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12 Attorneys for Province, LLC, solely in its capacity as
 13 the Liquidating Trustee of the Front Sight Creditors Trust

14 **UNITED STATES BANKRUPTCY COURT**
 15 **FOR THE DISTRICT OF NEVADA**

16 In re:
 17 Front Sight Management LLC,

18 Case No. 22-11824-abl

19 Chapter 11

20 **Hearing Date:** April 13, 2023

21 **Hearing Time:** 9:30 a.m.

22 Debtor.

23 **ELEVENTH OMNIBUS OBJECTION TO PROOFS OF CLAIM**
 24 **THAT ASSERT AN INCORRECT PRIORITY**

25 ****IF YOU ARE RECEIVING THIS OMNIBUS OBJECTION IN THE MAIL THEN IT APPLIES**
 26 **TO YOU AND YOU SHOULD READ THIS DOCUMENT IN FULL****

27 Province, LLC, solely in its capacity as the duly authorized and acting Liquidating Trustee
 28 (the “Liquidating Trustee”) ¹ of the Front Sight Creditors Trust (the “Trust”), hereby submits this

¹ Pursuant to Front Sight Management, LLC’s (the “Debtor”) confirmed chapter 11 plan of reorganization and order thereon, the Liquidating Trustee has standing to pursue all claim objections in this case except for those relating to Las Vegas Development Fund, LLC and Michael Meacher.

1 eleventh omnibus objection (“Omnibus Objection”) pursuant to Section² 502 and Bankruptcy Rule
 2 3007, to the proofs of claim identified herein. After careful review, the Liquidating Trustee has
 3 determined that the proofs of claim listed in the chart below (each a “Claim” and collectively, the
 4 “Incorrect Priority Claims”) filed by the claimants (collectively, the “Claimants” and each a
 5 “Claimant”)³ assert an incorrect priority under Section 507.

| Claimant | Claim No. | Date Filed | Total Claim Amount | Priority Amount | Priority Asserted |
|------------------|-----------|------------|--------------------|-----------------|-------------------|
| Carney, Brian | 1016-1 | 12/30/2022 | \$8,446.00 | \$3,350.00 | Section 507(a)(7) |
| Hansen, Michael | 990-1 | 12/16/2022 | \$500.00 | \$500.00 | Section 507(a)(7) |
| Kaschak, John M. | 968-1 | 12/8/2022 | \$798.00 | \$798.00 | Section 507(a)(7) |
| Lewis, Paul | 1041-1 | 1/3/2023 | \$500.00 | \$500.00 | Section 507(a)(7) |
| Neidich, Robert | 227-2 | 1/3/2023 | \$27,535.00 | \$3,350.00 | Section 507(a)(7) |
| Nelson, Eric | 1044-1 | 1/3/2023 | \$700.00 | \$700.00 | Section 507(a)(7) |
| Rosen, Philip J. | 943-1 | 11/21/2022 | \$250.00 | \$250.00 | Section 507(a)(7) |

13 The Liquidating Trustee objects to the Incorrect Priority Claims because they incorrectly
 14 assert priority under Section 507(a)(7). Accordingly, the Liquidating Trustee objects to the Incorrect
 15 Priority Claims and respectfully requests entry of an order substantially in the form attached hereto
 16 as **Exhibit 2** sustaining this Omnibus Objection and reclassifying the Incorrect Priority Claims as
 17 general unsecured claims.

18 **CLAIMANTS RECEIVING THIS OMNIBUS OBJECTION SHOULD LOCATE**
 19 **THEIR NAMES AND CLAIMS ON PAGES 2 AND 4.**

20 This Omnibus Objection is made and based upon the following Memorandum of Points and
 21 Authorities, the declaration of Amanda Demby Swift (the “Swift Decl.”) filed in support of the
 22 Omnibus Objection, the papers, pleadings, and other documents on file with the clerk of the Court,
 23 and judicial notice of which is respectfully requested pursuant to Federal Rule of Evidence 201, and
 24 such other and further evidence as may be provided at the hearing on the Omnibus Objection.

