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ATTORNEYS FOR
DEBTOR IN POSSESSION

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	Case No. 24-42483-MXM-11
	§	(Jointly Administered)
AMERGENT HOSPITALITY GROUP, INC.;	§	Chapter 11
et al., ¹	§	
	§	Hearing:
Debtors.	§	August 28, 2025 at 1:30 p.m. CT

**DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) APPROVING THE
ADEQUACY OF THE DISCLOSURE STATEMENT, (II) APPROVING
THE FORMS OF BALLOTS AND NOTICES IN CONNECTION
THEREWITH, (III) SCHEDULING CERTAIN DATES WITH RESPECT
THERE TO, (IV) MODIFYING THE REQUIREMENT TO PROVIDE
NOTICE DIRECT TO THE EQUITY SECURITY HOLDERS, AND (V)
GRANTING RELATED RELIEF**

The above-captioned debtors and debtors in possession (collectively, the "Debtors")
respectfully state the following in support of this motion:

RELIEF REQUESTED

1. The Debtors seek entry of an order, substantially in the form attached hereto as
Exhibit A (the "Order"), granting the following relief:

¹ The jointly administered debtors are Amergent Hospitality Group, Inc. (24-42483); I10/I20 Cuisine LLC (24-42482); LBB Acquisition, LLC (24-42484); LBB Acquisition 1 LLC (24-42485); LBB Platform LLC (24-42487); LBB Lake Oswego LLC (24-42489); LBB Progress Ridge LLC (24-42490); Noveno LLC (Alberta) (24-42491); Quinto LLC (Division) (24-42492); Sexto LLC (Waterfront) (24-42493); and Cuarto LLC (Eugene) (24-42494).

- a) **Disclosure Statement.** Approving the Disclosure Statement attached to the Order as **Exhibit 1** as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code;
- b) **Ballots.** Approving the ballots that the Debtors will send to Holders of Claims and Interests entitled to vote to accept or reject the Plan, substantially in the forms attached to the Order as **Exhibit 2** (collectively, the “**Ballots**”);
- c) **Cover Letter.** Approving the form of letter (the “**Cover Letter**”) that the Debtors will send to holders of Claims and Interests entitled to vote to accept or reject the Plan urging such parties to vote in favor of the Plan, substantially in the form attached to the Order as **Exhibit 3**;
- d) **Non-Voting Status Notices.** Approving the form of notice applicable to holders of Claims that are Impaired under the Plan and are not receiving or retaining any property under the Plan and who are, pursuant to section 1126(g) of the Bankruptcy Code, conclusively presumed to reject the Plan and not entitled to vote such Claims or Interests (each, a “**Non-Voting Status Notice**”), substantially in the form attached to the Order as **Exhibit 4**;
- e) **Confirmation Hearing Notice.** Approving the form and manner of notice of the hearing to be held by the Court to consider Confirmation of the Plan (the “**Confirmation Hearing**,” and the notice thereof, the “**Confirmation Hearing Notice**”) and the procedures for objecting thereto, substantially in the form attached to the Order as **Exhibit 5**;
- f) **Notice to Shareholders.** Modifying the requirement to provide notice directly to the beneficial holders of equity security holders;
- g) **Solicitation Packages.** Finding that the solicitation materials and documents included in the solicitation packages (the “**Solicitation Packages**”) that will be sent to holders of Claims and Interests entitled to vote to accept or reject the Plan are in compliance with Bankruptcy Rules 2002(b) and 3017(d);
- h) **Confirmation Dates.** Establishing the following dates and deadlines with respect to Confirmation of the Plan, subject to modification as necessary:

Event	Date	Description
Voting Record Date	The date of entry of the Order	The date to determine which holders of Claims and Interests are entitled to vote to accept or reject the Plan (the “ Voting Record Date ”)
Solicitation Mailing Deadline	Five (5) business days following entry of the Order (or as soon as reasonably practicable thereafter)	The deadline by which the Debtors must distribute Solicitation Packages, including Ballots, to holders of Claims and Interests entitled to vote to accept or reject the Plan (the “ Solicitation Mailing Deadline ”)

Event	Date	Description
Voting Deadline	30 days following the Solicitation Mailing Deadline at 11:59 p.m. (prevailing Central Time)	The deadline by which holders of Claims and Interests entitled to vote may vote to accept or reject the Plan (the “ <u>Voting Deadline</u> ”)
Confirmation Objection Deadline	Five (5) business days prior to the Confirmation Hearing Date at 5:00 p.m. (prevailing Central Time)	The deadline by which parties in interest may file objections to Confirmation of the Plan (including objections to any assumption or rejection of an Executory Contract or Unexpired Lease thereunder) (the “ <u>Confirmation Objection Deadline</u> ”)
Deadline to File Voting Report	Three (3) business days prior to the Confirmation Hearing Date	The date by which the report tabulating the voting on the Plan (the “ <u>Voting Report</u> ”) shall be filed with the Court
Confirmation Hearing Date	October 8, 2025 at 1:30 p.m. CT or such other date as may be scheduled by the Court	The date of the Confirmation Hearing (the “ <u>Confirmation Hearing Date</u> ”)

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the Northern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). The Debtors confirm their consent, pursuant to rule 7008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The bases for the relief requested herein are sections 105, 363, 502, 1123(a), 1124, 1125, 1126, and 1128 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), Bankruptcy Rules 2002, 3016, 3017, 3018, 3020, and 9006, and rules

2002-1 of the Bankruptcy Local Rules for the Northern District of Texas (the “Bankruptcy Local Rules”).

BACKGROUND

4. As of the Petition Date, American Hospitality Group, Inc. (“AHGI” or “Parent Company”), through its subsidiaries, owned and operated approximately 5 fast-casual restaurant brands: Little Big Burger (“LBB”); Burgers Grilled Right (“BGR”); Boudreaux’s Cajun Kitchen (“BCK”); Jaybee’s Chicken Palace and PizzaRev. Not all of the subsidiaries of AGHI filed for Chapter 11. Only the parent company, AGHI, and its subsidiaries for the LBB and BCK brands filed for Chapter 11 protection.

5. During the proceeding, the Debtor sought to sell its Little Big Burger and Boudreaux’s Cajun Kitchen stores. The Debtors filed their motion to sell the Little Big Burger Brand on December 31, 2024. The sale was approved by final order entered January 30, 2025 and closed on or about January 31, 2025 for a gross purchase price of \$1,000,000. The Debtors filed their motion to sell the Boudreaux's Cajun Kitchen Brand on January 6, 2025. The sale was approved by final order entered January 30, 2025 and closed on or about February 4, 2025 for a gross purchase price of \$150,000.

6. At the current time, the Debtor holds cash available for distribution by the non-parent Debtors. The parent entity, AHGI, holds the rights to the Owls’ Nest/Jantzen Beach Wings, a fast casual chicken wing restaurant located in Oregon that is not reasonably marketable due to extensive monetary obligations under the Lease and the threatened condemnation of the location building. However, the operation still currently generates cash flow supporting a reorganization of the Parent Debtor AHGI for the benefit of the priority secured creditors.

SUMMARY OF THE PLAN

7. The Plan provides for the orderly liquidation of the non-parent Debtors and the reorganization of the parent Debtor (AHGI) through newly-issued common stock to the senior secured and unsecured creditors.

8. The Plan provides for the following classes for each Debtor:

Class	Class Description
Class 1	Secured Claims
Class 2	Priority Claims
Class 3	General Unsecured Claims
Class 4	Intercompany Claims
Class 5	Subordinated Claims
Class 6	Intercompany Interests
Class 7	Existing Equity Interests in AHGI

9. The Debtors intend to solicit the votes of only those holders of Claims and Interests that are entitled to vote to accept or reject the Plan. The following Classes are the only Classes entitled to vote to accept or reject the Plan (collectively, the “Voting Classes”):²

Debtor Name	Classes Entitled to Vote
<p><u>Parent Company</u></p> <ul style="list-style-type: none"> • Amergent Hospitality Group, Inc. 	<p>Class 1 (Secured) Class 2 (Priority) Class 3 (Unsecured)</p>
<p><u>Little Big Burger (LBB) Debtors</u></p> <ul style="list-style-type: none"> • LBB Acquisition, LLC • LBB Acquisition I, LLC • LBB Platform, LLC • LBB Lake Oswego, LLC • LBB Progress Ridge, LLC • Noveno LLC (Alberta) • Quinto LLC (Division) • Sexto LLC (Waterfront) • Cuarto LLC (Eugene) 	<p>Class 2 (Priority) Class 3 (Unsecured)</p>

² The Plan constitutes a separate chapter 11 plan for each Debtor. The Debtors reserve the right to modify the Plan in accordance with the terms thereof, including the right to withdraw the Plan as to an individual Debtor at any time before the Confirmation Date.

<u>Boudreaux’s Cajun Kitchen (BCK) Debtor</u> <ul style="list-style-type: none"> I10/I20 Cuisine LLC 	Class 2 (Priority) Class 3 (Unsecured)

10. Under the Bankruptcy Code, holders of claims and interests are not entitled to vote if their contractual rights are unimpaired by the proposed plan or if they will receive no property under the plan. Accordingly, the following Classes of Claims and Interests are not entitled to vote to accept or reject the Plan:

Debtor Name	Classes Not Entitled to Vote	Treatment; Deemed Voting
<u>Parent Company</u> <ul style="list-style-type: none"> Amergent Hospitality Group, Inc. 	Classes 4-7	Receive no Distribution under the Plan, Deemed to Reject
<u>Little Big Burger (LBB) Debtors</u> <ul style="list-style-type: none"> LBB Acquisition, LLC LBB Acquisition I, LLC LBB Platform, LLC LBB Lake Oswego, LLC LBB Progress Ridge, LLC Noveno LLC (Alberta) Quinto LLC (Division) Sexto LLC (Waterfront) Cuarto LLC (Eugene) 	Class 1 (Secured)	Unimpaired; Deemed to Accept
	Classes 4-7	Receive no Distribution under the Plan, Deemed to Reject
<u>Boudreaux’s Cajun Kitchen (BCK) Debtor</u> <ul style="list-style-type: none"> I10/I20 Cuisine LLC 	Class 1 (Secured)	Unimpaired; Deemed to Accept
	Classes 4-7	Receive no Distribution under the Plan, Deemed to Reject

11. Based on the foregoing (and as discussed in greater detail herein), the Debtors are proposing to solicit votes to accept or reject the Plan from holders of Claims and Interests in Classes 1-3 of the Parent Company and Classes 2-3 of each Subsidiary, as specified above (each, a “Voting Class” and collectively, the “Voting Classes”). The Debtors are *not* proposing to

solicit votes from holders of Claims and Interests in Classes 4-7 of the Parent Company and Classes 1 and 4-7 of each Subsidiary as specified above (each a “Non-Voting Class” and collectively, the “Non-Voting Classes”).

