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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.	<b>Bankruptcy Case No. 21-23636</b>  Chapter 7  Honorable Joel T. Marker
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**NOTICE OF MOTION PURSUANT TO 11 U.S.C. §§ 105(a) AND FEDERAL RULES OF  
BANKRUPTCY PROCEDURE 9014 AND 9019, FOR ENTRY OF AN ORDER  
APPROVING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS  
BETWEEN THE TRUSTEE, ON THE ONE HAND AND SUNTUITY SOLAR LIMITED  
LIABILITY COMPANY ON THE OTHER HAND**

**AND NOTICE OF OPPORTUNITY FOR HEARING**

**Objection Deadline: July 17, 2023**  
**Reserved Hearing Date and Time: August 2, 2023, at 10:30 a.m.**

**PLEASE TAKE NOTICE THAT**, on June 29, 2023, Steven R. Bailey, the Chapter 7 trustee in the above-captioned case (the “**Trustee**”), filed his *Motion, Pursuant to 11 U.S.C. § 105(a) and Federal Rules of Bankruptcy Procedure 9014 and 9019, for Entry of an Order Approving a Settlement Agreement and Mutual Release of Claims Between the Trustee, on the One Hand, and Suntuity Solar Limited liability Company on the Other Hand* (the “**Motion**”) with the United States Bankruptcy Court for the District of Utah (the “**Bankruptcy Court**”) in the above-captioned bankruptcy case (the “**Bankruptcy Case**”).

In the Motion, the Trustee asks the Court to approve the form and substance of a *Settlement Term Sheet for Settlement of Claims* (the “**Agreement**”) between the Trustee, on the one hand, and Suntuity Solar Limited Liability Company (“**Suntuity**”), on the other hand, to settle and resolve various claims and causes of action that the Parties have or may have against one another.

In summary, the Agreement provides for the settlement of any claims the estate may have against Suntuity arising out of Suntuity’s pre-petition business and financial dealings with the Debtor, including but not limited to certain payments that Suntuity received related to those business and financial dealings, for a Settlement Payment in the amount of \$200,000.00. Further, the Trustee will transfer and assign to Suntuity any claims held by the Debtor, the Trustee and the Debtor’s Chapter 7 estate, including state law claims and claims under Chapter 5 of the Bankruptcy Code, against Abby Buchmiller, Amanda Roseburg, Uinta Bank, GoodLeap LLC, fka Loan Pal and Rock Creek Financial Advisors and, in return for the transfer of those claims, Suntuity will pay to the Trustee, for the benefit of the estate, twenty five percent (25%) of any recoveries received on such transferred claims. The Term Sheet further provides for broad form customary releases, except that Suntuity will not release and will expressly retain (a) its right to receive distributions under Claim 143-1 that Suntuity filed against the Debtor’s estate, and (b) any claims that Suntuity has or may have against the current or former owners of the Debtor, i.e., Abby Buchmiller or Amanda Roseburg.

The Trustee believes in his business judgment that the settlement he has negotiated with Suntuity is a fair and reasonable settlement and that its terms should be approved.

**PLEASE TAKE FURTHER NOTICE THAT**, pursuant to Local Rule 2002-1(B), any creditor or other interested party desiring to respond to or object to the relief requested in the Motion **must** file a written response or objection with the above-captioned Bankruptcy Court and serve a copy of the response or objection upon the undersigned, by no later than **July 17, 2023**.

**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, and may enter the Order that has been submitted by the Trustee.

**PLEASE TAKE FURTHER NOTICE THAT** the Motion is on file with the Clerk of the United States Bankruptcy Court for the District of Utah and is also posted on the Empire Solar Group, LLC bankruptcy website at <https://empiresolarbankruptcy.com>. A copy of the Motion and Settlement Agreement may also be obtained by contacting counsel for the Trustee, Michael R. Johnson or David H. Leigh of Ray Quinney & Nebeker P.C., at 801-532-1500, or by e-mail at [mjohnson@rqn.com](mailto:mjohnson@rqn.com) or [dleigh@rqn.com](mailto:dleigh@rqn.com).

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ 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 **July 17, 2023**, file with the Bankruptcy Court a written Objection explaining your position. If you mail your objection, mail it to:

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

If you hand deliver your objection, deliver it to:

Bankruptcy Court Intake Department  
Orrin G. Hatch U.S. Courthouse  
351 South West Temple, 1<sup>st</sup> Floor  
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 July 17, 2023. 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 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 **August 2, 2023, at the hour of 10:30 a.m.**, or as soon thereafter as the matter may be heard.

