

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
www.flsb.uscourts.gov

In re:

BIRD GLOBAL, INC., *et al.*,¹

Debtors.

Chapter 11 Cases

Case No. 23-20514-CLC

(Jointly Administered)

**DEBTORS' RESPONSE IN OPPOSITION TO MOTION TO LIFT STAY
FILED BY A.H. THROUGH HER MOTHER AND NEXT FRIEND**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), submit this response in opposition (the “Response”) to the *Motion to Lift Stay* (the “Stay Relief Motion”) [ECF No. 764²] filed by A.H., a minor, by and through her mother and next friend, Jashia Johnson (the “Movant”), and state:

1. Movant originally filed an action against Bird Rides, Inc. (“Bird Rides”) in the Knox County, Illinois Circuit Court, stemming from an alleged incident on May 29, 2022, where Movant allegedly suffered personal injuries after the brakes on an e-scooter allegedly locked up causing Movant personal injuries, assigned Case No. 2023LA25 (the “State Court Action”). The State Court Action was removed to the United States District Court for the Central District of Illinois, assigned Case No. 4:23-cv-04163-SLD-JEH (the “Removed Action”).

2. Movant seeks relief from the automatic stay provisions of 11 U.S.C. § 362(a) in order to (i) continue prosecuting the Removed Action and, if Movant were to obtain a money

¹ The address of the Debtors is 392 Northeast 191st Street, #20388, Miami, FL 33179. The last four digits of the Debtors’ federal tax identification numbers are: (i) Bird Global, Inc. (3155); (ii) Bird Rides, Inc. (9939); (iii) Bird US Holdco, LLC (8390); (iv) Bird US Opco, LLC (6873); and (v) Skinny Labs, Inc. (8176).

² Movant (as defined above), filed the Stay Relief Motion in the lead case of Bird Global, Inc. [ECF No. 764], as well as in Bird Rides, Inc.’s case. *See* Case No. 23-20515 [ECF No. 23], which has been set for hearing on June 27, 2024, at 1:30 p.m. [ECF No. 24].

judgment against Bird Rides, to proceed against any available insurance or, alternatively, (ii) conduct discovery to ascertain the amounts of liability insurance.

3. The Court should deny the Stay Relief Motion for at least two reasons. *First*, Movant filed two Proofs of Claim (No. 103 and 10068), **Composite Exhibit A**, each for \$500,000.00 based upon the claims asserted in the Removed Action, *see id.* (Claim No. 103 [“personal injury (lawsuit on file)”] and 10068 [“Litigation-Pers. Injury/Workers Comp.”]), and, in so doing, submitted herself to the Court’s equitable jurisdiction to adjudicate her claims against Bird Rides. *See Langenkamp v. Culp*, 498 U.S. 42, 44 (1990); *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33, 58-59 and n.14 (1989); *Katchen v. Landy*, 382 U.S. 323, 336 (1966).³ *Second*, even if Movant had not submitted herself to the Court’s equitable jurisdiction (she has), the Debtors have filed a chapter 11 plan (the “Plan”) which is based, in large part, on a proposed claims resolution process that would be applied to tort claimants like Movant. *See* [ECF No. 802, Art. VII], confirmation of which is set for hearing on June 10, 2024.⁴ This proposed claims resolution process will ensure fair and equitable treatment to similarly situated claimants, and is consistent with a “longstanding principle” of federal bankruptcy law. *Sumy v. Schlossberg*, 777 F.2d 921, 932 (4th Cir. 1985) (noting “bankruptcy law’s longstanding principle of equal treatment of similarly situated creditors....”).

4. The Court has previously, and uniformly, denied stay relief motions seeking to continue prosecuting state court personal injury claims and proceed against insurance in favor of the above-referenced proposed claims resolution process, among other grounds, [ECF Nos. 386, 433, 434, 532 and 635], and should do so again in this matter.

³ It appears that Movant filed Claim No. 103 manually and filed Claim No. 10068 electronically, both with the Debtors’ claim agent. These two claims, each of which asserts \$500,000, are based on the same alleged personal injuries and, therefore, should be considered one claim being asserted against Bird Rides, Inc.