12. Confirmation of the Plan will provide for the orderly liquidation of the Subsidiaries and the preservation of the going-concern value of the Parent Company. Further, the Disclosure Statement provides adequate information with respect to the Plan, ensuring that holders of Claims and Interests entitled to vote on the Plan will receive information of a kind and in sufficient detail to make an informed judgment regarding acceptance or rejection of the Plan. The proposed schedule and procedures to confirm and consummate the Plan will move these chapter 11 cases forward in a timely manner while ensuring due process and providing for the procedural safeguards mandated under the Bankruptcy Code, Bankruptcy Rules, and Bankruptcy Local Rules. Accordingly, the Debtors respectfully submit the relief requested in this motion should be approved.

BASIS FOR RELIEF

I. The Court Should Approve the Disclosure Statement.

A. The Standard for Approval of the Disclosure Statement.

13. Pursuant to section 1125 of the Bankruptcy Code, the proponent of a proposed chapter 11 plan must provide “adequate information” regarding that plan to holders of impaired claims and interests entitled to vote on the plan. 11 U.S.C. § 1125. Specifically, section 1125(a)(1) of the Bankruptcy Code provides, in relevant part, as follows:

‘[A]dequate information’ means information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor’s books and records, including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case, that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan.

11 U.S.C. § 1125(a)(1).

14. The primary purpose of a disclosure statement is to provide all material information that creditors and interest holders affected by a proposed plan need to make an informed decision regarding whether or not to vote for the plan. *See, e.g., Century Glove, Inc. v. First Am. Bank of N.Y.*, 860 F.2d 94, 100 (3d Cir. 1988) (“[Section] 1125 seeks to guarantee a minimum amount of information to the creditor asked for its vote.”); *In re Monnier Bros.*, 755 F.2d 1336, 1342 (8th Cir. 1985) (“The primary purpose of a disclosure statement is to give the creditors the information they need to decide whether to accept the plan.”); *In re Phoenix Petroleum, Co.*, 278 B.R. 385, 392 (Bankr. E.D. Pa. 2001) (“[T]he general purpose of the disclosure statement is to provide ‘adequate information’ to enable ‘impaired’ classes of creditors and interest holders to make an informed judgment about the proposed plan and determine whether to vote in favor of or against that plan.”); *In re Unichem Corp.*, 72 B.R. 95, 97 (Bankr. N.D. Ill. 1987) (“The primary purpose of a disclosure statement is to provide all material information which creditors and equity security holders affected by the plan need in order to make an intelligent decision whether to vote for or against the plan.”). Congress intended that such informed judgments would be needed to both negotiate the terms of, and vote on, a Plan of Liquidation. *Century Glove, Inc.*, 860 F.2d at 100.

15. “Adequate information” is a flexible standard, based on the facts and circumstances of each case. 11 U.S.C. § 1125(a)(1) (“adequate information means information of a kind, and in sufficient detail, as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor’s books and records”); *see also Tex. Extrusion Corp. v. Lockheed Corp. (In re Tex. Extrusion Corp.)*, 844 F.2d 1142, 1157 (5th Cir. 1988) (“The determination of what is adequate information is subjective and made on a case by case basis. This determination is largely within the discretion of the bankruptcy court.”); *Oneida Motor*

Freight, Inc. v. United Jersey Bank, 848 F.2d 414, 417 (3d Cir. 1988) (“From the legislative history of § 1125 we discern that adequate information will be determined by the facts and circumstances of each case.”); *First Am. Bank of N.Y. v. Century Glove, Inc.*, 81 B.R. 274, 279 (D. Del. 1988) (noting that adequacy of disclosure for a particular debtor will be determined based on how much information is available from outside sources); S. Rep. No. 95-989, at 121 (1978), reprinted in 1978 U.S.C.C.A.N. 5787, 5907 (“the information required will necessarily be governed by the circumstances of the case”). Accordingly, the determination of whether a disclosure statement contains adequate information must be made on a case-by-case basis, focusing on the unique facts and circumstances of each case.

16. Courts in the Fifth Circuit acknowledge that determining what constitutes “adequate information” for the purpose of satisfying section 1125 of the Bankruptcy Code resides within the broad discretion of the court. *See, e.g., Mabey v. Sw. Elec. Power Co. (In re Cajun Elec. Power Coop., Inc.)*, 150 F.3d 503, 518 (5th Cir. 1998) (“The legislative history of § 1125 indicates that, in determining what constitutes ‘adequate information’ with respect to a particular disclosure statement, ‘both the kind and form of information are left essentially to the judicial discretion of the court’ and that ‘the information required will necessarily be governed by the circumstances of the case.’”) (internal citations omitted), *cert. denied*, 526 U.S. 1144 (1999); *In re Tex. Extrusion Corp.*, 844 F.2d at 1157 (“The determination of what is adequate information is subjective and made on a case by case basis. This determination is largely within the discretion of the bankruptcy court.”). Accordingly, the determination of whether a disclosure statement contains adequate information must be made on a case-by-case basis, focusing on the unique facts and circumstances of each case. *See Phoenix Petroleum*, 278 B.R. at 393.

17. In making a determination as to whether a disclosure statement contains adequate information as required by section 1125 of the Bankruptcy Code, courts typically look for disclosures related to topics such as:

- a) the events that led to the filing of a bankruptcy petition;
- b) the relationship of the debtor with its affiliates;
- c) a description of the available assets and their value;
- d) the debtor's anticipated future;
- e) the source of information stated in the disclosure statement;
- f) the debtor's condition while in chapter 11;
- g) claims asserted against the debtor;
- h) the estimated return to creditors under a chapter 7 liquidation;
- i) the future management of the debtor;
- j) the chapter 11 plan or a summary thereof;
- k) financial information, valuations, and projections relevant to a creditor's decision to accept or reject the chapter 11 plan;
- l) information relevant to the risks posed to creditors under the plan;
- m) the actual or projected realizable value from recovery of preferential or otherwise avoidable transfers;
- n) litigation likely to arise in a nonbankruptcy context; and
- o) tax attributes of the debtor.

See In re U.S. Brass Corp., 194 B.R. 420, 424–25 (Bankr. E.D. Tex. 1996); *see also In re Scioto Valley Mortg. Co.*, 88 B.R. 168, 170–71 (Bankr. S.D. Ohio 1988) (listing the factors courts have considered in determining the adequacy of information provided in a disclosure statement); *In re Metrocraft Pub. Serv., Inc.*, 39 B.R. 567, 568 (Bankr. N.D. Ga. 1984) (same). Disclosure regarding all topics is not necessary in every case. *See In re U.S. Brass Corp.*, 194 B.R. at 424; *see also In re Phoenix Petroleum Co.*, 278 B.R. at 393 (“[C]ertain categories of information

which may be necessary in one case may be omitted in another; no one list of categories will apply in every case.”).

B. The Disclosure Statement Contains Adequate Information in Accordance with Section 1125 of the Bankruptcy Code.

18. The Disclosure Statement provides “adequate information” to allow holders of Claims and Interests in the Voting Classes to make informed decisions about whether to vote to accept or reject the Plan. Specifically, the Disclosure Statement contains a number of categories of information that courts consider “adequate information,” including, without limitation:

Category	Description	Location in Disclosure Statement
Debtors’ Corporate History, Structure, and Business Overview	An overview of the Debtors’ corporate history, business operations, organizational structure, and capital structure.	Article II
Events Leading to the Chapter 11 Filings	An overview of the Debtors’ out-of-court restructuring efforts in response to deteriorating economic conditions, including the negotiations with respect to the Plan and the Restructuring Support Agreement.	Article III
Material Developments and Anticipated Events of the Chapter 11 Cases	A summary of the material developments and projected course of events in the Chapter 11 Cases.	Article IV
Risk Factors	Certain risks associated with the Debtors’ business, as well as certain risks associated with forward-looking statements and an overall disclaimer as to the information provided by and set forth in the Disclosure Statement.	Article VIII
Solicitation and Voting Procedures	A description of the procedures for soliciting votes to accept or reject the Plan and voting on the Plan.	Article VI

Category	Description	Location in Disclosure Statement
Confirmation of the Plan	Confirmation procedures and statutory requirements for Confirmation and Consummation of the Plan, including a liquidation analysis, financial projections, and a valuation.	Article VII
Certain Securities Laws Matters	A description of the applicability of section 1145 of the Bankruptcy Code and the issuance of New Common Stock and other Securities under the Plan.	Article XI
Certain United States Federal Income Tax Consequences of the Plan	A description of certain U.S. federal income tax law consequences of the Plan.	Article X
Recommendation	A recommendation by the Debtors that holders of Claims and Interests in the Voting Classes should vote to accept the Plan.	Article XII

19. Based on the foregoing, the Debtors submit that the Disclosure Statement complies with all aspects of section 1125 of the Bankruptcy Code and addresses the information set forth above in a manner that provides adequate information to holders of Claims and Interests entitled to vote to accept or reject the Plan. Accordingly, the Debtors submit that the Disclosure Statement contains “adequate information” and should be approved.

