § 1408(a).

2. Notice of the Motion, of the objection deadline and of the opportunity for a hearing on the Motion, was appropriate under the circumstances. No timely objections to the Motion were filed with the Court.

3. As requested in the Motion, and pursuant to 11 U.S.C. § 365(a), the Trustee shall be, and he hereby is, authorized to reject each of the Leases identified on Exhibit 1 attached hereto, and such leases are hereby deemed rejected effective as of the date of entry of this Order.

-----END OF DOCUMENT-----

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of October, 2021, the foregoing Proposed **ORDER AUTHORIZING THE TO REJECT CERTAIN UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY** was electronically filed and therefore served via ECF on the following:

- **B. Scott Allen** allen@mvmlegal.com, coley@mvmlegal.com
- **Steven R. Bailey tr** karen@baileylaw.org, UT06@ecfbis.com
- **Megan K Baker** baker.megan@dorsey.com, long.scarlette@dorsey.com
- **Matthew M. Boley** mboleym@ck.law, klopez@ck.law
- **Ryan C. Cadwallader** rcadwallader@kmclaw.com, twhite@kmclaw.com
- **Deborah Rae Chandler** dchandler@aklawfirm.com
- **John Christiansen** john@utahlaw.legal, r47656@notify.bestcase.com
- **Michael R. Johnson** mjohnson@rqn.com, docket@rqn.com; vmoody@rqn.com
- **David H. Leigh** dleigh@rqn.com, moakeson@rqn.com; docket@rqn.com
- **Christopher J Martinez** martinez.chris@dorsey.com
- **Jason A. McNeill** mcneill@mvmlegal.com, coley@mvmlegal.com
- **Blake D. Miller** bmillerm@aklawfirm.com, millermobile@gmail.com; miller.blaked@gmail.com
- **Gregory S. Moesinger** gmoesinger@kmclaw.com, tsanders@kmclaw.com
- **Mark C. Rose** mrose@mbt-law.com, markcroselegal@gmail.com
- **Mark S. Swan** mswan@strongandhanni.com, mark@swanlaw.net
- **Jeffrey L. Trousdale** jtrousdale@cohnnekinghorn.com, mparks@ck.law; tkosec@ck.law
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov

I further certify that on the 22nd day of October, 2021, a true and correct copy of the foregoing was mailed by first class mail, postage prepaid, to the following:

Gil Miller
Rocky Mountain Advisory
215 South State Street Ste 550
Salt Lake City, UT 84111

John P. Dillman
Linebarger Goggan Blair & Sampson, LLP
PO Box 3064
Houston, TX 77253-3064

Steven W. Kelly
S&D Law
1290 Broadway Ste 1650
Denver, CO 80203

Raymond J. Rotella
Kosto & Rotella P.A.
P.O. Box 113
Orlando, FL 32802

Micheal Gipson
411 West Walnut St
Independence, MO 64050

/s/ Carrie Hurst

1580469

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER AUTHORIZING THE TO REJECT CERTAIN UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY** (the “Order”) should be served on the persons in the manner designated below:

By electronic service: I certify that the parties of record in this case as identified immediately below are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF system:

- B. Scott Allen allen@mvmlegal.com, coley@mvmlegal.com
- Steven R. Bailey tr karen@baileylaw.org, UT06@ecfcbis.com
- Megan K Baker baker.megan@dorsey.com, long.scarlette@dorsey.com
- Matthew M. Boley mboley@ck.law, klopez@ck.law
- Ryan C. Cadwallader rcadwallader@kmclaw.com, twhite@kmclaw.com
- Deborah Rae Chandler dchandler@aklawfirm.com
- John Christiansen john@utahlaw.legal, r47656@notify.bestcase.com
- Michael R. Johnson mjohnson@rqn.com, docket@rqn.com; vmooddy@rqn.com
- David H. Leigh dleigh@rqn.com, moakeson@rqn.com; docket@rqn.com
- Christopher J Martinez martinez.chris@dorsey.com
- Jason A. McNeill mcneill@mvmlegal.com, coley@mvmlegal.com
- Blake D. Miller bmiller@aklawfirm.com, millermobile@gmail.com; miller.blaked@gmail.com
- Gregory S. Moesinger gmoesinger@kmclaw.com, tsanders@kmclaw.com
- Mark C. Rose mrose@mbt-law.com, markcroselegal@gmail.com
- Mark S. Swan mswan@strongandhanni.com, mark@swanlaw.net
- Jeffrey L. Trousdale jtrousdale@cohnekinghorn.com, mparks@ck.law; tkosec@ck.law
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

