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UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION  
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COMMISSION  
CLERK

DEBTORS' MOTION TO DISMISS CHAPTER 11 CASES

In re: Chapter 11 Cases  
  
HAWKERS, LLC Case No. 6:24-bk-05079-LVV  
Lead Debtor. / Lead Case

*Jointly Administered with*

- HAWKERS INTERMEDIATE, LLC Case No. 6:24-bk-04935-LVV
- HAWKERS TOPCO, LLC Case No. 6:24-bk-04936-LVV
- HAWKERS GROWTH FUND I, LLC Case No. 6:24-bk-04937-LVV
- HAWKERS GROWTH FUND II, LLC Case No. 6:24-bk-04938-LVV
- HAWKERS HOLDINGS, LLC Case No. 6:24-bk-04940-LVV
- ORIENTAL HAWKERS, LLC Case No. 6:24-bk-05080-LVV
- HAWKERS WINDERMERE, LLC Case No. 6:24-bk-05081-LVV
- HAWKERS ADDISON, LLC Case No. 6:24-bk-05083-LVV
- HAWKERS FIVE POINTS, LLC Case No. 6:24-bk-05084-LVV
- HAWKERS ST. PETE, LLC Case No. 6:24-bk-05085-LVV
- HAWKERS ASHFORD, LLC Case No. 6:24-bk-05086-LVV
- HAWKERS BALLSTON, LLC Case No. 6:24-bk-05087-LVV
- HAWKERS BETHESDA, LLC Case No. 6:24-bk-05088-LVV
- HAWKERS CHAPEL HILL, LLC Case No. 6:24-bk-05089-LVV
- HAWKERS DEEP ELLUM, LLC Case No. 6:24-bk-05090-LVV
- HAWKERS DELRAY BEACH, LLC Case No. 6:24-bk-05091-LVV
- HAWKERS E. NASHVILLE, LLC Case No. 6:24-bk-05092-LVV
- HAWKERS NEPTUNE BEACH, LLC Case No. 6:24-bk-05094-LVV
- HAWKERS OLD FOURTH WARD, LLC Case No. 6:24-bk-05095-LVV
- HAWKERS SOUTHEND, LLC Case No. 6:24-bk-05096-LVV
- HAWKERS BEV CO ADDISON, LLC Case No. 6:24-bk-05097-LVV
- HAWKERS BEV CO, LLC Case No. 6:24-bk-05098-LVV
- HAWKERS PAYROLL, LLC Case No. 6:24-bk-05099-LVV
- HAWKERS BALLANTYNE, LLC Case No. 6:24-bk-05100-LVV
- HAWKERS FRANKLIN, LLC Case No. 6:24-bk-05101-LVV
- HAWKERS GREENVILLE, LLC Case No. 6:24-bk-05102-LVV
- HAWKERS HOUSTON HEIGHTS, LLC Case No. 6:24-bk-05103-LVV
- HAWKERS MOSAIC, LLC Case No. 6:24-bk-05104-LVV

Debtors. /

HAWKERS, LLC, together with each of its above-captioned jointly administered debtors (collectively, the "Debtors"), move for entry of an order, pursuant to 11 U.S.C. §§ 105(a) and 1112(b) and Rule 1017 of the Federal Rules of Bankruptcy Procedure 1017, granting the dismissal of all twenty-nine (29) above-captioned chapter 11 cases (the "Bankruptcy Cases"). In support, the Debtors state:

**I. SUMMARY OF RELIEF REQUESTED**

The Debtors and their Secured Lender successfully mediated the disputes between them on December 9, 2024. At Mediation, the Parties reached a confidential settlement which, at its core, restructures the Debtors' secured debt obligations owed to Secured Lender.

These now-settled disputes between the Debtors and Secured Lender were the impetus for the filing of these chapter 11 cases. Secured Lender is the senior secured creditor of all the Debtors, holding roughly 98% of the claims in these Bankruptcy Cases.

All the Debtors have been—and still are—operating on a cash-positive basis. Aside from Secured Lender, the Debtors have been timely paying all operational costs and debts in the ordinary course of business.