II. Modification of the Requirement to Provide Notice Directly to the Equity Security Holders is Warranted.

20. The Bankruptcy Rules contain certain requirements with respect to a debtor’s equity security holders. Bankruptcy Rule 2002(d) requires equity security holders to be provided with notice of, among other things, the commencement of the bankruptcy case and the

confirmation hearing.³ Bankruptcy courts have authority to modify or waive these requirements. Fed. R. Bankr. P. 2002(d) (“[U]nless otherwise ordered by the court, the clerk ... shall in the manner and form directed by the court give notice to all equity security holders ...”); see also 11 U.S.C. § 105(a) (“The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.”); Fed. R. Bankr. P. 6007 (“When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.”).

21. The requirements to provide notice directly to equity security holders should be modified as to the Parent Company Debtor AHGI. AHGI’s common stock is publicly traded on the OTC Markets under the ticker symbol “AMHGQ”, with approximately 16.83 million outstanding shares of common stock as of the Petition Date and cannot be readily traced to all individual beneficial holders. Debtor AHGI only maintains a list of its registered equity security holders and therefore must obtain the names and addresses of its beneficial shareholders from its transfer agent, who in turn would need to contact all registered holders, banks, brokers, intermediaries, and other nominees that hold stock in “street name” for the beneficial holders of the stock, as applicable, and request that such nominees review their books and records to identify the applicable beneficial holders. Moreover, the nominees, upon information and belief, have procedures in place to provide notices from the Chapter 11 Cases to the beneficial holders. In short, preparing and submitting such a list with last known addressees for each equity security holder and sending notices to all parties will create undue expense and administrative burden with limited corresponding benefit to the estates or parties in interest.

³ Specifically, Bankruptcy Rule 2002(d) provides notice, inter alia, of “(5) the time to file an objection to—and the time of the hearing to consider whether to approve—a disclosure statement; (6) the time to file an objection to—and the time of the hearing to consider whether to confirm—a Chapter 11 plan; ...” (collectively, the “Plan Deadlines”).

22. Debtor AHGI has taken or will take several actions to inform its equity security holders of the Plan Deadlines. As soon as practicable following the date hereof, the Debtors intend to cause the notices of the Plan Deadlines to be served on registered and nominee holders of AHGI's common stock with instructions to serve such notices down to the beneficial holders of equity securities. The Debtors shall also publish the Plan Solicitation Materials on the Debtors' case website located at <https://cases.stretto.com/AHGI> and file a Form 8-K with the U.S. Securities and Exchange Commission ("SEC") prior to the Solicitation Mailing Deadline, notifying their investors and other parties of the Plan Deadlines. For these reasons, the Debtors request that the requirements to file a list of and to provide notice directly to Debtor AHGI's equity security holders (other than registered holders of Debtor AHGI's common stock) be modified.

23. Courts in this district have granted similar relief to the relief requested herein. *See, e.g., In re JOANN Inc.*, No. 24-10418 (CTG) (Bankr. D. Del. March 19, 2024) (waiving the requirement under Bankruptcy Rule 1007(a)(3) to file a list of all equity security holders and provide notice directly thereto); *In re Lannet Co., Inc.*, No. 23-10559 (JKS) (Bankr. D. Del. Aug. 11, 2023) (same); *In re Virgin Orbit Holdings, Inc.*, No. 23-10405 (KBO) (Bankr. D. Del. Apr. 5, 2023) (same); *In re HyreCar Inc.*, No. 23-10259 (JTD) (Bankr. D. Del. Feb. 28, 2023) (same).

III. The Court Should Approve the Ballots, the Timeline, and the Forms of Notices Related to Solicitation and Confirmation of the Plan.

A. The Court Should Approve the Solicitation Procedures.

24. Section 1126(c) of the Bankruptcy Code provides that:

A class of claims has accepted a plan if such plan has been accepted by creditors, other than any entity designated under section (e) of this section, that hold at least two-thirds in amount and more than one-half in number of the allowed claims of such class held by creditors, other than any entity designated under subsection (e) of this section, that have accepted or rejected the plan.

11 U.S.C. § 1126(c). Additionally, Bankruptcy Rule 3018(c) provides, in part, that “[a]n acceptance or rejection [of a plan] shall be in writing, identify the plan or plans accepted or rejected, be signed by the creditor or equity security holder or an authorized agent and conform to the appropriate Official Form.” Fed. R. Bankr. P. 3018(c).

25. The Debtors respectfully request that Stretto (the “Solicitation Agent”) be authorized (to the extent not authorized by another order of the Court) to assist the Debtors in distributing the Solicitation Packages. The Debtors respectfully submit that the authorization of the Solicitation Agent’s assistance therewith complies with Bankruptcy Rule 3018(c) and, therefore, should be approved.

B. The Court Should Approve the Forms of the Ballots.

26. In accordance with Bankruptcy Rule 3018(c), the Debtors have prepared and customized the Ballot. Although based on Official Form B314, the Ballot have been modified to (a) address the particular circumstances of the Chapter 11 Cases and (b) include certain additional information that is relevant and appropriate for Claims and Interests in certain of the Voting Classes. The proposed Ballot is annexed as Exhibit 2 to the Order. The Debtors respectfully submit that the forms of the Ballots comply with Bankruptcy Rule 3018(c) and, therefore, should be approved.

C. The Court Should Approve the Form and Distribution of the Solicitation Packages to Parties Entitled to Vote on the Plan.

27. Bankruptcy Rule 3017(d) specifies the materials to be distributed to holders of allowed claims upon approval of a disclosure statement, including the court-approved plan and disclosure statement and notice of the time within which acceptances and rejections of the plan may be filed. Fed. R. Bankr. P. 3017(d).

28. In accordance with this requirement, the Debtors propose to distribute the Solicitation Packages to provide holders of Claims and Interests in the Voting Classes with the

information they need to be able to make informed decisions with respect to how to vote on the Plan.

29. The Voting Classes consist of:

Debtor Name	Impaired Classes Entitled to Vote
<p><u>Parent Company</u></p> <ul style="list-style-type: none"> • Amergent Hospitality Group, Inc. 	<p>Class 1 (Secured) Class 2 (Priority) Class 3 (Unsecured)</p>
<p><u>Little Big Burger (LBB) Debtors</u></p> <ul style="list-style-type: none"> • LBB Acquisition, LLC • LBB Acquisition I, LLC • LBB Platform, LLC • LBB Lake Oswego, LLC • LBB Progress Ridge, LLC • Noveno LLC (Alberta) • Quinto LLC (Division) • Sexto LLC (Waterfront) • Cuarto LLC (Eugene) 	<p>Class 2 (Priority) Class 3 (Unsecured)</p>
<p><u>Boudreaux's Cajun Kitchen (BCK) Debtor</u></p> <ul style="list-style-type: none"> • I10/I20 Cuisine LLC 	<p>Class 2 (Priority) Class 3 (Unsecured)</p>

30. Specifically, on or before the Solicitation Mailing Deadline, the Debtors will cause the Solicitation Packages to be distributed by first-class U.S. mail to those holders of Claims and Interests in the Voting Classes. Each Solicitation Package will include the following materials:

- a) the Order (excluding the Exhibits thereto, except as set forth below);
- b) the approved Disclosure Statement (annexed as **Exhibit 1** to the Order) and the Exhibits attached thereto, including the Plan;
- c) the applicable form of Ballot, in substantially the form of the Ballots annexed as **Exhibit 2** to the Order;

- d) a cover letter, in substantially the form annexed as **Exhibit 3** to the Order describing the contents of the Solicitation Package and urging the holders of Claims and Interests in each of the Voting Classes to vote to accept the Plan;
- e) the Confirmation Hearing Notice in substantially the form annexed as **Exhibit 5** to the Order; a pre-addressed, postage pre-paid reply envelope; and
- f) any additional documents that the Court has ordered to be made available to holders of Claims and Interests in the Voting Classes.

31. The Debtors request that they be authorized, but not directed or required, to distribute the Plan, the Disclosure Statement, and the Order (without Exhibits, except for the Solicitation Procedures) to holders of Claims and Interests entitled to vote on the Plan in electronic format (*i.e.*, on a CD-ROM or flash drive). **Only** the Ballots, the Cover Letter, and the Confirmation Hearing Notice will be provided in paper copy. Distribution in this manner will translate into significant monetary savings for the Debtors' Estates by reducing printing and postage costs (the Plan, the Disclosure Statement, and the Order, collectively, total hundreds of pages). Any party that receives the materials in electronic format but would prefer paper format may contact the Solicitation Agent to request paper copies of the materials previously received in electronic format (to be provided at the Debtors' expense).

32. The Debtors will also provide complete Solicitation Packages (excluding the Ballots and the Cover Letter) to the Office of the United States Trustee for Region 7 in the Northern District of Texas (the "U.S. Trustee") and all parties required to be notified under Rule 2002 of the Bankruptcy Rules and Rule 2002-1 of the Bankruptcy Local Rules (the "2002 List") as of the Voting Record Date. The Debtors respectfully submit that the Solicitation Packages comply with Bankruptcy Rule 3017(d) and, therefore, should be approved.

D. The Court Should Approve the Voting Record Date and Voting Deadline.

33. Bankruptcy Rule 3017(d) provides that, for the purposes of soliciting votes in connection with the confirmation of a plan, "creditors and equity security holders shall include

holders of stocks, bonds, debentures, notes, and other securities of record on the date the order approving the disclosure statement is entered or another date fixed by the court, for cause, after notice and a hearing.” Fed. R. Bankr. P. 3017(d). Bankruptcy Rule 3018(a) contains a similar provision regarding determination of the record date for voting purposes. Fed. R. Bankr. P. 3018(a).

