



PAPETTI SAMUELS WEISS MCKIRGAN LLP

16430 North Scottsdale Road
Suite 290
Scottsdale, AZ 85254

Robert McKirgan (State Bar No. 011636)
Direct Dial: 480.800.3533
Email: rmckirgan@PSWMLaw.com

Randy Papetti (State Bar No. 014586)
Direct Dial: 480.800.3525
Email: rpapetti@PSWMLaw.com

Jared Sutton (State Bar No. 028887)
Direct Dial: 480.800.3527
Email: jsutton@PSWMLaw.com

Attorneys for Debtor

J. Henk Taylor – State Bar No. 016321

WARNER ANGLE HALLAM

JACKSON & FORMANEK PLC

2555 East Camelback Road, Suite 800

Phoenix, Arizona 85016

Telephone: (602) 264-7101

Facsimile: (602) 234-0419

E-mail: htaylor@warnerangle.com

Attorneys for the Debtor

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re:

LEGACY CARES, INC.,

Debtor.

Wholesale Floors, LLC,

Plaintiff,

v.

Legacy Cares, Inc., et al.,

Defendants.

And related crossclaims, counterclaims
and consolidated actions CV2022-
015003, CV2022-015957, CV2022-
016395 and CV2023-001116.

Case No. 2:23-bk-02832-DPC

Chapter 11

NOTICE OF REMOVAL

Adv. No.

(Maricopa County Superior Court
Case No. CV2022-013494)

Legacy Cares, Inc., debtor and debtor-in-possession in the above-captioned Chapter 11 case, as defendant in Maricopa County Superior Court (the “Superior Court”) Case No. CV2022-013494 (consolidated with cause nos. CV2022-015003, CV2022-015957, CV2022-016395, CV2023-001116) (the “State Court Case”), hereby removes the certain causes of action asserted against Legacy Cares and other parties in the State Court Case (the “Removed Case”) to the United States Bankruptcy Court for the District of Arizona (the “Bankruptcy Court”).



Specifically, the Removed Case consists of all claims, counterclaims and cross-claims asserted in the State Court Case *except for*: (1) breach of contract, breach of the implied covenant of good faith and fair dealing and unjust enrichment claims asserted against Okland Construction Company, Inc.; and (2) payment bond claims against Okland Construction Company, Inc. and/or Liberty Mutual Insurance Company.

Entitlement to Removal

The State Court Case was commenced in the Superior Court on October 10, 2022. On May 1, 2023, Legacy Cares, Inc. ("Legacy Cares") commenced Chapter 11 proceedings, Case No. 2:23-bk-02832-DPC (the "Bankruptcy Case") in the Bankruptcy Court in the District of Arizona.

The date of the order for relief in the Bankruptcy Case was May 1, 2023.

The Removed Case is related to the Bankruptcy Case. As such, the United States District Court for the District of Arizona (the "District Court") has jurisdiction of the Removed Case pursuant to 28 U.S.C. § 1334(b). Therefore, pursuant to 28 U.S.C. § 1452(a), the Removed Case may be removed to the District Court. Pursuant to 28 U.S.C. § 157, the District Court may refer the Removed Case to the bankruptcy judges for the district. By its General Order 128, the District Court has referred to the bankruptcy judges for this district all cases under Title 11 and all proceedings under Title 11 or arising in or related to a case under Title 11. That includes the Removed Case. As permitted by Bankruptcy Rule 9027(a)(2), this Notice of Removal is being filed within 90 days after the order for relief in the Bankruptcy Case.

Core/Non-Core Status of Removed Case

The Removed Case is a core proceeding within the meaning of 28 U.S.C. § 157(b) or is otherwise related to a case under Title 11 within the meaning of 28 U.S.C. § 157(c). Pursuant to 28 U.S.C. § 157(c)(2), the Debtor does consent to the District Court's referral of the Removed Case to the Bankruptcy court to hear and determine and to enter appropriate orders and judgments, subject to review under 28 U.S.C. § 158. Pursuant to



1 Bankruptcy Rule 9027 (a)(1), the Debtor does consent to the entry of final orders of
2 judgments by the bankruptcy judge.

3 **Process and Pleadings**

4 As required by Local Rule 9027-1, copies of all process, pleadings (as defined by
5 Fed. R. Civ. P. 7(a)), minute entries, and orders filed in the Removed Case prior to
6 removal plus, a copy of the docket for the Removed Case from the court where the
7 Removed Case is pending and any motions pending at the time of removal, together with
8 any related response and reply in the Removed Case, will be filed with the Bankruptcy
9 Court within 30 days of the date of this notice.