By U.S. Mail – In addition to the foregoing persons of record receiving notice of the entry of the Order through the CM/ECF system, the NON-ECF parties requesting notice set forth below **AND the parties reflected on Exhibit 1**, attached hereto, should be served with a copy of the Order by U.S. Mail pursuant to Fed R. Civ. P. 5(b).

Gil Miller
Rocky Mountain Advisory
215 South State Street Ste 550
Salt Lake City, UT 84111

John P. Dillman
Linebarger Goggan Blair & Sampson, LLP
PO Box 3064
Houston, TX 77253-3064

Steven W. Kelly
S&D Law
1290 Broadway Ste 1650
Denver, CO 80203

Raymond J. Rotella
Kosto & Rotella P.A.
P.O. Box 113
Orlando, FL 32802

Micheal Gipson
411 West Walnut St
Independence, MO 64050

/s/ Carrie Hurst

EXHIBIT 1

COUNTERPARTY/LESSOR	ADDRESS OF LEASED PROPERTY	APPROXIMATE DATE OF LEASE
815-847 Arnold Drive, LLC	Bay 11 and Bay 12 at 8175 Arnold Drive Martinez, CA 94553	5-Apr-20
AIM 786, LLC	Building 2 at 3670 Naseem Lane Sanford, FL 32771	10-Sep-20
Arka Miramar II, LP; Force Franklin I, LP; Force 10580, LLC; SR32 San Diego Portfolio, LLC; Pacifica Real Estate V, LLC; and Pacifica Encinitas Beach, LLC	9040 Carroll Way Suite 3 San Diego, CA 92121	10-Jan-20
CI DEN I-GW, LLC	4801-4885 Moline Street and 4800-4818 Lima Street Denver, CO 80239	1-May-21
CREF3 Felt Owner LLC	341 South Main Street, Suites 100 and B100 Salt Lake City, UT 84111	4-Nov-20
Crescentville Partners, LLC	2521 E. Crescentville Rd. Sharonville, OH 45241	27-Aug-20
D & J Properties, LLC	3016 South West Temple, Salt Lake City, UT 84115	8-Oct-20
Derksen Concrete Fencing	3318 and 3320 Adobe Court Colorado Springs, CO 80907	30-Oct-20
Dr. Chet Gray	#3 E Industrial Loop Midland, TX 79703	14-Feb-20
ExpertVoice	9 East Exchange Place Suite 400 Salt Lake City, UT 84111	28-May-19

Freeway Holdings, LLC and Wailea Investments, LLC	3601 N. Kimball Drive Kansas City, MO 64161	6-Mar-20
FJR Trading, LLC	5723 Rittiman Plz San Antonio, TX 78218	16-Mar-21
Jay & Mike Investments, LLC	14341 Ewing Avenue S. Burnsville, MN 55306	26-Feb-20
Mesa Ridge Business Park I, LLC	4255 East McDowell Road Suite 103 Mesa, AZ 85215	7-Feb-20
Mooney Longbranch II, LLC	5212 Cone Rd Suite 5212 Tampa, FL 33610	Sep-19
PCI Corp Parkway, LLC	6750 Corporation Parkway Fort Worth, TX 76126	20-Mar-20
Platinum Owner GA, LLC	5800 Oakbrook Parkway Norcross, GA 30093	5-Mar-21
SD&S/Franklinpark, LLC	2925 Lucy Ln Franklin Park, IL 60131	15-Feb-21
TPRF/TREP Acquisition 4, LLC	5650 Guhn Road Houston, TX 77040	1-Apr-20
York Palmdale Properties, LLC	190 Sierra Court, Unit # A-1 Palmdale, CA 93550	7-Oct-19