34. The Debtors request that the Court exercise its authority under Bankruptcy Rules 3017(d) and 3018(a) to establish the date of the entry of the Order as the Voting Record Date. Only holders of Claims and Interests as of the Voting Record Date shall be entitled to vote to accept or reject the Plan. Further, the Debtors request that the Court direct the transfer agent for the Debtors’ common stock to provide the Solicitation Agent with lists of the registered holders of the Debtors’ common stock, reflecting the share amounts held by registered holders of the Debtors’ common stock held, in each case, as of the Voting Record Date, as soon as practicable, but no later than one (1) Business Day following the Voting Record Date.

35. Moreover, the Debtors propose that, with respect to any transferred Claim or Interest, the transferee shall be entitled to receive a Solicitation Package and, if the holder of such Claim or Interest is entitled to vote with respect to the Plan, cast a Ballot on account of such Claim, *only if* all actions necessary to effectuate the transfer of the Claim or Interest pursuant to Bankruptcy Rule 3001(e) have been completed by the Voting Record Date. In the event a Claim or Interest is transferred after the Voting Record Date, the transferee of such Claim or Interest shall be bound by any vote on the Plan, distribution election, or opt out election made by the holder of such Claim or Interest as of the Voting Record Date.

36. Further, the Debtors request that, after the Debtors distribute Solicitation Packages to holders of Claims and Interests entitled to vote on the Plan by the Solicitation Mailing Deadline, the Court require that all holders of Claims and Interests entitled to vote on

the Plan complete, execute, and return their Ballots (in accordance with the instructions on the Ballots) so that they are *actually received* by the Debtors’ counsel on or before the Voting Deadline.

37. The foregoing timing and materials will afford holders of Claims and Interests entitled to vote on the Plan sufficient time within which to review and analyze such materials and subsequently make an informed decision as to whether to vote to accept or reject the Plan before the Voting Deadline consistent with the requirements of the applicable Bankruptcy Rules. *See* Fed. R. Bankr. P. 3017(d) (after approval of a disclosure statement, the debtor must transmit the plan, the approved disclosure statement, a notice of the time within which acceptances and rejections of such plan may be filed, and any other information that the court may direct to certain holders of claims). The Debtors respectfully submit that the Voting Record Date and Voting Deadline comply with Bankruptcy Rule 3017(d) and, therefore, should be approved.

E. The Court Should Approve the Form of Notices to Non-Voting Classes.

38. As discussed above, the Non-Voting Classes are *not* entitled to vote on the Plan. As a result, they will *not* receive Solicitation Packages and, instead, the Debtors propose that such parties receive a Non-Voting Status Notice. Specifically, in lieu of Solicitation Packages, the Debtors propose to provide the following to holders of Claims and Interests in Non-Voting Classes:

Debtor Name	Classes Not Entitled to Vote	Treatment; Deemed Voting; Notice Received
<p><u>Parent Company</u></p> <ul style="list-style-type: none"> Amergent Hospitality Group, Inc. 	<p>Classes 4-7</p>	<p>Receive no Distribution under the Plan, Deemed to Reject</p> <p>Will receive a notice, substantially in the form attached to the Order as <u>Exhibit 4</u>, in lieu of a Solicitation Package</p>

<p><u>Little Big Burger (LBB)</u> <u>Debtors</u></p> <ul style="list-style-type: none"> • LBB Acquisition, LLC • LBB Acquisition I, LLC • LBB Platform, LLC • LBB Lake Oswego, LLC • LBB Progress Ridge, LLC • Noveno LLC (Alberta) • Quinto LLC (Division) • Sexto LLC (Waterfront) • Cuarto LLC (Eugene) 	Class 1 (Secured)	Unimpaired; Deemed to Accept Will receive Solicitation Package
	Classes 4-7	Receive no Distribution under the Plan, Deemed to Reject Will receive a notice, substantially in the form attached to the Order as <u>Exhibit 4</u> , in lieu of a Solicitation Package
<p><u>Boudreaux’s Cajun Kitchen (BCK) Debtor</u></p> <ul style="list-style-type: none"> • I10/I20 Cuisine LLC 	Class 1 (Secured)	Unimpaired; Deemed to Accept Will receive Solicitation Package
	Classes 4-7	Receive no Distribution under the Plan, Deemed to Reject Will receive a notice, substantially in the form attached to the Order as <u>Exhibit 4</u> , in lieu of a Solicitation Package

39. Each of the Non-Voting Status Notices will include, among other things: (a) instructions as to how to view or obtain copies of the Disclosure Statement (including the Plan and the other exhibits thereto), the Order, and all other materials in the Solicitation Package (*excluding* Ballots) from the Solicitation Agent free of charge and/or the Court’s website via PACER; (b) notice of the Confirmation Objection Deadline; (d) notice of the Confirmation Hearing Date; and (e) additional information related thereto.

40. The Debtors further request that they *not* be required to mail Solicitation Packages, other solicitation materials, or a Non-Voting Status Notice to: (a) holders of Claims that have already been paid in full during the Chapter 11 Cases; (b) any party to whom the notice

of this motion was sent but was subsequently returned as undeliverable without a forwarding address by the Voting Record Date; or (c) the holders of Class 4 Intercompany Claims or Class 5 Subordinated Claims and Class 6 Intercompany Interests.⁴

41. The Debtors respectfully submit that the mailing of Non-Voting Status Notices in lieu of Solicitation Packages to the holders of Claims and Interests in Non-Voting Classes complies with Bankruptcy Rule 3017(d) and, therefore, should be approved.

F. The Court Should Approve the Confirmation Hearing Notice and Procedures for Objecting to Confirmation of the Plan.

42. The Debtors will serve the Confirmation Hearing Notice on all known holders of Claims and Interests and the 2002 List (regardless of whether such parties are entitled to vote on the Plan) by no later than the Solicitation Mailing Deadline. The Confirmation Hearing Notice will include the following: (a) instructions as to how to view or obtain copies of the Disclosure Statement (including the Plan and the other exhibits thereto), the Order, and all other materials in the Solicitation Package (*excluding* Ballots) from the Solicitation Agent and/or the Court's website via PACER; (b) notice of the Voting Deadline; (c) notice of the Confirmation Objection Deadline; and (d) notice of the Confirmation Hearing Date and information related thereto. The Debtors respectfully submit that service of the Confirmation Hearing Notice complies with Bankruptcy Rule 2002 and, therefore, should be approved.

43. Additionally, section 1128 of the Bankruptcy Code provides that a court shall hold a hearing on confirmation of a plan and provides that parties in interest can object to confirmation. 11 U.S.C. § 1128. The Debtors request that the Court establish **October 8, 20205**

⁴ Intercompany Claims and Intercompany Interests shall be reinstated or modified as agreed by the Debtors and the Requisite Creditors. Thus, holders of Intercompany Claims and Intercompany Interests will not be entitled to vote to accept or reject the Plan. Accordingly, and in light of the fact that the Intercompany Claims and Intercompany Interests are all held by the Debtors or affiliates of the Debtors, the Debtors are requesting a waiver from any requirement to serve holders of Intercompany Claims and Intercompany Interests with a Solicitation Package.

at 1:30 p.m. (prevailing Central Time) as the Confirmation Hearing Date and **October 1, 2025**
at 5:00 p.m. (prevailing Central Time) as the Confirmation Objection Deadline.

44. Bankruptcy Rule 2002(b) requires that parties be given at least 28 days' notice of the time fixed for filing objections and for the hearing to consider confirmation of a chapter 11 plan. A court may, however, approve shortened notice pursuant to Bankruptcy Rule 9006(c) for cause shown. Specifically, Bankruptcy Rule 9006(c)(1) provides that "when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced." Fed. R. Bankr. P. 9006(c)(1).

45. The Debtors further request that the Court direct the manner in which parties in interest may object to Confirmation of the Plan. Pursuant to Bankruptcy Rule 3020(b)(1), objections to confirmation of a plan must be filed and served "within a time fixed by the court." Fed. R. Bankr. P. 3020(b)(1). The Confirmation Hearing Notice will require that objections to confirmation of the Plan or requests for modifications to the Plan, if any, must:

- a) be in writing;
- b) conform to the Bankruptcy Rules, the Bankruptcy Local Rules, and any orders of the Court;
- c) state the name and address of the objecting party and the nature and amount of the Claim against or Interests in the Estates or property of the Debtors;
- d) state, with particularity, the legal and factual basis for the objection and, if practicable, a proposed modification to the Plan (or related materials) that would resolve such objection; and
- e) be filed with the Court on or before **October 1, 2025, at 5:00 p.m.** (prevailing Central Time) the Confirmation Objection Deadline.

46. The Debtors also request that they (and other parties in support of the Plan) be permitted to file a reply to any objections to Confirmation of the Plan and a memorandum in support of Confirmation prior to the Confirmation Hearing.

47. The Debtors respectfully submit that such dates and procedures will afford the Court, the Debtors, and other parties in interest reasonable time to consider the objections and proposed modifications to the Plan prior to the Confirmation Hearing, and therefore, should be approved.

48. Moreover, the Confirmation Hearing may be adjourned or continued from time to time by the Court or the Debtors without further notice other than adjournments announced in open Court or as indicated in any notice of agenda of matters scheduled for hearing filed by the Debtors with the Court.

NON-SUBSTANTIVE MODIFICATIONS

49. The Debtors request authorization to make non-substantive changes to the Plan, Disclosure Statement, Solicitation Procedures, Ballots, Solicitation Packages, any notice attached to the Order, and any related documents without further order of the Court, including formatting changes, changes to correct typographical and grammatical errors, if any, and to make conforming changes to the Disclosure Statement, the Plan, and any other materials in the Solicitation Packages before distribution.