⁴ The Court has set June 10, 2024, as the date to consider confirmation of the Plan.

5. Given the foregoing, the Court should also deny Movant's alternative requested relief of conducting discovery regarding insurance is an issue that can be raised, if at all, during the proposed claims resolution process.

6. Based on the foregoing the Court should deny the Stay Relief Motion.

Dated: June 7, 2024

Respectfully submitted,

BERGER SINGERMAN LLP
*Counsel for the Debtors and
Debtors-in-Possession*
1450 Brickell Avenue, Ste. 1900
Miami, FL 33131
Telephone: (305) 755-9500
Facsimile: (305) 714-4340

By: /s/ Paul A. Avron
Paul Steven Singerman
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Clay B. Roberts
Florida Bar No. 116058
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Paul A. Avron
Florida Bar 50814
pavron@bergersingerman.com

Composite Exhibit A

PROOF OF CLAIM
 UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF FLORIDA
 MIAMI DIVISION
www.flsb.uscourts.gov


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LEGAL SERVICES

Name of Debtors
BIRD GLOBAL, INC., et al.

Case Numbers:

23-20514-CLC
 23-20515-CLC
 23-20516-CLC
 23-20517-CLC
 23-20518-CLC

Filed: USBC - Southern District of Florida
 Bird Global, Inc., et al
 23-20514 (CLC) (CLM)
BIB

 0000000103

(Jointly Administered)

Indicate Debtor against which you assert a claim by checking the appropriate box below.

(Check only one Debtor per claim form)

Name of Debtor	Case Number
<input type="checkbox"/> Bird Global, Inc.	Case No. 23-20514-CLC
<input checked="" type="checkbox"/> Bird Rides, Inc.	Case No. 23-20515-CLC
<input type="checkbox"/> Bird US Holdco, LLC	Case No. 23-20516-CLC
<input type="checkbox"/> Bird US Opco, LLC	Case No. 23-20517-CLC
<input type="checkbox"/> Skinny Labs, Inc.	Case No. 23-20518-CLC

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor? [Redacted] (minor) by mother Tashia Johnson

2. Has this claim been acquired from someone else? [X] No [] Yes. From whom?

3. Where should notices and payments to the creditor be sent? Goldfine + Bowles, ATTN Michael Marincic, 4242 N. Knoxville, Peoria IL 61614

4. Does this claim amend one already filed? [X] No [] Yes. Claim number on court claims registry (if known) Filed on MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim? [X] No [] Yes. Who made the earlier filing?

Give Information About the Claim as of the Date the Case Was Filed

Part 2:

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ ~~20~~ 500,000 Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
 Limit disclosing information that is entitled to privacy, such as health care information.
personal injury (lawsuit on file)

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____
Basis for perfection: _____
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check one:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

Wages, salaries, or commissions (up to \$15,150* earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

2/5/2024
MM / DD / YYYY

Michael Marincic
Signature

Print the name of the person who is completing and signing this claim:

Name Michael AT Marincic
First name Middle name Last name

Title Attorney

Company Goldfine Bowler PC
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 4242 W. Knoxville Ave
Peoria IL 61614

Contact phone 309-673-5144 Email MMarincic@goldfineandbowlers.com

Mail Claim Form to:

If by First Class Mail: Bird Global, Inc., et al., Claims Processing Center, c/o Epiq Corporate Restructuring, LLC, P.O. Box 4419, Beaverton, OR 97076; If by Hand Delivery or Overnight Mail: Bird Global, Inc., et al., Claims Processing Center, c/o Epiq Corporate Restructuring, LLC, 10300 SW Allen Blvd., Beaverton, OR 97005, or file your claim electronically via the following case website: <https://dm.epiq11.com/Bird>.