10 **Filing in Superior Court**

11 Promptly after the filing hereof, the undersigned shall file a copy of this notice
12 with the Clerk of the Superior Court.

13 DATED this 23rd day of May, 2023.

14
15 **WARNER ANGLE HALLAM JACKSON &
FORMANEK, PLC**

16
17 By /s/ Henk Taylor (# 016321)
18 Henk Taylor

19 and

20 Robert McKirgan (State Bar No. 011636)
21 Randy Papetti (State Bar No. 014586)
22 Jared Sutton (State Bar No. 028887)
23 **PAPETTI SAMUELS WEISS MCKIRGAN LLP**
24 16430 North Scottsdale Road
25 Suite 290
26 Scottsdale, AZ 85254
27 Phone: 480.800.3535
28 Email: rmckirgan@PSWMLaw.com
Email: rpapetti@PSWMLaw.com
Email: jsutton@PSWMLaw.com

Counsel for Debtor Legacy Cares, Inc.



1 Electronically filed this 23rd day of
2 May, 2023, and a copy emailed to:

3 COPY of the foregoing e-mailed/
4 mailed this 23rd day of May 2023 to:

5 U.S. Trustee's Office
6 230 N. First Ave, Ste. 204
7 Phoenix, AZ 85003-1706
8 ustpreion14.px.ecf@usdoj.gov

9 Frances Haynes
10 Michael Charles Brown
11 Lewis Roca
12 201 E. Washington, Ste. 1200
13 Phoenix, AZ 85004
14 fhaynes@lewisroca.com
15 mbrown@lewisroca.com
16 *Attorneys for Wholesale Floors, LLC*

17 Richard G. Erickson
18 Christian L. Fernandez
19 Snell & Wilmer LLP
20 One E. Washington, Ste. 2700
21 Phoenix, AZ 85004
22 rerickson@swlaw.com
23 cfernandez@swlaw.com
24 *Attorneys for E & K of Phoenix, Inc.*

25 Michael R. Fletcher
26 Isaac M. Gabriel
27 Madison A. Burr
28 Dorsey & Whitney LLP
29 2398 E. Camelback Rd., Ste. 760
30 Phoenix, AZ 85016
31 fletcher.michael@dorsey.com
32 gabriel.isaac@dorsey.com
33 burr.madison@dorsey.com
34 *Attorneys for Johnson Statewide Caulking, LP*

35 James L. Csontos
36 Jennings Haug Keleher McLeod LLP
37 2800 N. Central Ave., Ste. 1800
38 Phoenix, AZ 85004
39 jlc@jhkmlaw.com
40 docket@jhkmlaw.com
41 *Attorneys for Okland Construction Company, Inc.
42 and Liberty Mutual Ins. Co.*

43 Kenneth B. Black
44 Foley & Lardner, LLP
45 95 S. State St., Ste. 2500
46 Salt Lake City, UT 84111
47 kblack@foley.com
48 *Attorneys for Okland Construction Company, Inc. and*



- 1 *Liberty Mutual Insurance Co.*
- 2 John G. Ryan
- 3 Stephen Mufarreh
- 4 Ryan Rapp Underwood & Pachecko PLC
- 5 3200 N. Central Ave., Ste. 2250
- 6 Phoenix, AZ 85012
- 7 jryan@rrulaw.com
- 8 smufarreh@rrpklaw.com
- 9 jzook@rrulaw.com
- 10 aryan@rrulaw.com
- 11 *Attorneys for Haydon Companies, LLC*
- 12 Jessica Gale
- 13 Spencer Fane
- 14 2415 E. Camelback Rd., No. 600
- 15 Phoenix, AZ 85016
- 16 jgale@spencerfane.com
- 17 *Attorneys for UMB Bank, National Association*
- 18 Andrew Abraham
- 19 Burch & Cracchiolo
- 20 1850 N. Central Ave., No. 1700
- 21 Phoenix, AZ 85001
- 22 aabraham@bcattorneys.com
- 23 *Attorneys for Pacific Proving, Inc.*
- 24 James J. Palecek
- 25 Karen A. Palecek
- 26 Palecek & Palecek PLLC
- 27 6263 N. Scottsdale Rd., Ste. 144
- 28 Scottsdale, AZ 85250
- 29 karen@paleceklaw.com
- 30 jim@paleceklaw.com
- 31 *Attorneys for R.H. Dupper Landscaping, Inc.,*
- 32 *JFK Electrical Contracting Enterprises, Inc., and*
- 33 *Elite Sports Builders, LLC*
- 34 Shelton L. Freeman
- 35 Sarah D. Sladick
- 36 Rose Law Group PC
- 37 7144 E. Stetson Dr., Ste. 300
- 38 Scottsdale, AZ 85251
- 39 tfreeman@roselawgroup.com
- 40 ssladick@roselawgroup.com
- 41 filings@roselawgroup.com
- 42 *Attorneys for Siteworks Landscape Development, LLC*
- 43 John G. Sestak
- 44 Jennings Strouss & Salmon PLC
- 45 One E. Washington St., Ste. 1900
- 46 Phoenix, AZ 85004
- 47 jsestak@jsslaw.com
- 48 *Attorneys for Walters & Wolf Construction Specialists, Inc.*