26 ² References to “Section” refer to the Bankruptcy Code (11 U.S.C. §§ 101 et seq.); references to
 27 “Bankruptcy Rule” refer to the Federal Rules of Bankruptcy Procedure; and references to “Local
 Rule” refer to the Local Bankruptcy Rules.

28 ³ As required by Local Rule 3007(a)(4), the first page of each of the Proofs of Claim are attached
 hereto as **Exhibit 1**.

MEMORANDUM OF POINTS AND AUTHORITIES

I. JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334 and Local Rule 1001(b)(1).

2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. The statutory predicates for the relief sought herein are Section 11 U.S.C. §§ 105 and 502, Bankruptcy Rule 3007, and Local Rule 3007.

5. As required by Local Rule 9014.2, the Liquidating Trustee consents to the entry of final orders or judgments by this Court if it is determined that this Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

II. STATEMENT OF FACTS

A. General Case Background

6. On May 24, 2022, the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. On June 9, 2022, United States Trustee for Region 17 filed its *Amended Appointment of the Official Committee of Unsecured Creditors* [ECF No. 116].

7. On November 29, 2022, the order confirming the Debtor’s second amended chapter 11 plan of reorganization was entered [ECF No. 556] (the “Conformation Order”) pursuant to which the “Reorganized Debtor” has new ownership and membership on the “effective date” of the plan. The “effective date” of the plan was December 2, 2022 [ECF No. 584].

8. Pursuant to the Confirmation Order, the Trust was created to, among other things, oversee and administer general unsecured claims, objections thereto, and ultimately distributions on allowed claims. Accordingly, the Liquidating Trustee is the party in interest as to this Omnibus Objection.

1 **B. General History of the Debtor**

2 9. In 1998, the Debtor purchased 550 acres of raw land 45 minutes from Las Vegas,
3 acquired approximately 500 acre feet of water rights and began building the largest private firearms
4 training facility in the world (the “Front Sight Property”).

5 10. Historically, the Debtor provided firearms training courses which promoted the
6 defensive use of various firearms. Courses were offered to the general public, members of law
7 enforcement and military members.

8 11. Historically, the Debtor operated its business by selling “lifetime” memberships and
9 promotional benefits such as “Front Sight Bucks,” TBD memberships, and certificates to use for
10 training courses, plus the Debtor sold ancillary products. Pre-petition, the Debtor developed a major
11 expansion plan that contemplated the construction of a vacation and resort development to be known
12 as the “Front Sight Vacation Club & Resort,” to include vacation residences, an RV park and related
13 facilities, a retail area, and a pavilion. The Debtor envisioned creating a self-fulfilling ecosystem,
14 involving memberships and promotional benefits, that would lead to an incentivized customer base
15 that would take advantage of the club and resort and other offerings to redound to the Debtor’s
16 benefit.

17 12. Ultimately, due to facts not relevant to this Omnibus Objection, the Debtor was
18 unable to expand its business, was facing a foreclosure of the Front Sight Property, and sought
19 protection under chapter 11 of the Bankruptcy Code to restructure its business.

20 **III. RELIEF REQUESTED**

21 13. The Liquidating Trustee has reviewed the Claims Register and the proofs of claim
22 filed in this case and has determined that the Incorrect Priority Claims identified in the chart below
23 do not assert the correct priority. Claimants receiving this Omnibus Objection should locate their
24 names and claims below.

