

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re: \* CHAPTER 11  
EPIC COMPANIES, LLC, \* CASE NO. 19-34752  
Debtors. \* (Jointly Administered)

\*\*\*\*\*

**GARBER BROS., INC.'S OBJECTION TO DEBTORS' MOTION TO SELL CERTAIN  
REAL PROPERTY FREE AND CLEAR OF LIENS, CLAIMS, AND ENCUMBRANCES**

**MAY IT PLEASE THE COURT:**

Creditor, Garber Bros., Inc., through undersigned counsel, submits the following Objection to Debtors' Motion to Sell Certain Real Property Free and Clear of Liens, Claims, and Encumbrances [Doc. 417]:

**BACKGROUND**

1. Hope Services, Inc. has offered to buy the following real property owned by the Debtor (collectively, the "Real Property"):
  - a. 168 Menard Road, Houma, Louisiana 70363;
  - b. 306 Menard Road, Houma, Louisiana 70363;
  - c. 403 Menard Road, Houma, Louisiana 70363; and
  - d. 600 Thompson Road, Houma, Louisiana 70363.
2. In light of this offer, the Debtors request authority from this Honorable Court to sell the Real Property free and clear of all liens, claims, and encumbrances as "they believe that this offer constitutes the highest and best offer for the Real Property" and would be an exercise of sound business judgment. [Doc. 417, pages 4-5].

**BASIS FOR MOTION**

3. Debtors-in-possession are permitted to use, sell, or lease property of the estate outside the ordinary course of business after notice and a hearing. 11 U.S.C. § 363(b)(1).
4. In order to use, sell, or lease the estate's property, "there must be some articulated business justification for using, selling, or leasing the property outside the ordinary course of business." *Institutional Creditors of Continental Air Lines, Inc. v. Continental Air Lines, Inc., et al*, 780 So.2d 1223, 1226 (5th Cir. 1986).
5. In its Motion, the Debtors contend that Hope Services, Inc.'s offer is "the highest and best offer for the Real Property," will provide "maximum value" to the estate, and "is therefore an exercise of the Debtors' sound business judgment." [Doc. 417, page 5].
6. Garber Bros., Inc. objects to the Debtors' Motion as the offer received from Hope Services, Inc. is not necessarily the highest and best offer for the Real Property.
7. Garber Bros., Inc. and/or other parties are interested in purchasing the Real Property and respectfully requests the Debtors' Motion be denied in order that it, and any other interested buyers, may conduct due diligence to extend offer(s), if any, to Debtors for the real property.
8. Alternatively, Garber Bros., Inc. requests the Debtors' Motion be stayed and/or continued in order to allow Garber Bros., Inc., and any other interested buyers, to conduct an investigation and assessment of the Real Property and to extend offers, if any.
9. Soliciting and considering other offers will allow the Debtors to exercise the requisite "sound business judgment" as opposed to simply accepting the first offer.

**PRAYER FOR RELIEF**

10. For the foregoing reasons, Garber Bros., Inc. hereby requests this Honorable Court deny the Debtors' Motion to Sell Certain Real Property Free and Clear of Liens, Claims, and Encumbrances [Doc. 417] in order that Garber Bros., Inc., and other interested buyers, may assess the Real Property and extend offers, if any. Alternatively, Garber Bros., Inc. requests the Debtors' Motion be stayed and/or continued in order that Garber Bros., Inc., and other interested buyers, may assess the Real Property and extend offers, if any.

Respectfully submitted,

s/ Thomas M. Dupont  
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**COUNSEL FOR CREDITOR, GARBER  
BROS., INC.**

**CERTIFICATE**

I HEREBY CERTIFY that the above and foregoing has this date been served on all counsel of record in this proceeding by:

|                            |                          |
|----------------------------|--------------------------|
| (    ) Hand Delivery       | (    ) Prepaid U.S. Mail |
| (    ) Facsimile           | (    ) Federal Express   |
| ( X ) CM/ECF Filing System |                          |

Lafayette, Louisiana, this 6<sup>th</sup> day of December 2019.

s/ Thomas M. Dupont  
THOMAS M. DUPONT