WHEREFORE, the Debtors respectfully request that the Court enter the Order, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Dated: July 18, 2025

Respectfully Submitted,

CM LAW, PLLC

By: /s/ Richard Grant
Richard G. Grant
Tex. Bar No. 08302650

National Litigation Support Center
13101 Preston Road, Suite 110-1510
Dallas, Texas 75240
Telephone: 214-210-2929
Email: rgrant@cm.law

ATTORNEYS FOR
DEBTORS IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has transmitted a true and correct copy of the foregoing (a) via the Court's Electronic Case Filing system to all persons participating therein on July 18, 2025; (b) via United States First Class Mail, postage prepaid, on July 18, 2025 to each of the mailing addresses indicated on the service list attached hereto (the "Short Service List"); and (c) via electronic mail on July 18, 2025 to the email addresses indicated on the Short Service List.

/s/ Richard Grant _____

Richard G. Grant

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	
	§	
AMERGENT HOSPITALITY GROUP, INC.;	§	Case No. 24-42483-MXM-11
et al., ¹	§	(Jointly Administered)
	§	Chapter 11
Debtors.	§	

ORDER (I) APPROVING THE ADEQUACY OF THE DISCLOSURE STATEMENT, (II) APPROVING THE FORMS OF BALLOTS AND NOTICES IN CONNECTION THEREWITH, (III) SCHEDULING CERTAIN DATES WITH RESPECT THERETO, (IV) MODIFYING THE REQUIREMENT TO PROVIDE NOTICE DIRECT TO THE EQUITY SECURITY HOLDERS, AND (V) GRANTING RELATED RELIEF

Upon the motion (the “Motion”) of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”), pursuant to sections 105, 363, 502, 1123(a), 1124, 1125, 1126, and 1128 of the Bankruptcy Code, Bankruptcy Rules 2002, 3016, 3017, 3018, 3020, and 9006, and Bankruptcy Local Rules 2002-1 and 3016-1: (a) approving the adequacy of the *Disclosure Statement Relating to the Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and its Debtor Affiliates*, substantially in the form attached to this Order (the “Disclosure Statement”); (b) approving the Ballots; (c) approving the Cover Letter; (d) approving the Confirmation Hearing Notice; (e) approving the Non-Voting Status Notice; and (f) approving certain dates and deadlines related to the foregoing; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and that this Court may enter a final order consistent with Article III of the United States Constitution; and

¹ The jointly administered debtors are Amergent Hospitality Group, Inc. (24-42483); I10/I20 Cuisine LLC (24-42482); LBB Acquisition, LLC (24-42484); LBB Acquisition 1 LLC (24-42485); LBB Platform LLC (24-42487); LBB Lake Oswego LLC (24-42489); LBB Progress Ridge LLC (24-42490); Noveno LLC (Alberta) (24-42491); Quinto LLC (Division) (24-42492); Sexto LLC (Waterfront) (24-42493); and Cuarto LLC (Eugene) (24-42494). Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion

this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors’ Estates, their creditors, and other parties in interest; and this Court having found that the Debtors’ notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as provided herein.

2. *Approval of Disclosure Statement.* The Disclosure Statement, attached hereto as **Exhibit 1**, is approved as containing adequate information within the meaning of section 1125 of the Bankruptcy Code.

3. *Confirmation Deadlines.* The following dates are hereby established (subject to modification as necessary) with respect to the solicitation of votes to accept the Plan, voting on the Plan, and confirming the Plan:

Event	Date
Voting Record Date	Date of Entry of this Order
Solicitation Mailing Deadline	Five (5) business days following the entry of the Order (or as soon as reasonably practicable thereafter)
Voting Deadline	30 calendar days following the Solicitation Mailing Deadline at 11:59 p.m. (prevailing Central Time)
Confirmation Objection Deadline	Five (5) business days prior to the Confirmation Hearing Date at 5:00 p.m. (prevailing Central Time)
Deadline to File Voting Report	Three (3) business days prior to the Confirmation Hearing Date

Confirmation Hearing Date	October 8, 2025 at 1:30 p.m. CT or such other date as may be scheduled by the Court
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4. *Share Ledger.* The transfer agent for the Debtors' common stock is directed to provide the Solicitation Agent with lists of the registered holders of the registered holders of the Debtors' common and preferred stock, respectively, reflecting the share amounts held by registered holders of the Debtors' common stock held as of the Voting Record Date as soon as practicable, but no later than one (1) Business Day following the Voting Record Date.

5. *Solicitation Package.* The Solicitation Packages to be transmitted on or before the Solicitation Mailing Deadline, or as soon as reasonably practicable thereafter, to those holders of Claims and Interests entitled to vote on the Plan as of the Voting Record Date, shall include the following, the form of each of which is hereby approved:

- a) this Order (excluding the Exhibits hereto, except as set forth below);
- b) the Disclosure Statement attached hereto as **Exhibit 1**;
- c) the applicable form of Ballot, in substantially the form of the Ballots attached hereto as **Exhibit 2**;
- d) a cover letter, in substantially the form attached hereto as **Exhibit 3** describing the contents of the Solicitation Package and urging the holders of Claims and Interests in each of the Voting Classes to vote to accept the Plan;
- e) the Confirmation Hearing Notice substantially the form attached hereto as **Exhibit 5**; and
- f) a pre-addressed, postage pre-paid reply envelope.

6. *Solicitation.* The Debtors shall distribute Solicitation Packages to all holders of Claims and Interests entitled to vote on the Plan on or before the Solicitation Mailing Deadline, or as soon as reasonably practicable thereafter. Such service shall satisfy the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules.

7. *Manner of Distribution.* The Debtors are authorized, but not directed or required, to distribute the Plan, the Disclosure Statement, and this Order to holders of Claims and Interests

entitled to vote on the Plan in electronic format (*i.e.*, on a CD-ROM or flash drive) only. Any party that receives materials in electronic format, but would prefer to receive materials in paper format, may contact the Solicitation Agent and request paper copies of the materials previously received in electronic format (to be provided at the Debtors' expense). **Only** the Ballots, the Solicitation Procedures, the Cover Letter, and the Confirmation Hearing Notice will be provided in paper form.

8. *Notice to Shareholders.* The requirement to provide notice to equity security holders of AHGI is hereby modified, and the Debtors are authorized to serve the notices required under Bankruptcy Rule 2002(d) on the registered and nominee holders of AHGI's equity securities with instructions to serve such notices down to the beneficial holders of equity securities. The Debtors shall also publish the Plan Solicitation Materials on the Debtors' case website located at <https://cases.stretto.com/AHGI> and file a Form 8-K with the SEC prior to the Plan Solicitation Deadline, notifying their investors and other parties of the Plan Deadlines.

9. *Solicitation and Tabulation.* The Solicitation Agent is authorized to assist the Debtors in: (a) distributing the Solicitation Packages; (b) responding to inquiries from holders of Claims and Interests and other parties in interest relating to the Disclosure Statement, the Plan, the Solicitation Packages (including the Ballots), and all other related documents and matters related thereto, including the procedures and requirements for voting to accept or reject the Plan and for objecting to the Plan or the adequacy of the Disclosure Statement; and (c) if necessary, contacting creditors or interest holders regarding the Plan and/ or the Disclosure Statement.

10. *Electronic Voting.* The Solicitation Agent is also authorized to accept Ballots via electronic online transmission including electronic mail.

11. *Notice Only.* Except to the extent the Debtors determine otherwise, the Debtors are not required to provide Solicitation Packages to holders of Claims or Interests in Non-Voting

Classes, as such holders are not entitled to vote on the Plan. Instead, on or before the Solicitation Mailing Deadline, or as soon as reasonably practicable thereafter, the Solicitation Agent shall mail (first-class postage prepaid) a Non-Voting Status Notice in lieu of Solicitation Packages, the form of each of which is approved, to those parties, outlined below, who are not entitled to vote on the Plan:

Debtor Name	Classes Not Entitled to Vote	Treatment; Deemed Voting; Notice Received
<p><u>Parent Company</u></p> <ul style="list-style-type: none"> Amergent Hospitality Group, Inc. 	Classes 4-7	<p>Receive no Distribution under the Plan, Deemed to Reject</p> <p>Will receive a notice, substantially in the form attached to the Order as <u>Exhibit 4</u>, in lieu of a Solicitation Package</p>
<p><u>Little Big Burger (LBB) Debtors</u></p> <ul style="list-style-type: none"> LBB Acquisition, LLC LBB Acquisition I, LLC LBB Platform, LLC LBB Lake Oswego, LLC LBB Progress Ridge, LLC Noveno LLC (Alberta) Quinto LLC (Division) Sexto LLC (Waterfront) Cuarto LLC (Eugene) 	Class 1 (Secured)	Unimpaired; Deemed to Accept Will receive a Solicitation Package
	Classes 4-7	<p>Receive no Distribution under the Plan, Deemed to Reject</p> <p>Will receive a notice, substantially in the form attached to the Order as <u>Exhibit 4</u>, in lieu of a Solicitation Package</p>
<p><u>Boudreaux's Cajun Kitchen (BCK) Debtor</u></p> <ul style="list-style-type: none"> I10/I20 Cuisine LLC 	Class 1 (Secured)	Unimpaired; Deemed to Accept Will receive a Solicitation Package
	Classes 4-7	<p>Receive no Distribution under the Plan, Deemed to Reject</p> <p>Will receive a notice, substantially in the form attached to the Order as <u>Exhibit</u></p>

		<u>4</u> , in lieu of a Solicitation Package
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12. *Other Notices.* The Debtors are not required to mail Solicitation Packages, other solicitation materials, or a Non-Voting Status Notice to: (a) holders of Claims that have already been paid in full during the Chapter 11 Cases; (b) any party to whom the notice of this motion was sent but was subsequently returned as undeliverable without a forwarding address; or (c) the holders of Class 4 Intercompany Claims or Class 5 Subordinated Claims and Class 6 Intercompany Interests.

