

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

In re:

COUNTRY FRESH HOLDING
COMPANY, INC., et al.

Debtors.¹

Chapter 7

Case No. 21-30574

Jointly Administered

**HORIZON MARKETING’S OBJECTION TO REVISED PROPOSED ORDER
ON TRUSTEE’S MOTION FOR AUTHORITY (A) TO PAY ALL REMAINING
PRE-CLOSING PACA CLAIMS FROM THE PACA ESCROW RESERVE, (B)
TO RELEASE ANY REMAINING ESCROWED FUNDS IN THE PACA
ESCROW RESERVE TO THE TRUSTEE, (C) TO EXPUNGE ALL OTHER
PACA CLAIMS AND (D) FOR RELATED RELIEF
(Related to Dkt. No. 915, 993)**

TO THE HONORABLE MARVIN ISGUR, U.S. BANKRUPTCY JUDGE:

Horizon Marketing, Inc., a trust beneficiary under the trust provisions of the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C. §499e(c) (the “PACA Trust”) objects to the proposed Order submitted by the Trustee on the Motion for Authority (A) to Pay All Remaining Pre-Closing PACA claims from the PACA Escrow Reserve, *et al.*

On August 28, 2021, the Trustee submitted a chart to counsel for the PACA trust creditors, listing Horizon Marketing’s \$10,354.00 claim under the PACA Trust. See

¹ 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.

Exhibit “A.” In subsequent emails between the undersigned and the Trustee, they acknowledged that the claim would be listed in the chart. See Exhibit “B.”

In the Trustee’s proposed Order, Horizon Marketing is no longer listed (See, DE 993). Shortly after the Trustee filed her proposed Order on September 24, 2021, the undersigned reached out to the Trustee and, later in the evening, to her and her counsel on this date by email concerning the omission. The undersigned will again reach out to the Trustee regarding the oversight, this weekend and Monday morning, the next business day.

Because the Order would bar Horizon Marketing from recovering on its PACA Trust claim, Horizon Marketing files this objection, and requests the Trustee to submit a revised proposed Order listing Horizon Marketing in the proposed Order, as agreed.

Respectfully submitted, September 24, 2021.

MEUERS LAW FIRM, P.L.

/s/ Steven M. De Falco

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Attorney for Horizon Marketing, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 24, 2021, I filed the foregoing electronically through the CM/ECF system, which caused counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, And on all other persons of record, as noted by the Clerk’s CM/ECF system.

s/ Steven M. De Falco

Steven M. De Falco