Since the Debtors and Secured Lender have now settled the only real issue in these cases by restructuring the underlying loan obligations, there is no longer a need for the Debtors to reorganize under chapter 11. Dismissal of these cases is in the best interests of all creditors and interested parties as it will eliminate the ongoing costs and expenses of administering the Bankruptcy Cases, along with the burdens on the Debtors' management and support staff which are necessary for such administration under chapter 11.

Accordingly, the Debtors respectfully seek dismissal of these Bankruptcy Cases.

II. BACKGROUND

A. Pertinent Procedural Background

1. Each of the above-captioned twenty-nine (29) Debtors filed a voluntary petition for relief (“Petition”) under chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Middle District of Florida, Orlando Division, thereby commencing these Bankruptcy Cases.

2. Five (5) of the above-captioned Debtors filed their Petitions on September 16, 2024.<sup>1</sup> And the remaining twenty-four (24) Debtors filed their Petitions on September 23, 2024.

3. No trustee or committee has been appointed and each Debtor continues to manage and operate its business as a debtor-in-possession pursuant to 11 U.S.C. §§ 1107 and 1108.

4. The Debtors’ Bankruptcy Cases are being jointly administered, for procedural purposes only, pursuant to this Court’s Order Directing Joint Administration of Cases (Doc. No. 6).

5. For more details regarding the Debtors’ business, please see the Debtors’ Joint Chapter 11 Case Management Summary (Doc. No. 16).

B. Mediation and Settlement with Secured Lender

6. The Debtors’ senior secured creditor, which holds roughly 98% of the claims in the Bankruptcy Cases, is ABC FUNDING, LLC, as administrative and collateral agent, SUMMIT PARTNERS CREDIT FUND IV, L.P., SUMMIT INVESTORS CREDIT IV (UK), L.P., SUMMIT INVESTORS CREDIT IV, LLC, and SUMMIT PARTNERS CREDIT OFFSHORE INTERMEDIATE FUND IV, L.P. (collectively, “Secured Lender”).

<sup>1</sup> HAWKERS INTERMEDIATE, LLC (Case No. 6:24-bk-04935-LVV); HAWKERS TOPCO, LLC (Case No. 6:24-bk-04936-LVV); HAWKERS GROWTH FUND I, LLC (Case No. 6:24-bk-04937-LVV); HAWKERS GROWTH FUND II, LLC (Case No. 6:24-bk-04938-LVV); and HAWKERS HOLDINGS, LLC (Case No. 6:24-bk-04940-LVV).

7. On November 5, 2024, the Court entered its Order Directing Mediation (Doc. No. 82), directing the Debtors and Secured Lender (Debtors and Secured Lender, collectively as the “Parties”) to mediation for possible resolution of all issues between the Parties.

8. On December 9, 2024, the Parties successfully mediated their disputes before Mediator Elizabeth A. Green, Esq. (the “Mediation”). See, Notice of Mediation Settlement (Doc. No. 132).

9. At Mediation, the Parties reached a confidential settlement which, at its core, restructures the Debtors’ secured debt obligations owed to Secured Lender (the “Settlement”). The confidential terms of the Settlement also require that the Debtors dismiss these Bankruptcy Cases.

C. Based on the Settlement, Dismissal of these Chapter 11 Bankruptcy Cases is Necessary and Proper

10. As stated in this Motion’s introductory summary, the Debtors’ secured loan obligations to Secured Lender were the primary reason these Bankruptcy Cases were filed. Aside from Secured Lender, the Debtors have been paying all other debts and expenses as they come due in the ordinary course of business. This is true for both the prepetition and postpetition periods.

11. All the Debtors continue to operate and generate sufficient revenue to pay and sustain operations.

12. By virtue of the Parties’ Settlement, the only disputed issue in these Bankruptcy Cases—the restructuring of the loan obligations owed to Secured Lender—has now been resolved.

13. As a result, there is no longer a need for administration and reorganization under chapter 11. Further, the terms of the Settlement require the Debtors to voluntarily dismiss the Bankruptcy Cases.