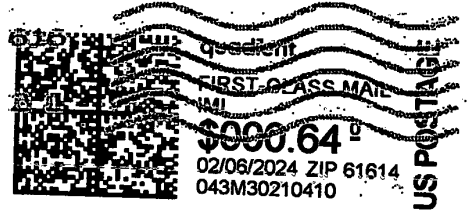
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ATTORNEYS AT LAW

Lawyers for the Injured | Experience that Wins

4242 NORTH KNOXVILLE
PEORIA, IL 61614-7435

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PEORIA IL 61614
06 FEB 2024 PM



Bird Global, Inc., et al.
Claims Processing Center
c/o Epiq Corporate Restructuring, LLC
PO Box 4419
Beaverton, OR 97076-4419

9707630419



United States Bankruptcy Court for the Southern District of Florida	
Name of Debtor: Bird Rides, Inc. Case Number: 23-20515	For Court Use Only Claim Number: 0000010068 File Date: 01/08/2024 12:05:20

Proof of Claim (Official Form 410)

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. With the exception of 503(b)(9), do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503. Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571. Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

04/22

Part 1: Identify the Claim

1. Who is the current creditor?
 Name of the current creditor (the person or entity to be paid for this claim): Minor, by her mother Jashia Johnson
 Other names the creditor used with the debtor: _____

2. Has this claim been acquired from someone else? No Yes. From whom? _____

3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Name <u>Minor, by her mother Jashia Johnson</u> Address <u>Goldfine and Bowles, P. C.</u> <u>4242 N. Knoxville Ave.</u> City <u>Peoria</u> State <u>IL</u> ZIP Code <u>61614</u> Country (if International): _____ Phone: <u>309-673-5144</u> Email: <u>mmarincic@goldfineandbowles.com</u>	Name _____ Address _____ City _____ State _____ ZIP Code _____ Country (if International): _____ Phone: _____ Email: _____

4. Does this claim amend one already filed?
 No
 Yes.
 Claim number on court claims register (if known) _____
 Filed on _____ MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?
 No
 Yes.
 Who made the earlier filing?

Part 2: Give Information About the Claim as of the Date the Case Was Filed

<p>6. Do you have any number you use to identify the debtor?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes.</p> <p>Last 4 digits of the debtor's account or any number you use to identify the debtor:</p> <p>_____</p>	<p>7. How much is the claim?</p> <p>\$ 500,000.00 unliquidated</p> <hr/> <p>Does this amount include interest or other charges?</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).</p>	<p>8. What is the basis of the claim?</p> <p>Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.</p> <p>Litigation-Pers. Injury/Workers Comp.</p> <hr/>
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<p>9. Is all or part of the claim secured?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property.</p> <p>Nature of property:</p> <p><input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (official Form 410-A) with this <i>Proof of Claim</i>.</p> <p><input type="checkbox"/> Motor vehicle</p> <p><input type="checkbox"/> Other. Describe: _____</p> <p>Basis for perfection:</p> <p>_____</p> <p>Attach redacted copies of documents, if any, that show evidence of perfection of security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)</p> <p>Value of property: \$ _____</p> <p>Amount of the claim that is secured: \$ _____</p> <p>Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)</p> <p>Amount necessary to cure any default as of the date of the petition: \$ _____</p> <p>Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable</p>	<p>10. Is this claim based on a lease?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of petition.</p> <p>\$ _____</p>	<p>11. Is this claim subject to a right of setoff?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property:</p> <p>_____</p>
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<p>12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. <i>Check one:</i></p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).</p> <p><input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).</p> <p><input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).</p> <p><input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).</p> <p><input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).</p> <p><input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507 (a) (_____) that applies.</p> <p>* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.</p>	<p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p> <p>Amount entitled to priority</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p> <p>\$ _____</p>
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13. Does this claim qualify as an Administrative Expense under 11 U.S.C. § 503(b)(9)?

No
 Yes. **Amount that qualifies as an Administrative Expense under 11 U.S.C. § 503(b)(9):** \$ _____

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other co-debtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this Proof of Claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Michael Marincic

01/08/2024 12:05:20

Signature

Date

Provide the name and contact information of the person completing and signing this claim:

Name Michael Thomas Marincic

Address Goldfine and Bowles, P.C.
4242 N. Knoxville Ave.