13. *Confirmation Hearing Notice.* The Confirmation Hearing Notice, in the form attached hereto as **Exhibit 5** constitutes adequate and sufficient notice of the hearing to consider approval of the Plan, the manner in which a copy of the Plan and Disclosure Statement can be obtained, and the time fixed for filing objections thereto, in satisfaction of the requirements of the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules.

14. *Confirmation Objections.* Objections to the Plan will not be considered by the Court unless such objections are timely filed and properly served in accordance with this Order. Specifically, all objections to confirmation of the Plan or requests for modifications to the Plan, if any, *must*: (a) be in writing; (b) conform to the Bankruptcy Rules and the Bankruptcy Local Rules; (c) state, with particularity, the legal and factual basis for the objection and, if practicable, a proposed modification to the Plan (or related materials) that would resolve such objection; and (d) be filed with the Court by **October 1, 2025 at 5:00 p.m.** (prevailing Central Time).

15. *Non-Substantive Modifications.* The Debtors are authorized to make non-substantive or immaterial changes to the Disclosure Statement, the Plan, the Solicitation Package, and related documents without further order of the Court, including changes to correct

typographical and grammatical errors, and to make conforming changes among the Disclosure Statement, the Plan, and related documents (including the appendices thereto) where, in the Debtors' reasonable discretion, doing so would better facilitate the solicitation process. Subject to the foregoing, the Debtors are authorized to solicit, receive, and tabulate votes to accept or reject the Plan in accordance with this Order, without further order of the Court. The Debtors' rights are reserved to modify the Plan without further order of the Court in accordance with the Plan, including the right to withdraw the Plan as to an individual Debtor at any time before the Confirmation Date.

16. *No Waiver of Claim Objections.* Nothing in this Order shall be construed as a waiver of the right of the Debtors or any other party in interest, as applicable, to object to a proof of claim after the Voting Record Date.

17. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

18. Notice of the Motion as provided therein shall be deemed good and sufficient and the requirements of the Bankruptcy Local Rules are satisfied by such notice.

19. Notwithstanding any Bankruptcy Rule to the contrary, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

20. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

21. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

Submitted by:

Richard G. Grant
CM LAW PLLC
National Litigation Support Center
13101 Preston Road, Suite 110-1510
Dallas, Texas 75240
Telephone: 214-210-2929
Email: rgrant@cm.law

COUNSEL FOR
DEBTORS IN POSSESSION

EXHIBIT 1
DISCLOSURE STATEMENT

[Revised Disclosure Statement to be Filed Prior to Hearing]

EXHIBIT 2
FORM OF BALLOT

In re: §
§
AMERGENT HOSPITALITY GROUP, INC.; § Case No. 24-42483-MXM-11
et al.,¹ § (Jointly Administered)
§ Chapter 11
Debtors. §

**BALLOT FOR VOTING TO ACCEPT OR REJECT
THE JOINT CHAPTER 11 PLAN OF LIQUIDATION OF AMERGENT HOSPITALITY GROUP, INC. AND ITS
DEBTOR AFFILIATES**

Information Regarding Claim being Voted:

Claimant Name:
Claim Amount of Record
Debtor:
Class:

IN ORDER FOR YOUR VOTE TO BE COUNTED, THIS BALLOT MUST BE COMPLETED, EXECUTED, AND RETURNED SO AS TO BE *ACTUALLY RECEIVED* BY THE DEBTORS' COUNSEL BY OCTOBER 1, 2025 AT 11:59 P.M., PREVAILING CENTRAL TIME (THE "VOTING DEADLINE") IN ACCORDANCE WITH THE FOLLOWING:

The above-captioned debtors and debtors in possession (collectively, the "Debtors"), are soliciting votes with respect to the *Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* [Docket No. 248] (as may be amended, supplemented, or otherwise modified from time to time, the "Plan") as set forth in the *Disclosure Statement Relating to the Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* [Docket No. 249] (as may be amended, supplemented, or otherwise modified from time to time, the "Disclosure Statement"). The Bankruptcy Court for the Northern District of Texas (the "Bankruptcy Court") has approved the Disclosure Statement as containing adequate information pursuant to section 1125 of the Bankruptcy Code, by entry of an order on [●], 2025 [Docket No. [●]] (the "Disclosure Statement Order"). Bankruptcy Court approval of the Disclosure Statement does not indicate approval of the Plan by the Bankruptcy Court. Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Plan.

You are receiving this ballot (this "Ballot") because you are a holder of a Claim as of August __, 2025 (the "Voting Record Date"). Accordingly, you have a right to execute this Ballot and to vote to accept or reject the Plan.

YOUR VOTE ON THIS BALLOT WILL BE APPLIED TO EACH DEBTOR AGAINST WHOM YOU HAVE CLAIMS.

Your rights are described in the Disclosure Statement, which is included in the package (the "Solicitation Package") you are receiving with this Ballot (as well as the Plan, the Disclosure Statement Order, and certain other materials). If you received Solicitation Package materials in electronic format and desire paper copies, or if you need to obtain additional Solicitation Packages, you may obtain them (a) for a fee via PACER at <http://www.txnb.uscourts.gov>; or (b) at no charge from Stretto (the "Solicitation Agent") by: (i) accessing the Solicitation Agent's website at cases.stretto.com/AHGI; (ii) writing to AHGI, Ballot Processing Center, c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602; (iii) emailing TeamAmergent@stretto.com; or (iv) calling the Solicitation Agent at 866-209-9801 (toll free).

¹ The jointly administered debtors are Amergent Hospitality Group, Inc. (24-42483); I10/I20 Cuisine LLC (24-42482); LBB Acquisition, LLC (24-42484); LBB Acquisition 1 LLC (24-42485); LBB Platform LLC (24-42487); LBB Lake Oswego LLC (24-42489); LBB Progress Ridge LLC (24-42490); Noveno LLC (Alberta) (24-42491); Quinto LLC (Division) (24-42492); Sexto LLC (Waterfront) (24-42493); and Cuarto LLC (Eugene) (24-42494).

This Ballot may not be used for any purpose other than for casting votes to accept or reject the Plan and making certain certifications with respect to the Plan. If you believe you have received this Ballot in error, or if you believe you have received the wrong ballot, please contact the Solicitation Agent *immediately* at the address, telephone number, or email address set forth above.

You should review the Disclosure Statement, the Plan, and the instructions contained herein before you vote. You may wish to seek legal advice concerning the Plan and the Plan’s classification and treatment of your Claim. Your Claim has been placed in the Class under the Plan specified above (the “Class”).

You may vote to accept or reject the Plan. You must check the applicable box in the right-hand column below to “accept” or “reject” the Plan for the Class in order to have your vote counted.

Please note that you are voting all of your Claims in the Class either to accept or reject the Plan. You may not split your vote. If you do not indicate that you either accept or reject the Plan by checking the applicable box below, your vote in the Class may not be counted. If you indicate that you both accept and reject the Plan for your Claims by checking both boxes below, your vote may not be counted.

The Plan, though proposed jointly, constitutes a separate Plan proposed by each Debtor. Accordingly, your vote cast below will be applied in the same manner and in the same amount against each applicable Debtor.

The Holder votes to (please check one and only one box):

Voting Class	Class Description	Amount	Vote to Accept or Reject the Plan
_____	_____	\$ _____	<input type="checkbox"/> ACCEPT (VOTE FOR) THE PLAN <input type="checkbox"/> REJECT (VOTE AGAINST) THE PLAN

Your vote on the Plan will be applied to each applicable Debtor in the same manner and in the same amount as indicated above.

The undersigned hereby certifies that, as of the Voting Record Date, the undersigned was the Holder of the Claim described above.

Name of Holder of Claim: [insert]
Signature:
Name of Signatory:
Title:
Address:
Telephone Number:
Email:
Date Completed:

IF THE DEBTORS' COUNSEL DOES NOT *ACTUALLY RECEIVE* THIS BALLOT ON OR BEFORE THE VOTING DEADLINE (AND IF THE VOTING DEADLINE IS NOT EXTENDED), YOUR VOTE TRANSMITTED BY THIS BALLOT MAY BE COUNTED TOWARD CONFIRMATION OF THE PLAN ONLY IN THE DISCRETION OF THE DEBTORS.

Complete, sign, and date this Ballot and return it (with an original signature) promptly via first class mail (or in the enclosed reply envelope provided), overnight courier, or hand delivery to:

AHGI BALLOT PROCESSING
C/O Richard G. Grant
CM LAW PLLC
National Litigation Support Center
13101 Preston Road, Suite 110-1510
Dallas, Texas 75240
214-210-2929
rgrant@cmlaw.com

EXHIBIT 3
FORM OF COVER LETTER

RE: *In re Amergent Hospitality Group, Inc. et al.*, Chapter 11 Case No. 24-42483 (MXM) (Jointly Administered)

TO ALL HOLDERS OF CLAIMS AND INTERESTS ENTITLED TO VOTE ON THE PLAN:

Amergent Hospitality Group, Inc. and its affiliated debtors and debtors in possession (collectively, the “Debtors”)¹ each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of Texas (the “Court”) on July 18, 2024.

You have received this letter and the enclosed materials because you are entitled to vote on the *Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* [Docket No. 248] (as modified, amended, or supplemented from time to time, the “Plan”). On **July 1, 2025**, the Court entered an order [Docket No. 249] (the “Disclosure Statement Order”): (a) approving the adequacy of the *Disclosure Statement Relating to the Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* [Docket No. 249] (as may be amended, supplemented, or otherwise modified from time to time, the “Disclosure Statement”); (b) approving the solicitation procedures (the “Solicitation Procedures”) with respect to the Plan; (c) approving the forms of ballots and notices in connection therewith; (d) scheduling certain dates with respect thereto; and (e) granting related relief.

