

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE: PANTHERA ENTERPRISES, LLC
Debtor.

Case No.: 19-00787
Chapter 7

TRUSTEE'S STATUS REPORT OF JULY 25, 2023

Now comes the Trustee, Aaron C. Amore, with a status report on this case as of April 6, 2023.

Gust v. Panthera et al.

The Court previously permitted the modification of the automatic stay to permit Derrick J. Gust and Emily Gust to pursue legal claims against the Debtor and its related entities for the purpose of seeking any insurance that may cover the claimed losses of the Gusts. The Trustee moved to employ himself to represent the Debtor in several litigation matters that arose during the course of the bankruptcy, including several adversary proceedings and state related cases filed against the Debtor. Counsel filed his appearance, filing of pleadings and answering of discovery responses before insurance defense counsel appeared and has performed the majority of the litigation practice necessary in the case. The pending case is Gust v. Panthera Enterprises, LLC, f/k/a TenX Group, LLC, Panthera Worldwide, LLC Panthera Training Center, LLC, Historic Arms Corporation and Wilmer C. Bahr civil action no 20-C-35 pending in the Circuit Court of Hardy County, West Virginia.

Counsel for the Trustee filed responsive pleadings, including motions to dismiss and responses to discovery as well as participating in several hearings before insurance defense counsel appeared to defend the entities. The civil action sought damages for injuries suffered by Derrick Gust while working for Panthera Training, LLC. Worker's Compensation paid Gust pursuant to the claims made against Panthera Training, LLC but Gust sought to establish liability against other entities, including the Panthera entities. The lease agreement between Panthera Training, LLC and the Debtor provided Panthera Training maintain insurance to protect the Debtor. Gust sought to establish claims against the Debtor and its related entities.

The litigation has a complicated history with appeals of several rulings from the Circuit Court Judge by Historic Arms Corp. At present it appears that an omnibus settlement has been reached although the specific terms are still being negotiated. This may require the execution of several mutual releases that may require a motion to compromise as it relates to the Debtor

entity. Counsel for the Trustee will file a fee application with the Court based upon the conclusion of the legal work. No funds are to be paid by the Debtor or its related entities as part of the settlement.

Status of compliance with Order granting motion to sell

The Trustee has made payments to West Virginia Paving, LLC and Howard Shockey & Sons, Inc. consistent with the Court's order approving the motion to sell and the order approving the Trustee's Motion for First Interim Distribution. The Trustee has received \$152,500.00 of the allowed commission of \$205,291.82.

Status of case

John P. "Jack" Lantzy is owed \$1,365.84 for preparation of the 2022 tax returns. A fee application will be filed in the near future. It is anticipated that one additional return for 2023 will be required but the cost will be nominal due to the lack of activity for the Debtor. for the preparation of tax returns. The Trustee currently has funds on hand of approximately \$13,364.67. The Trustee is in negotiation with Panthera Training, LLC related to the purchase of the note. The balance of the note owed to the Estate is \$220,980.00. The Trustee believes the highest and best return is a sale to Panthera Training or packaging of the note with a prospective sale of the on-going business. The Trustee expects the case to be closed in 2023.

Future expenses/costs

The Trustee does not expect significant expenses or costs by way of keeping the estate open. The estate will have additional tax return(s) but these returns will not be complicated and will simply reflect funds in and out with no additional tax liability incurred. The Trustee anticipates he will have nominal administrative expenses moving forward.

Respectfully submitted

Aaron C. Amore, Trustee

/s/ Aaron C. Amore

Aaron C. Amore WVSB #6455

Chapter 7 Trustee

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CERTIFICATE OF SERVICE

I, Aaron C. Amore hereby certify that on this 25th day of July 2023, the foregoing ***TRUSTEE'S REPORT OF July 25, 20233*** was served through the Court's ECF system on all parties registered to receive CM/ECF notices, by U.S. Mail and/or email, including:

Via Email:

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Jack Lantzy jlantzy@sek.com
Mark A. Lindsay mlindsay@bernsteinlaw.com
Rob Duncan tarpon777@yahoo.com
Rob Duncan as manager of TR&L tkelsey@woodsrogers.com
Bruce & Stacie Hardy bsrhardy@comcast.net
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CM/ECF

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- **Stephen L. Thompson** sthompson@barth-thompson.com, office@barth-thompson.com;chris@barth-thompson.com
- **United States Trustee** ustpreregion04.ct.ecf@usdoj.gov
- **Eric Michael Wilson** eric.m.wilson@wv.gov, lora.l.rutledge@wv.gov

Manual Notice List

Notice was not mailed to the parties below as no addresses were provided. To the extent the Trustee has email addresses the below notice parties, they were emailed.

Rob Duncan
Manager/Duncan Development Group, LLC
Rob Duncan
Manager/TR&L, LLC,
a Virginia Limited Liability Company
Successor to SMI, LLC,
a Virginia Limited Liability Company

Bruce Hardy
Stacie Hardy
Anthony McIntyre
Timothy Miller

/s/ Aaron C. Amore
Aaron C. Amore, Esq.