Pursuant to current Court procedure, this hearing will be conducted remotely by Zoom before the Honorable Joel T. Marker. Zoom access instructions for the hearing are as follows:

[www.utb.uscourts.gov/court-hearings-be-conducted-zoom](http://www.utb.uscourts.gov/court-hearings-be-conducted-zoom)

Meeting ID: 16154788875  
Passcode/Participant ID: 3834658  
+1 669 254 5252

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 30<sup>th</sup> day of June, 2023.

RAY QUINNEY & NEBEKER P.C.

*/s/ Michael R. Johnson*

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Michael R. Johnson

*Counsel for the Trustee*

**CERTIFICATE OF SERVICE**

I certify that on June 30, 2023, the foregoing document was electronically filed with the Court and therefore served via ECF upon the following:

- **B. Scott Allen** coley@mvmlegal.com
- **Rod N. Andreason** randreason@kmclaw.com, mkowalczyk@kmclaw.com
- **Steven R. Bailey tr** karen@baileylaw.org, UT06@ecfcbis.com
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- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Aaron M. Waite** aaronmwaite@agutah.gov

I further certify that on June 30, 2023, the foregoing Notice was mailed by first class U.S. mail, with postage fully prepaid, to the parties requesting notice and parties set forth in the Court's Order limiting notice, as listed on Exhibit A attached hereto.

/s/ Carrie Hurst

**EXHIBIT A**

United States Trustee  
405 South Main Street, #300  
Salt Lake City, UT 84111

Steven R. Bailey, Trustee  
P.O. Box 1828  
Layton, UT 84041

Mark C. Rose  
McKay, Burton & Thurman P.C.  
15 West South Temple, Suite 1000  
Salt Lake City, UT 84101

Rocky Mountain Advisory  
15 W. South Temple, Suite 500  
Salt Lake City, UT 84101

Uinta Bank  
140 Yellow Creek Rd.  
Evanston, WY 82930

Durham Commercial Capital Corp  
101 Sullys Trail, Bldg 20  
Pittsford, NY 14534

D & J Properties  
3020 South West Temple  
Salt Lake City UT 84115

Wesco Distribution, Inc.  
3425 East Van Buren Street  
Phoenix, AZ 84008

Gambit, LLC  
235 Washakie Dr.  
Evanston, WY 82930

Consolidated Electrical Distributors, Inc.  
15230 N. 75th St., Suite 2020  
Scottsdale, AZ 85260

CT Corporation System, as  
representative  
330 N. Brand Blvd., Suite 700  
Glendale, CA 91203  
Attn: SPRS

Byline Financial Group  
2801 Lakeside Drive, Suite 212  
Deerfield, IL 60015

Suntuity Solar Limited Liability  
Company  
2137 NJ-35  
Holmdel, NJ 07733

Onesource Distributors, LLC  
3951 Oceanic Drive  
Oceanside, CA 92056

Codale Electric Supply, Inc.  
5225 W. 2400 South  
South Salt Lake City, UT 84120

Crawford Electric Supply Company, Inc.  
7390 Northcourt Rd.  
Houston, TX 77040

Independent Electric Supply, Inc.  
2001 Marina Blvd,  
San Leandro, CA 94577

QED Inc., dba Quality Electrical  
Distributors  
1661 W. 3rd Ave.,  
Denver, CO 80233

Viking Electric Supply, Inc.  
451 Industrial Boulevard NE,  
Minneapolis, MN 55413

World Electric Supply, Inc.  
569 Stuart Lane  
Jacksonville, FL 32254

Wesco Distribution, Inc.  
3425 East Van Buren Street  
Phoenix, AZ 85008

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Salt Lake City, UT 84121

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Steve Brown & Associates, LLC  
1414 East Indian School Road  
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Phoenix, AZ 85014

Daylight Roofing  
Donaciano Talamantes  
1266 14th Street  
Imperial Beach, CA 91932

Eco Rocha LLC  
6089 Mustang Breeze Trail UNIT 102  
Henderson, NV 98011

Internal Revenue Service  
Centralized Insolvency Operation  
P.O. Box 7346  
Philadelphia, PA 19101-7346

State of Utah  
AG Office, Tax Financial Service Div.  
160 East 300 South, 5<sup>th</sup> Floor  
P.O. Box 140874  
Salt Lake City, UT 84114

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