25

| Claimant | Claim No. | Date Filed | Total Claim Amount | Priority Amount | Priority Asserted |
|------------------|-----------|------------|--------------------|-----------------|-------------------|
| Carney, Brian | 1016-1 | 12/30/2022 | \$8,446.00 | \$3,350.00 | Section 507(a)(7) |
| Hansen, Michael | 990-1 | 12/16/2022 | \$500.00 | \$500.00 | Section 507(a)(7) |
| Kaschak, John M. | 968-1 | 12/8/2022 | \$798.00 | \$798.00 | Section 507(a)(7) |
| Lewis, Paul | 1041-1 | 1/3/2023 | \$500.00 | \$500.00 | Section 507(a)(7) |

26
27
28

| Claimant | Claim No. | Date Filed | Total Claim Amount | Priority Amount | Priority Asserted |
|------------------|-----------|------------|--------------------|-----------------|-------------------|
| Neidich, Robert | 227-2 | 1/3/2023 | \$27,535.00 | \$3,350.00 | Section 507(a)(7) |
| Nelson, Eric | 1044-1 | 1/3/2023 | \$700.00 | \$700.00 | Section 507(a)(7) |
| Rosen, Philip J. | 943-1 | 11/21/2022 | \$250.00 | \$250.00 | Section 507(a)(7) |

14. The Liquidating Trustee objects to the Incorrect Priority Claims because they incorrectly assert priority under Section 507(a)(7). Accordingly, the Liquidating Trustee requests that each of the Incorrect Priority Claims listed above be reclassified as general unsecured claims.

IV. BASIS FOR RELIEF

A. Standard for Disallowance of Proofs of Claims

15. Bankruptcy Rule 3001(f) provides that a “proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim.” It is well established in the Ninth Circuit that the initial burden of persuasion for establishing the validity and amount of a proof of claim is upon the claimant. *Ashford v. Consolidated Pioneer Mortgage (In re Consolidated Pioneer Mortgage)*, 178 B.R. 222 (9th Cir. BAP 1995), *aff’d*, 91 F.3d 151 (9th Cir. 1996) (a proof of claim must have a writing attached and include supporting documentation to qualify for presumptive validity). However, the prima facie validity of a claim does not attach unless the claim sets forth the facts necessary to support the claim. *Id.* at 226.

16. Section 502 authorizes a “party in interest,” such as the Liquidating Trustee, to object to claims. 11 U.S.C. § 502(a). Once the objector raises “facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves,” then the burden reverts to the claimant to prove the validity of the claim by a preponderance of evidence. *Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991); *In re Consolidated Pioneer Mortgage*, 178 B.R. at 226. Indeed, the ultimate burden of persuasion is always on the claimant. *In re Holm*, 931 F.2d at 623; *see also In re Heath*, 331 B.R. 424 (9th Cir. BAP 2005) (explaining that a claim that fails to attach supporting documentation is not entitled to be considered as prima facie evidence of validity and amount of claim).

1 17. “If the creditor does not provide information or is unable to support its claim, then
2 that in itself may raise an evidentiary basis to object to the unsupported aspects of the claim, or even
3 a basis for evidentiary sanctions, thereby coming within Section 502(b)’s grounds to disallow the
4 claim.” *In re Heath*, 331 B.R. 424, 437 (B.A.P. 9th Cir. 2005).

5 18. Section 502(b)(1) requires disallowance of a claim if “such claim is unenforceable
6 against the debtor and property of the debtor, under any agreement or applicable law for a reason
7 other than because such claim is contingent or unmatured. . .” 11 U.S.C. § 502(b)(1). The
8 “applicable law” referenced in Section 502(b)(1) includes bankruptcy law as well as other federal
9 and state laws. *See Cavaliere v. Sapir*, 208 B.R. 784, 786-787 (D. Conn. 1997) (providing that
10 “applicable law” includes bankruptcy law). A debtor is therefore allowed to raise any federal or
11 state law defenses to a claim. *See In re G.I. Industries, Inc.*, 204 F.3d 1276, 1281 (9th Cir. 2000)
12 (stating that a claim cannot be allowed under Section 502(b)(1) if it is unenforceable under
13 nonbankruptcy law); *Johnson v. Righetti*, 756 F.2d 738, 741 (9th Cir. 1985) (finding that the validity
14 of the claim may be determined under state law); *In re Eastview Estates II*, 713 F.2d 443, 447 (9th
15 Cir. 1983) (applying California law).

