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Sep 20 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley Price, Circuit Court Judge

Appellate Case No. 2020-000129

Gregory Muxlow, individually and as Personal Representative of the
Estate of Jennifer Muxlow, Appellant,

v.

Natasha Anglin, Henrietta Benson, Donita Failey, Arnold Harris, Yokeema
Harris, Ruby Tuesday, KC Mulligan’s, ARIUM St. Ives, Carroll Management
Group, South Carolina Department of Transportation, City of North
Charleston, Charleston County, Defendants,

of whom Ruby Tuesday, KC Mulligan’s, ARIUM St. Ives and Carroll
Management Group are the Respondents,

**RUBY TUESDAY’S UPDATE REGARDING
THE STATUS OF THE BANKRUPTCY ACTION**

On July 23, 2021, Ruby Tuesday filed a Suggestion of Bankruptcy and Notice of Stay in this court. In response to the filing, the court issued its order dated July 27, 2021 stating that the appeal was held in abeyance due to the bankruptcy and that Ruby Tuesday must provide updates regarding the status of the bankruptcy action every sixty (60) days or the appeal will be allowed to proceed. This filing serves to provide the update to the court regarding the status of the bankruptcy.

On October 22, 2020 (the “Petition Date”), RTI Holdings, Inc. (“RTIH”) and certain of its affiliates including Ruby Tuesday, Inc. (“RTI” and with its affiliated debtors, collectively, the “Debtors”), commenced voluntary chapter 11 bankruptcy proceedings in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) on October 7, 2020.

On October 22, 2020 the Court entered an order [Docket No. 181] (the “Bar Date Order”) establishing certain dates by which parties holding prepetition claims against the Debtors must file proofs of claim (“Proofs of Claim”), which, among other things, established: (i) December 17, 2020 as the deadline for all entities holding claims against the Debtors that arose before the Petition Date to file proof of such claim in writing (the “General Bar Date”). Pursuant to the Bar Date Order, any entity that fails to properly file a proof of claim by the applicable bar date “shall be forever barred, estopped, and enjoined from asserting such claim against the Debtors (or filing a Proof of Claim with respect thereto) and the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim.” Mr. Muxlow has not filed a Proof of Claim in the Debtors’ Chapter 11 cases.

On February 17, 2021, the Bankruptcy Court confirmed the Debtors’ Plan of Reorganization (the “Plan”).¹ The Effective Date (as defined in the Plan) of the Plan occurred on February 24, 2021 [Docket No. 1163]. Importantly, the Plan and Confirmation Order provide for the discharge and release of claims against the Debtors pursuant to sections 524(a) and 1141(d) of the Bankruptcy Code (the “Discharge”) as well as the permanent injunction of certain actions, including the commencement or continuation in any manner of any action or other proceeding of

¹ The Plan, Confirmation Order, and other documents and materials filed in the Debtors’ bankruptcy cases may be obtained at no charge from Epiq Corporate Restructuring, LLC, the Debtors’ Claims and Disbursing Agent, by visiting the Debtors’ restructuring website at: <https://dm.epiq11.com/case/rubytuesday/info>. Anyone may also obtain copies of any documents and materials filed in the bankruptcy cases for a fee via PACER at: <http://www.deb.uscourts.gov>.

any kind on account of or in connection with a discharged and released claim (the “Plan Injunction”). See Plan Art. X (“Effect of Confirmation; and Release, Injunction and Related Provisions”).

Mr. Muxlow has not filed a motion in the Bankruptcy Court seeking authority to file a Proof of Claim nor has he filed a motion seeking relief from the Discharge and Plan Injunction. Therefore, pursuant to the Bankruptcy Code, the Plan, and numerous orders entered by the Bankruptcy Court (including the Bar Date Order and Confirmation Order), Mr. Muxlow’s alleged claims have been discharged, the Plan Injunction prohibits Mr. Muxlow from taking any action to pursue or collect on the Alleged Claims, including sending demand or settlement letters, and any such actions and results thereof (including judgments obtained) in violation of the Discharge and Plan Injunction are void *ab initio*.

BAKER, RAVENEL & BENDER, LLP

/s/ Catharine Garbee Griffin

Catharine Garbee Griffin (SC Bar No. 9821)

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Attorneys for Defendant Ruby Tuesday, Inc.

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Natasha Anglin, Henrietta Benson, Donita Failey, Arnold Harris, Yokeema
Harris, Ruby Tuesday, KC Mulligan’s, ARIUM St. Ives, Carroll Management
Group, South Carolina Department of Transportation, City of North
Charleston, Charleston County, Defendants,

of whom Ruby Tuesday, KC Mulligan’s, ARIUM St. Ives and Carroll
Management Group are the Respondents,

PROOF OF SERVICE

I, Catharine Garbee Griffin, Ravenel & Bender, LLC, Attorneys for Respondent Ruby
Tuesday, Inc., hereby certify that, on this 20th day of September 2021, I have served the following
with the foregoing Ruby Tuesday’s Update Regarding the Status of the Bankruptcy Action via
electronic mail of same to counsel of record at the e-mail addresses shown below:

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(Signature on following page)

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Attorneys for Respondent Ruby Tuesday, Inc.

September 20, 2021



BAKER RAVENEL BENDER
ATTORNEYS AT LAW

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SC Court of Appeals

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September 20, 2021

E-mail: ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Gregory Muxlow, individually and as Personal Representative of the Estate of Jennifer Muxlow, Appellant v. Ruby Tuesday, Inc., KC Mulligan's, St. Ive's and Carroll Management Group, Respondents
Appellate Case No. 2020-000129
Our File No.: 9903.40

Dear Ms. Kitchings:

Attached for filing in the above-referenced matter please find Ruby Tuesday's Update Regarding the Status of the Bankruptcy Action with Proof of Service thereof.

By copy of this letter, the same is being served upon all counsel of record. Should you have any questions, please do not hesitate to contact me.

Yours truly,

Suzanne Rodriguez
Legal Assistant to Catharine Garbee Griffin

CGG:sr

Enclosure

cc w/encl.: Joshua T. Hawkins, Esquire E-Mail josh@hjllcsc.com
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