YOU ARE RECEIVING THIS LETTER BECAUSE YOU ARE ENTITLED TO VOTE ON THE PLAN. THEREFORE, YOU SHOULD READ THIS LETTER CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

In addition to this cover letter, the enclosed materials comprise your Solicitation Package, and were approved by the Court for distribution to holders of Claims and Interests in connection with the solicitation of votes to accept the Plan. The Solicitation Package consists of the following:

- the Disclosure Statement Order (excluding exhibits);
- the approved Disclosure Statement (annexed as **Exhibit 1** to the Disclosure Statement Order) and the exhibits thereto, including the Plan;
- the applicable form of Ballot;
- the *Notice of Hearing to Consider Confirmation of the Chapter 11 Plan Filed by the Debtors and Related Voting and Objection Procedures* (the “Confirmation Hearing Notice”);
- a pre-addressed, postage pre-paid reply envelope; and
- any additional documents that the Court has ordered to be made available.

Amergent Hospitality Group, Inc. (on behalf of itself and each of the other Debtors) has approved the filing of the Plan and the solicitation of votes to accept the Plan. The Debtors believe that the acceptance of the Plan is in the best interests of their Estates, holders of Claims and Interests, and all other parties in interest. Moreover, the Debtors believe that any alternative other than Confirmation of the Plan could result in extensive delays and increased administrative expenses, which, in turn, likely would result in smaller distributions (or no distributions) on account of Claims or Interests in the Chapter 11 Cases.

THE DEBTORS STRONGLY URGE YOU TO PROPERLY AND TIMELY SUBMIT YOUR BALLOT CASTING A VOTE TO ACCEPT THE PLAN. BALLOTS SHOULD BE SUBMITTED IN ACCORDANCE WITH THE INSTRUCTIONS INDICATED ON YOUR BALLOT.

THE VOTING DEADLINE IS AT 11:59 P.M., PREVAILING CENTRAL TIME ON OCTOBER 1, 2025.

¹ The jointly administered debtors are Amergent Hospitality Group, Inc. (24-42483); I10/I20 Cuisine LLC (24-42482); LBB Acquisition, LLC (24-42484); LBB Acquisition 1 LLC (24-42485); LBB Platform LLC (24-42487); LBB Lake Oswego LLC (24-42489); LBB Progress Ridge LLC (24-42490); Noveno LLC (Alberta) (24-42491); Quinto LLC (Division) (24-42492); Sexto LLC (Waterfront) (24-42493); and Cuarto LLC (Eugene) (24-42494). Capitalized terms not otherwise defined herein have the same meanings as set forth in the Plan, the Disclosure Statement, or the Disclosure Statement Order, as applicable.

The materials in the Solicitation Package are intended to be self-explanatory. If you should have any questions, however, please feel free to contact Stretto, the solicitation agent retained by the Debtors in the Chapter 11 Cases (the "Solicitation Agent"), by: (a) accessing the Solicitation Agent's website at cases.stretto.com/AHGI; (b) writing to AHGI, Ballot Processing Center, c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602; (c) emailing TeamAHGI@stretto.com and referencing "AHGI" in the subject line; or (d) calling the Solicitation Agent at 866-209-9801 (toll free). You may also obtain copies of any pleadings filed in the Chapter 11 Cases for a fee via PACER at: <http://www.txnb.uscourts.gov>.

Please be advised that the Solicitation Agent is authorized to answer questions about, and provide additional copies of, the solicitation materials, but may *not* advise you as to whether you should vote to accept or reject the Plan or provide any legal advice.

Sincerely,

Amergent Hospitality Group, Inc.
on its own behalf and for each of the Debtors

EXHIBIT 4
FORM OF NON-VOTING STATUS NOTICE

In re: §
§
AMERGENT HOSPITALITY GROUP, INC.; § Case No. 24-42483-MXM-11
et al.,¹ § (Jointly Administered)
§ Chapter 11
§
Debtors. §

**NOTICE OF NON-VOTING STATUS TO HOLDERS OF CLAIMS OR INTEREST
CONCLUSIVELY PRESUMED TO REJECT THE PLAN**

PLEASE TAKE NOTICE THAT on **July 1, 2025**, the United States Bankruptcy Court for the Northern District of Texas (the “Court”) entered an order [Docket No. [●]] (the “Disclosure Statement Order”): (a) approving the adequacy of the *Disclosure Statement Relating to the Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* (the “Disclosure Statement”), (b) approving the solicitation procedures (the “Solicitation Procedures”) with respect to confirmation of the *Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* (the “Plan”),² (c) approving the forms of ballots and notices in connection therewith, (d) scheduling certain dates with respect thereto, and (e) granting related relief.

PLEASE TAKE FURTHER NOTICE THAT because of the nature and treatment of your Claim under the Plan, ***you are not entitled to vote on the Plan***. Specifically, to the extent the Class under the Plan in which your Claim or Interest is classified does not entitle the holders of such claims or interests to receive or retain any property under the plan on account of such claims or interests, such Class is deemed to have rejected the Plan. Accordingly, collection of Ballot for members of such Class of Claims or Interests is not necessary.

PLEASE TAKE FURTHER NOTICE THAT the hearing at which the Court will consider Confirmation of the Plan and related voting and objection procedures (the “Confirmation Hearing”) will commence on **October 8, 2025 at 10 a.p.m.** prevailing Central Time, before the Honorable Mark X. Mullin, in the United States Bankruptcy Court for the Northern District of Texas, located at Room 128, United States Courthouse, 501 West 10th Street, Fort Worth, Texas 76102.

PLEASE TAKE FURTHER NOTICE THAT the deadline for filing objections to the Plan is **October 1, 2025 at 5:00 p.m.**, prevailing Central Time (the “Confirmation Objection Deadline”). Any objection to the Plan ***must***: (a) be in writing; (b) conform to the Bankruptcy Rules, the Bankruptcy Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of any objection to the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court (contemporaneously with a proof of service) on or before the Confirmation Objection Deadline.

PLEASE TAKE FURTHER NOTICE THAT if you would like to obtain a copy of the Disclosure Statement Order, the Disclosure Statement, the Plan, any Plan Supplement, or related documents, you may: (a) access the Debtors’ restructuring website at cases.stretto.com/AHGI; (b) write to AHGI, Ballot Processing Center, c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602; (c) call 866-209-9801 (toll free) and request to speak with a member of the Solicitation Group; or (d) email TeamAmergent@stretto.com and reference “AHGI” in the subject line. You may also obtain copies of any pleadings filed in the Chapter 11 Cases for a fee via PACER at: <http://www.txnb.uscourts.gov>.

THIS NOTICE IS BEING SENT TO YOU FOR INFORMATIONAL PURPOSES ONLY. IF YOU HAVE QUESTIONS WITH RESPECT TO YOUR RIGHTS UNDER THE PLAN OR ABOUT ANYTHING STATED HEREIN OR IF YOU WOULD LIKE TO OBTAIN ADDITIONAL INFORMATION, CONTACT COUNSEL FOR THE DEBTOR (INFORMATION BELOW)..

Dated: July 18, 2025

CM LAW, PLLC
Richard G. Grant
Tex. Bar No. 08302650
National Litigation Support Center
13101 Preston Road, Suite 110-1510
Dallas, Texas 75240
Telephone: 214-210-2929
Email: rgrant@cm.law

ATTORNEYS FOR
DEBTORS IN POSSESSION

¹ The jointly administered debtors are Amergent Hospitality Group, Inc. (24-42483); I10/I20 Cuisine LLC (24-42482); LBB Acquisition, LLC (24-42484); LBB Acquisition 1 LLC (24-42485); LBB Platform LLC (24-42487); LBB Lake Oswego LLC (24-42489); LBB Progress Ridge LLC (24-42490); Noveno LLC (Alberta) (24-42491); Quinto LLC (Division) (24-42492); Sexto LLC (Waterfront) (24-42493); and Cuarto LLC (24-42494). Capitalized terms not otherwise defined herein have the same meanings as set forth in the Plan, the Disclosure Statement, or the Disclosure Statement Order, as applicable

EXHIBIT 5
FORM OF CONFIRMATION HEARING NOTICE

In re:

AMERGENT HOSPITALITY GROUP, INC.;
et al.,¹

Debtors.

§
§
§
§
§
§

Case No. 24-42483-MXM-11
(Jointly Administered)
Chapter 11

NOTICE OF HEARING TO CONSIDER CONFIRMATION OF THE CHAPTER 11 PLAN FILED BY THE DEBTORS AND RELATED VOTING AND OBJECTION DEADLINES

PLEASE TAKE NOTICE THAT on **10/1, 2025**, the United States Bankruptcy Court for the Northern District of Texas (the “Court”) entered an order [Docket No. [●]] (the “Disclosure Statement Order”) that, among other things: (a) approved the *Disclosure Statement Relating to the Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* [Docket No. 249] (as may be amended, supplemented, or otherwise modified from time to time, the “Disclosure Statement”) as containing “adequate information” pursuant to section 1125(a) of title 11 of the United States Bankruptcy Code (the “Bankruptcy Code”); and (b) authorized the above-captioned debtors and debtors in possession (the “Debtors”) to solicit acceptances for the *Joint Chapter 11 Plan of Liquidation of Amergent Hospitality Group, Inc. and Its Debtor Affiliates* [Docket No. 248] (as may be amended, supplemented, or otherwise modified from time to time, the “Plan”).²

PLEASE TAKE FURTHER NOTICE THAT the hearing at which the Court will consider Confirmation of the Plan, and related voting and objection procedures (the “Confirmation Hearing”) will commence on **October 8, 2025 at 1:30 p.m.** prevailing Central Time, before the Honorable Mark X. Mullin, in the United States Bankruptcy Court for the Northern District of Texas, located at _____.