16 **B. The Incorrect Priority Claims are Not Entitled to Priority and Should Be**
17 **Reclassified as General Unsecured Claims**

18 19. The Incorrect Priority Claims assert that all or a portion of each claim is entitled to
19 priority under Section 507(a)(7). Section 507(a)(7) provides priority for:

20 allowed unsecured claims of individuals, to the extent of [\$3,350] for
21 each such individual, arising from the deposit, before the
22 commencement of the case, of money in connection with the purchase,
23 lease, or rental of property, or the purchase of services, for the
24 personal, family, or household use of such individuals, that were not
25 delivered or provided.

26 11 U.S.C. § 507(a)(7).

27 20. Each of the Claimants appears to be a former member of the Debtor who is asserting
28 a claim against the estate based on amounts paid for the Claimants’ memberships and member
rewards. Each Claimant apparently purchased or was given memberships to the Debtor and
subsequently purchased or was given membership rewards.

1 21. Bankruptcy courts routinely find that claims based on amounts paid for memberships
2 are not entitled to priority. For example, in *In re Four Star Financial Services, LLC* (“*Four Star*”),
3 469 B.R. 30 (C.D. Cal. 2012), the claimant paid an initiation fee to purchase a transferable lifetime
4 membership which entitled the member to use various campgrounds for life. On average, the
5 initiation fee was \$4,500 plus annual dues. *Id.* at 31. The claimant argued he was entitled to a
6 priority claim and that “he contracted for a transferable, lifetime membership, and the services that
7 go with it, and at the time of the bankruptcy he had not yet received all these services.” *Id.* at 33.

8 22. In *Four Star*, the district court noted that “the initiation fee paid here by Appellee
9 entitled him to immediate use of the campground network. With the payment of the initiation fee,
10 Appellee was immediately a member. He was not waiting for services to be rendered by TAI.
11 Somewhat illogically, Appellee points to his lifetime membership and transferability as evidence of
12 undelivered services. Assuming this were true, Appellee's bargained-for services would not be
13 delivered for several generations. While not discounting the premium placed on the longevity and
14 transferability of the memberships, the Court finds these benefits inherent in the membership
15 Appellee received immediately, rather than something incapable of delivery for several generations
16 ... Appellee paid an initiation fee and was immediately entitled to avail himself of the entire
17 campground network. Appellee contracted with his eyes wide open, and while he might not have
18 foreseen the financial trouble of TAI, this was a risk he took in signing up to be a member of the
19 campground network.” *Id.* at 35.

20 23. The *Four Star* district court ultimately found that “the initiation fee entitled Appellee
21 to the immediate use of the facilities. The initiation fee was not paid for the future guarantee of
22 services and monthly dues were required in order to continue utilizing the campground network ...
23 In neither case was the initiation fee offered as security for the future provision of services; it was
24 merely the price of admission. Thus, the initiation fee was not a deposit and the bankruptcy court
25 erred by giving Appellee’s Claim priority...” *Id.*

26 24. Likewise, *In re Palmas del Mar Country Club, Inc.* (“*Palmas*”), 443 B.R. 569
27 (Bankr. D. P.R. 2010), the debtor objected to priority claims asserted by former members of its
28 country club for refund of their up-front payments. In its analysis, the district court noted that the

1 “rights of such Claimants were fully vested upon payment of the Membership Deposit because upon
2 such payment they became club members, which was what the Membership Deposit made them
3 entitled to. The up-front payments provided by the club members were for an immediate service
4 which was provided, and not for a future right to buy, lease or rent any property. The rights and
5 responsibilities of the Debtor were both fully operative and were being delivered and provided prior
6 to the filing of the bankruptcy petition.” *Id.* at 575. The *Palmas* court found that the claims filed by
7 the debtor’s members for refund of the membership deposit were not entitled to priority under
8 Section 507(a)(7).

