

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>In re:</b>	§	<b>Chapter 7</b>
	§	
<b>COUNTRY FRESH HOLDING COMPANY INC., et al.<sup>1</sup>,</b>	§	<b>Case No. 21-30574 (MI)</b>
	§	<b>Jointly Administered</b>
	§	
<b>Debtor(s).</b>	§	

**THE CUSTOM PRODUCE SALES GROUP’S LIMITED RESPONSE TO DEBTORS’  
OMNIBUS OBJECTION TO CERTAIN SATISFIED PACA CLAIMS**

[Relates to Dkt. No. 694]

COME NOW, PACA Trust Creditors Custom Produce Sales (“Custom Produce”), JA Pacific Sales Company Inc. dba Pacific Sales Co. (“Pacific Sales”) and David Oppenheimer and Company 1, LLC (“Oppy”)(collectively , the “Custom Produce Sales Group”) and file their Limited Response to the Debtors’ Omnibus Objection to Certain Satisfied PACA Claims [Dkt. No. 694].

**RESPONSE**

1. The Debtors’ Omnibus Objection to Certain Satisfied PACA Claims (the “Objection”) concerns the following principal amounts:

<b>Custom Produce</b>	
Invoice No.	Amount
466863	\$12,382.16
<b>Total:</b>	<b>\$12,382.16</b>

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<sup>1</sup> The Debtors in these Chapter 11 cases and the last four digits of each Debtors’ taxpayer identification number are as follows: Country Fresh Holding Company Inc. (7822); Country Fresh Midco Corp. (0702); Country Fresh Acquisition Corp. (5936); Country Fresh Holdings, LLC (7551); Country Fresh LLC (1258); Country Fresh Dallas, LLC (7237); Country Fresh Carolina, LLC (8026); Country Fresh Midwest, LLC (0065); Country Fresh Orlando, LLC (7876); Country Fresh Transportation LLC (8244) CF Products, LLC (8404) Country Fresh Manufacturing, LLC (7839); Champlain Valley Specialty of New York, Inc. (9030); Country Fresh Pennsylvania, LLC (7969); Sun Rich Fresh Foods (NV) Inc. (5526); Sun Rich Fresh Foods (USA) Inc. (0429); and Sun Rich Fresh Foods (PA) Inc. (4661). The Debtors’ principal place of business is 3200 Research Forest Drive, Suite A5, The Woodlands, TX, 77381.

**Oppy**

Invoice No.	Amount
IN1863996	\$18,576.00
Total:	<b>\$18,576.00</b>

**Pacific Sales**

Invoice No.	Amount
P03708	\$15,366.00
P03802	\$14,928.00
P08206	\$17,845.00
P08307	\$17,845.00
P08808	\$17,845.00
P06109A	\$2,000.00
P06207A	\$9,705.60
P06907	\$14,716.62
P07201	\$15,333.16
P07701	\$15,100.58
P08102	\$14,924.69
P08101	\$15,068.60
P08501	\$13,908.60
P08502	\$14,962.73
Total	<b>\$199,549.58</b>

2. On June 10, 2021, the Debtors' requested confirmation that the foregoing amounts had been paid. That same day, confirmation that the foregoing amounts had been paid, with the exception of Pacific Sales invoices P03708 in the amount of \$15,366 and P03802 in the amount of \$14,928 was provided to counsel for Debtors, along with a request for records establishing payment for invoices P03708 and P03802.

3. On June 18, 2021, a second request was made of counsel for Debtors for payment records establishing payment to Pacific Sales for invoices P03708 and P03802. Counsel for Debtors indicated that copies of checks had been requested. On June 29, 2021, a final request was made of Debtors counsel regarding the requested records. Debtors counsel indicated that the checks were requested but were never provided.

4. Pacific Sales has no record of payment made by Debtors on invoices P03708 and P03802. Pacific Sales cannot produce evidence establishing that payment did not occur, because

such evidence does not exist. The burden should be on Debtors to establish payment for those invoices, i.e. the copies of the checks that Debtors allege paid those invoices, and if Debtor cannot meet that burden, Pacific Sales' PACA claims for invoices P03708 and P03802 should be allowed.

5. Custom Produce and Oppy agree that the foregoing total principal balances for their referenced invoices were paid by the Debtors and do not intend to include such principal balances in the claims they will be filing in these cases. However, Custom Produce and Oppy continue to hold claims for interest and attorney's fees related to these paid principal balances—as well as other unpaid PACA claims—that continue to be owed and that will be filed in these cases.

6. Pacific Sales agrees that the foregoing principal balances for the referenced invoices, with the exception of invoices P03708 and P03802, were paid by Debtors and do not intend to include such principal balances in the claims they will be filing in these cases. However, Pacific Sales continues to hold a claim for the principal balances due on invoices P03708 and P03802, interest and attorney's fees related to the paid and unpaid principal balances, along with other unpaid PACA claims, that continue to be owed and that will be filed in these cases.

7. The Custom Produce Sales Group requests that the Order granting the Objection be substantively limited to a finding that the Satisfied PACA Claims have been paid in the amounts identified in Exhibit A to the Objection for Custom Produce and Oppy, and that the Satisfied PACA Claims have been paid in the amounts identified in Exhibit A for Pacific Sales, with the exception of invoices P03708 and P03802, which shall be deemed as undisputed PACA amounts due to Pacific Sales.

WHEREFORE, the Custom Produce Sales Group respectfully requests the Court to grant the relief requested in this Response and such other and further relief to which they may be entitled.

Respectfully submitted,

RYNN & JANOWSKY, LLP

DATED: July 2, 2021

/s/ Elise O'Brien  
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Inc. dba Pacific Sales Co and David Oppenheimer  
and Company 1, LLC

**CERTIFICATE OF SERVICE**

I do hereby certify that on July 2, 2021 a true and correct copy of the foregoing pleading was served on all parties receiving notice and service through the Court's ECF system.

/s/ Elise O'Brien

Elise O'Brien