PLEASE BE ADVISED: THE CONFIRMATION HEARING MAY BE CONTINUED FROM TIME TO TIME BY THE COURT OR THE DEBTORS WITHOUT FURTHER NOTICE OTHER THAN BY SUCH ADJOURNMENT BEING ANNOUNCED IN OPEN COURT OR BY A NOTICE OF ADJOURNMENT FILED WITH THE COURT AND SERVED ON ALL PARTIES ENTITLED TO NOTICE.

Voting Record Date. The voting record date is **August _____, 2025**, which is the date for determining which holders of Claims and Interests are entitled to vote on the Plan.

Voting Deadline. The deadline for voting on the Plan is **October 1, 2025, at 11:59 p.m.** prevailing Central Time (the “Voting Deadline”). If you received a Solicitation Package, including a Ballot, and intend to vote on the Plan you **must**: (a) follow the instructions carefully; (b) complete **all** of the required information on the Ballot; and (c) execute and return your completed Ballot according to and as set forth in detail in the voting instructions so that it is **actually received** by the Debtors’ counsel, CM Law on or before the Voting Deadline. **A failure to follow such instructions may disqualify your vote.**

Confirmation Objection Deadline. The deadline for filing objections to the Plan, including with regard to the treatment of Executory Contracts and Unexpired Leases thereunder, is **October 1, 2025, at 5:00 p.m.** prevailing Central Time (the “Confirmation Objection Deadline”). Any objection to the relief sought at the Confirmation Hearing **must**: (a) be in writing; (b) comply with the Federal Rules of Bankruptcy Procedure and the Bankruptcy Local Rules for the Northern District of Texas; (c) state, with particularity, the name and address of the objecting party, the basis and nature of any objection to the Plan, and, if practicable, a proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court on or before the **Confirmation Objection Deadline**.

Obtaining Solicitation Materials. The materials in the Solicitation Package are intended to be self-explanatory. If you should have any questions or if you would like to obtain a copy of the Disclosure Statement Order, Disclosure Statement, the Plan, any Plan Supplement, or related documents, you may: (a) access the Debtors’ restructuring website at cases.stretto.com/AHGI; (b) write to AHGI, Ballot Processing Center c/o Stretto, 410 Exchange, Suite 100, Irvine, CA 92602; (c) call 866-209-9801 (toll free) and request to speak with a member of the Solicitation Group; or (d) email TeamAmergent@stretto.com and reference “AHGI” in the subject line. You may also obtain copies of any pleadings filed in the Chapter 11 Cases for a fee via PACER at: <http://www.txnb.uscourts.gov>. Please be advised that the Solicitation Agent is authorized to answer questions about, and provide additional copies of, solicitation materials, but may **not** advise you as to whether you should vote to accept or reject the Plan or provide legal advice.

¹ The jointly administered debtors are Amergent Hospitality Group, Inc. (24-42483); I10/I20 Cuisine LLC (24-42482); LBB Acquisition, LLC (24-42484); LBB Acquisition 1 LLC (24-42485); LBB Platform LLC (24-42487); LBB Lake Oswego LLC (24-42489); LBB Progress Ridge LLC (24-42490); Noveno LLC (Alberta) (24-42491); Quinto LLC (Division) (24-42492); Sexto LLC (Waterfront) (24-42493); and Cuarto LLC (Eugene) (24-42494).

BINDING NATURE OF THE PLAN

IF CONFIRMED, THE PLAN SHALL BIND ALL HOLDERS OF CLAIMS AND INTERESTS TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, WHETHER OR NOT SUCH HOLDER WILL RECEIVE OR RETAIN ANY PROPERTY OR INTEREST IN PROPERTY UNDER THE PLAN, HAS FILED A PROOF OF CLAIM IN THE CHAPTER 11 CASES, OR FAILED TO VOTE TO ACCEPT OR REJECT THE PLAN OR VOTED TO REJECT THE PLAN.

Dated: July 18, 2025

CM LAW, PLLC
Richard G. Grant
National Litigation Support Center
13101 Preston Road, Suite 110-1510
Dallas, Texas 75240
Telephone: 214-210-2929
Email: rgrant@cm.law

ATTORNEYS FOR
DEBTORS IN POSSESSION

In re Pivotal Med Supply LLC
 Case No. 25-40248
 Bankr. N.D. Texas

Type	Name	Address	Address 2	City	State	Zip	Contact Email Address
1 - Debtor	Pivotal Med Supply, LLC	Via Email only per request					greg@pivotalmedsupply.com ; noah@pivotalmedsupply.com
2 - Debtor's Counsel	Richard G. Grant, Esq.	Via Email only per request					rgrant@cm.law
3 - Subchapter V Trustee	Katharine Clark	THOMPSON COBURN LLP	2100 Ross Ave., Suite 3200	Dallas	TX	75201	kclark@thompsoncoburn.com
3 - United States Trustee	Office of the United States Trustee	1100 Commerce Street, Room 976		Dallas	TX	75242-1699	erin.schmidt2@usdoj.gov
4 - Internal Revenue Service	Internal Revenue Service	Special Procedures - Insolvency	PO Box 7346	Philadelphia	PA	19101-7346	
5 - Landlord	Greenlee Business Park LLC	2050 E. Continental Blvd		Southlake	TX	76092	D@empiremedia.net
5 - Landlord	Total Ancillary Management LLC	3151 Halifax, Suite 140		Dallas	TX	75247	
6 - Secured Creditor	None	n/a					
7 - Top 20 Unsecured	AdvancedMD	PO Box 35143		Seattle	WA	98124	info@advancedmd.com
7 - Top 20 Unsecured	American Express	PO Box 981535		El Paso	TX	79998-1535	
7 - Top 20 Unsecured	Atmos Energy	PO Box 740353		Cincinnati	OH	45274-0353	
7 - Top 20 Unsecured	Constangy Brooks, Smith & Prophete, LLP	Attn: Jackie Johnson	1201 Elm Street, Suite 2550	Dallas	TX	75270	jjohnson@constangy.com
7 - Top 20 Unsecured	ECF Data	4775 S Durango Dr, #103		Las Vegas	NV	89147	info@ecfdata.com
7 - Top 20 Unsecured	GenesysAI	9129 Advocet Dr		Powell	OH	43065-1698	
7 - Top 20 Unsecured	Gray Robinson Attorneys at Law	333 SE 2ND Ave	Suite 3200	Miami	FL	33131	
7 - Top 20 Unsecured	GroveMed	1089 Park West Blvd		Greenville	SC	29611	dyannl@grovemedical.com
7 - Top 20 Unsecured	HireQuest Health	111 Springhall Drive		Goose Creek	SC	29445	info@hirequest.com ; jacarmody@hirequest.com
7 - Top 20 Unsecured	Kish Consulting, LLC	1713 W. North B Street		Tampa	FL	33606	
7 - Top 20 Unsecured	Lance Canington, Shaun Gyger, Brian Kelly, Traci Lavender, Johnny Mendoza, Michael Morello, Jonathan Poole, Mary Shaw, Ari Virtanen and Total Ancillary Management, LLC	c/o Jackie Johnson CONSTANGY, BROOKS et al.	1201 Elm Street, Suite 2550	Dallas	TX	75270	jjohnson@constangy.com
7 - Top 20 Unsecured	MBRO LLC	21 Forest St Ste 07		New Canaan	CT	6840	
7 - Top 20 Unsecured	MPM	1801 Big Town Blvd, Suite 800		Mesquite	TX	75149	info@mpmmed.com
7 - Top 20 Unsecured	Next Science, LLC	c/o David A. Roberts, Esq., HALL GILLIGAN et al.	116 MC Davis Blvd. Suite 200	Santa Rosa Beach	FL	32459	rsimon@whitakerchalk.com
7 - Top 20 Unsecured	Nicholas Hill Group, Inc.	1586 S. 21st Street, Ste 200		Colorado Springs	CO	80904	
7 - Top 20 Unsecured	Phil Webb	3151 Halifax, Suite 140		Dallas	TX	75247	
7 - Top 20 Unsecured	Premier RX Wholesale , LLC	4637 Interstate Drive		West Chester	OH	45246	info@prxwholesale.com
7 - Top 20 Unsecured	ProgenaCare Global, LLC	2275 Northwest Pkwy, SE		Marietta	GA	30067	h.walthall@progenacare.com
7 - Top 20 Unsecured	Secure BioMed Evaluations	7828 Hickory Flat Hwy	Suite 120	Woodstock	GA	30188	
7 - Top 20 Unsecured	Summer Energy	PO Box 733545		Dallas	TX	75373-3545	
7 - Top 20 Unsecured	Sun Scientific, Inc	145 Palisade Street		Dobbs Ferry	NY	10522	aalward@sun-scientific.com
7 - Top 20 Unsecured	Total Ancillary Management LLC	3151 Halifax, Suite 140		Dallas	TX	75247	
7 - Top 20 Unsecured	Vangate Risk Speciality Insurance Company	1586 S. 21st Street, Ste 200		Colorado Springs	CO	80904	
7 - Top 20 Unsecured	XLTA US LLC						
8 - Governmental Agency	Office of the Attorney General	Main Justice Building, Room 5111	10th & Constitution Avenue, N.W.	Washington	DC	20530	
8 - Governmental Agency	Office of the United States Attorney	3rd Floor, 1100 Commerce Street		Dallas	TX	75242-1699	
8 - Governmental Agency	Texas Attorney General's Office	Bankruptcy - Collections Div.	PO Box 12548	Austin	TX	78711-2548	
8 - Governmental Agency	Texas Comptroller of Public Accounts	Revenue Accounting - Bankruptcy	PO Box 13528	Austin	TX	78711	
8 - Governmental Agency	Texas Workforce Commission	TEC Building - Bankruptcy	101 East 15th Street	Austin	TX	78778	
8 - Governmental Agency	United States Postal Service	Law Dept., SW Field Office	PO Box 227078	Dallas	TX	75222-7078	