9 25. Here, as in *Four Star* and *Palmas*, with the payment of the membership fee, each
10 Claimant was immediately a member of the Debtor and was entitled to immediate use of the
11 Debtor’s facilities. The up-front payments provided by the Claimants were for an immediate
12 service, which was provided to the Claimants, i.e., to become members of the Debtor, and not for a
13 future right to buy, lease or rent any property. Accordingly, the up-front payments made by the
14 Claimants for their memberships and member rewards are not deposits under Section 507(a)(7), and
15 therefore the Incorrect Priority Claims are not entitled to priority.

16 26. The Liquidating Trustee respectfully requests that the Court sustain this Omnibus
17 Objection and reclassify the Incorrect Priority Claims as general unsecured claims.

18 **C. The Standards Governing Omnibus Objections to Claims Have Been Met**

19 27. Bankruptcy Rule 3007(d)(7), (8) and (e) govern omnibus objections to proofs of
20 claim that assert an incorrect priority. Bankruptcy Rule 3007(d)(7) and (8) specifically allows for
21 omnibus objections to claims if “they assert interests, rather than claims” or “asserts priority in an
22 amount” that exceeds the statutory limit. Fed. R. Bankr. P. 3007(d)(7) and (8). The requirements for
23 omnibus objections are contained in Bankruptcy Rule 3007(e), which provides that such objections
24 shall:

- 25 (1) state in a conspicuous place that claimants receiving the
26 objection should locate their names and claims in the objection; (2)
27 list claimants alphabetically, provide a cross-reference to claim
28 numbers, and, if appropriate, list claimants by category of claims;
(3) state the grounds of the objection to each claim and provide a
cross-reference to the pages in the omnibus objection pertinent to

1 the stated grounds; (4) state in the title the identity of the objector
2 and the grounds for the objections; (5) be numbered consecutively
3 with other omnibus objections filed by the same objector; and (6)
4 contain objections to no more than 100 claims.

5 Fed. R. Bankr. P. 3007(e).

6 28. This Omnibus Objection falls within the grounds set forth in Bankruptcy Rule
7 3007(d)(1). Furthermore, each of the requirements set forth in Bankruptcy Rule 3007(e) have been
8 complied with or will be complied with upon the filing of this Omnibus Objection. Therefore, this
9 Omnibus Objection should be sustained.

10 **V. RESERVATION OF RIGHTS**

11 29. The Liquidating Trustee specifically reserves the right to amend this Omnibus
12 Objection, file additional papers in support of this Omnibus Objection or take other appropriate
13 actions, including, *inter alia*, to: (a) respond to any allegation or defense that may be raised in a
14 response filed by or on behalf of any of the Claimants or other interested parties; (b) object further to
15 any claim for which a Claimant provides (or attempts to provide) additional documentation or
16 substantiation; and (c) object further to any of the claims addressed herein based on additional
17 information that may be discovered upon further review by the Liquidating Trustee or through
18 discovery pursuant to the Bankruptcy Rules.

19 **VI. SEPARATE CONTESTED MATTERS**

20 30. Each of the claims and the Liquidating Trustee's objections thereto constitute a
21 separate contested matter as contemplated by Bankruptcy Rules 3007 and 9014 and Local Rule
22 3007. The Liquidating Trustee requests that any order entered by the Court with respect to a
23 particular claim objected to in this Omnibus Objection be deemed a separate order with respect to
24 each claim in accordance with Bankruptcy Rule 3007(1).

25 **VII. NOTICE**

26 31. The Liquidating Trustee will serve copies of this Omnibus Objection upon each of the
27 Claimants identified in the chart contained herein at the addresses listed on the Incorrect Priority
28 Claims, as filed.