1 James B. Reed
Joel E. Sannes
2 Udall Shumway
1138 N. Alma School Rd., Ste. 101
3 Mesa, AZ 85201
jbr@udallshumway.com
4 jes@udallshumway.com
Attorneys for RKS Plumbing & Mechanical, Inc.

5 Josh Grabel
6 Erick Kessler
Dickinson Wright PLLC
7 1850 N. Central Avenue, Suite 1400
Phoenix, AZ 85004
8 jgrabel@dickinsonwright.com
bkessler@dickinsonwright.com
9 *Attorneys for Sun Valley Masonry, Inc.*

10 J. Gregory Cahill
Broening Oberg Woods & Wilson, PC
11 2800 N. Central Avenue, Suite 1600
Phoenix, AZ 85004
12 jgc@bowwlaw.com
Attorneys for Kearney Electric Inc.

13 Dominica J. Minore
14 The Law Office of Domnica J. Minore, PC
9375 E. Shea Blvd., Ste. 100
15 Scottsdale, AZ 85260
dminore@minorelaw.com
16 *Attorneys for E & K of Phoenix, Inc.*

17 Richard B. Murphy
Chase E. Halsey
18 Jace C. Riley
Murphy Cordier Casale Axel PLC
19 4647 N. 32nd St., Ste. 150
Phoenix, AZ 85018
20 rich@mccalaw.com
chase@mccalaw.com
21 jace@mccalaw.com
Attorneys for Spectrum Mechanical & Plumbing
22 *Contractors, LLC*

23

24

25

26

27

28



1 Michael J. Holden
Barry A. Willits
2 Tyler S. Woods
Nelson A. F. Mixon
3 Holden Willits PLC
Two N. Central Ave., Ste. 2000
4 Phoenix, AZ 85004
mholden@holdenwillits.com
5 bwillits@holdenwillits.com
twoods@holdenwillits.com
6 nmixon@holdenwillits.com
Attorneys for Attorneys for Image Building
7 *Systems, LLC, Sprayfoam Southwest, Inc. dba*
Roofing Southwest, Global Roofing Group,
8 *and D.H. Pace Company, Inc.*

9 Danny Marks
Messner Reeves LLP
10 7250 N. 16th St., Suite 410
Phoenix, Arizona 85020
11 dmarks@messner.com
Attorney for B&F Contracting Inc.

12
13 A copy mailed that same date to:

14 Aero Automatic Sprinkler Company
c/o CT Corporation System
15 3800 N. Central Avenue, Suite 460
Phoenix, AZ 85012

16 Architectural Millwork Design, Inc.
17 c/o Rod Laughlin
330 W. Melinda Lane
18 Phoenix, AZ 85027
Defendant

19 US Development and Construction, Inc.
20 8695 E. Belleview Pl.
Scottsdale, AZ 85257
21 *Defendant*

22 PacWest Rentals, LLC
3105 N. Maple St.
23 Mesa, AZ 85215
Defendant

24 Pacific Proving LLC
25 2801 E. Camelback Rd., Ste. 450
Phoenix, AZ 85016
26 *Defendant*

27
28 Spectrum Mechanical & Plumbing Contractors LLC
c/o David Mears Statutory Agent

Papetti Samuels Weiss McKirgan LLP
16430 North Scottsdale Road
Suite 290
Scottsdale, AZ 85254



1 1525 W. 10th Place
2 Tempe, AZ 85281
3 *Defendant*
4
5 DH Pace Company Inc.
6 c/o Corporation Service
7 8825 N. 23rd Avenue, Suite 100
8 Phoenix, AZ 85021
9 *Defendant*
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9 /s/ Lasya Androsiuk