City Peoria

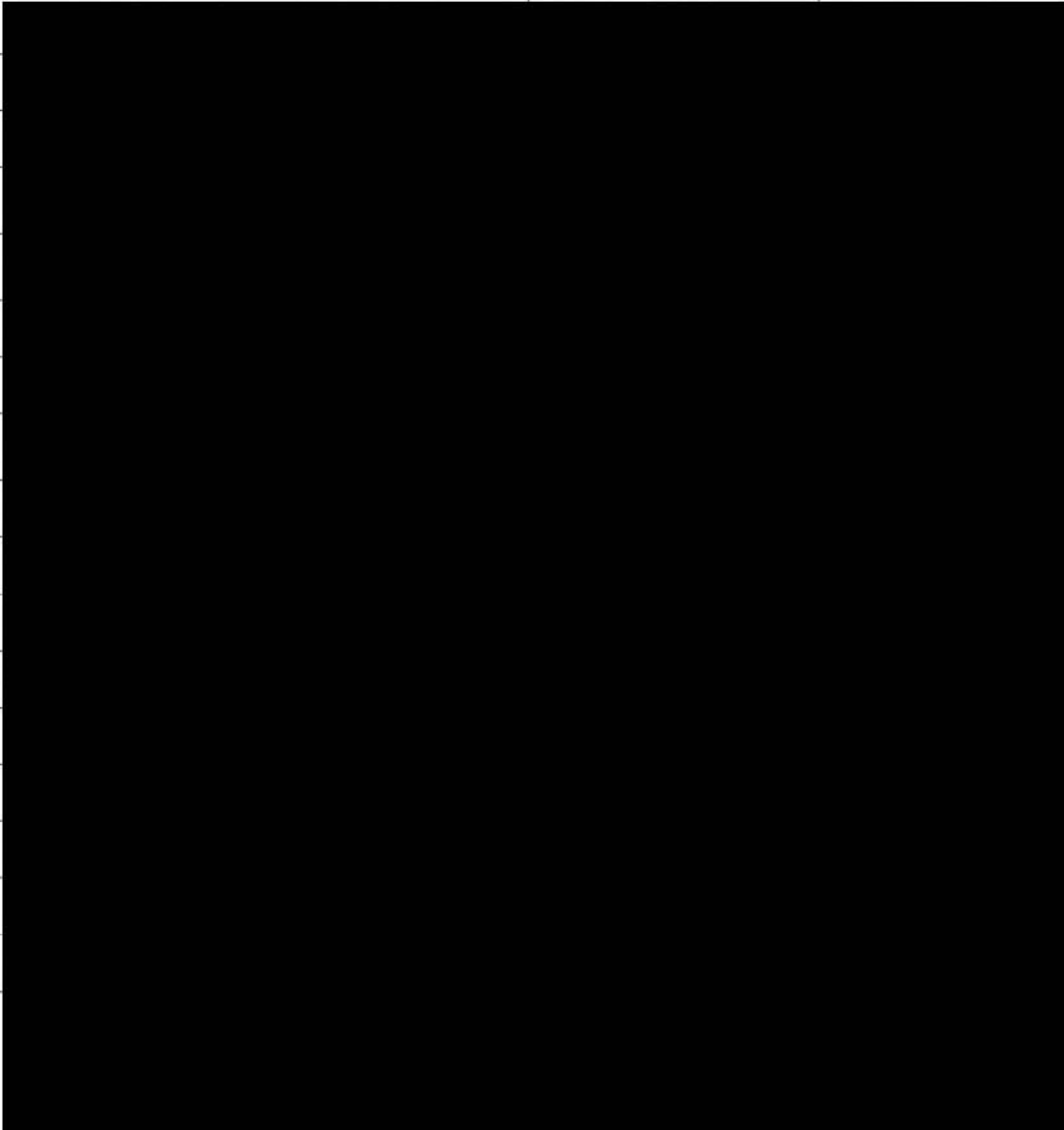
State IL Zip 61614

Country (in international) USA

Phone 309-673-5144

Email mmarincic@goldfineandbowles.com

D/A: 5/29/2022

	PROVIDER	DATE	AMOUNT
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