14. Through the Settlement, Debtors have a clear path forward and there is no need, or benefit, to incur the expense of confirming a Chapter 11 Plan. Dismissal will not prejudice the rights of any creditors and will benefit Debtors.

15. Overall, there is no benefit to their estates, nor their creditors, for the Debtors to stay in chapter 11. Accordingly, the Debtors respectfully seek entry of an order pursuant to §§ 105(a) and 1112(b)(1) dismissing these chapter 11 Bankruptcy Cases and submit that dismissal is in the best interests of the estate and creditors.

### III. RELIEF REQUESTED

The Debtors submit that “cause” exists for the dismissal of its case pursuant to 11 U.S.C. §§ 105(a), 1112(b)(1) and (4). Section 1112(b)(1) of the Bankruptcy Code states that:

(b)(1) Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, **whichever is in the best interests of creditors and the estate**, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(1) (emphasis added).

Accordingly, “[t]o obtain a voluntary dismissal of a Chapter 11 case, a debtor must demonstrate that, for “cause,” a dismissal is “in the best interest of creditors and the estate.” [ ] Such cause will not exist if dismissal will result in possible prejudice to the creditors.” *In re Warner*, 83 B.R. 807, 809 (Bankr. M.D. Fla. 1998) (Proctor, G.) (citations omitted).

Section 1112(b)(4) of the Bankruptcy Code provides a litany of statutory examples of “cause” for dismissal or conversion of a chapter 11 case, but a bankruptcy court is not constrained by those enumerated examples and may find “cause” based on the facts and circumstances of the particular chapter 11 case. *See In re Schultz*, 436 B.R. 170, 175 (Bankr. M.D. Fla. 2010) (Glenn, P.) (“Section 1112(b)(4) sets forth a nonexhaustive list of grounds that may constitute “cause” for

dismissal or conversion.”). The legislative history of section 1112(b) of the Bankruptcy Code is nonexclusive, such that a bankruptcy court may dismiss a chapter 11 case for any reason cognizable to its equity powers. *See* H.R. Rep. No. 595, 95<sup>th</sup> Cong., 2d Sess. 405-06 (1978).

Overall, when considering a motion to dismiss, the most important consideration is whether dismissal is in the best interests of creditors. *Warner*, 83 B.R. at 810.

In these Bankruptcy Cases, the facts and circumstances set forth above sufficiently establish cause for dismissal of these Bankruptcy Cases at the Debtors’ request, and that such dismissal is in the best interests of creditors.

**WHEREFORE**, the Debtors respectfully request that the Court enter an order: (i) granting this Motion; (ii) dismissing all twenty-nine (29) above-captioned chapter 11 Bankruptcy Cases; and (iii) granting such other and further relief the Court deems appropriate.

**RESPECTFULLY SUBMITTED** this 16th day of December 2024.

/s/ R. Scott Shuker  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 16, 2024, a true copy of the foregoing **DEBTORS' MOTION TO DISMISS CHAPTER 11 CASES** has been uploaded for filing with the Clerk of Court in the above-referenced Lead Case via the Court's CM/ECF system, which will furnish an electronic Notice of Filing to all parties-in-interest receiving CM/ECF electronic noticing, including the **U.S. TRUSTEE'S OFFICE; JORDI GUSO, ESQ.**, c/o ABC Funding, LLC and Summit, Berger Singerman LLP, 1450 Brickell Ave., Ste. 1900, Miami, FL 33131 ([jguso@bergersingerman.com](mailto:jguso@bergersingerman.com)); **BRIAN E. SCHARTZ, P.C.** and **ALLYSON B. SMITH, ESQ.**, c/o ABC Funding, LLC and Summit, Kirland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022 ([brian.schartz@kirkland.com](mailto:brian.schartz@kirkland.com) and [Allyson.smith@kirkland.com](mailto:Allyson.smith@kirkland.com)), who are registered to receive electronic notices in this case.

I FURTHER CERTIFY that on December 16, 2024, I caused a true and correct copy of the foregoing to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the following:

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