1 **VIII. CONCLUSION**

2 For the foregoing reasons, the Liquidating Trustee respectfully requests that the Court enter
3 an order substantially in the form attached hereto as **Exhibit 2**:

4 A. Sustaining the Omnibus Objection, and reclassifying the Incorrect Priority Claims as
5 general unsecured claims;

6 B. Providing that each of the Incorrect Priority Claims shall be reclassified in the official
7 claims register in the Debtor's bankruptcy case;

8 C. Providing that if any Claimant files or asserts any new claim, or an amendment of any
9 other proof of claim, related to any of the Incorrect Priority Claims resolved by this Omnibus
10 Objection, then such amendment shall be deemed disallowed with prejudice and automatically
11 expunged from the claims register in the Debtor's case, without further order of this Court;

12 D. Providing that, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, made
13 applicable in contested matters through Bankruptcy Rules 7054 and 9014, any such ruling on the
14 Omnibus Objection shall be treated as a final judgment with respect to the Claimants and their
15 claims subject to such ruling, and determining that there is no just reason for delay in entry of a final
16 judgment on the Claims resolved herein;

17 E. Directing and authorizing the clerk of the Court to modify its claims register in this case
18 to reclassify the Incorrect Priority Claims as general unsecured claims consistent with the terms of
19 the order sustaining this Omnibus Objection; and

20 F. Granting such other and further relief as the Court deems just and proper.

21 DATED: February 22, 2023

BG Law LLP

22
23 By: /s/ Susan K. Seflin

Susan K. Seflin

Jessica S. Wellington

24 Attorneys for Province, LLC, solely in its capacity as
25 the Liquidating Trustee of the Front Sight Creditors
26 Trust
27
28

EXHIBIT 1

| Fill in this information to identify the case: | |
|--|----------------------------|
| Debtor 1 | FRONT SIGHT MANAGEMENT LLC |
| Debtor 2 (Spouse, if filing) | |
| United States Bankruptcy Court | District of Nevada |
| Case number: | 22-11824 |

FILED
 U.S. Bankruptcy Court
 District of Nevada
 12/30/2022
 Mary A. Schott, Clerk

**Official Form 410
 Proof of Claim**

04/22

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

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

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

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

Part 1: Identify the Claim

| | | |
|---|--|--|
| 1. Who is the current creditor? | Brian Carney _____ Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor WIN Interactive, Inc. _____ | |
| 2. Has this claim been acquired from someone else? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____ | |
| 3. Where should notices and payments to the creditor be sent? | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| | Brian Carney _____ | _____ |
| | Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Name |
| | 44 Deer Run Rd. Kingston, MA 02364 | Name |
| | Contact phone 617-470-7444 _____ | Contact phone _____ |
| Contact email brian_carney_44@yahoo.com _____ | Contact email _____ | |
| | Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ | |
| 4. Does this claim amend one already filed? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____ | |

| Fill in this information to identify the case: | |
|--|----------------------------|
| Debtor 1 | FRONT SIGHT MANAGEMENT LLC |
| Debtor 2 (Spouse, if filing) | |
| United States Bankruptcy Court | District of Nevada |
| Case number: | 22-11824 |

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

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

Part 1: Identify the Claim

| | | |
|---|--|--|
| 1. Who is the current creditor? | Michael Hansen _____ Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor Ciara Weebe (now Hansen) _____ | |
| 2. Has this claim been acquired from someone else? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____ | |
| 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| | Michael Hansen _____ | _____ |
| | Name | Name |
| | 1105 Harwich Dr San Marcos, CA 92069 | |
| | Contact phone 585-254-9126 _____ | Contact phone _____ |
| Contact email mikehansen2010@gmail.com _____ | Contact email _____ | |
| | Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ | |
| 4. Does this claim amend one already filed? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____ | |

| Fill in this information to identify the case: | |
|--|----------------------------|
| Debtor 1 | FRONT SIGHT MANAGEMENT LLC |
| Debtor 2 (Spouse, if filing) | |
| United States Bankruptcy Court | District of Nevada |
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FILED
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A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

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

Part 1: Identify the Claim

| | | |
|--|--|--|
| 1. Who is the current creditor? | John M Kaschak | |
| | Name of the current creditor (the person or entity to be paid for this claim) | |
| | Other names the creditor used with the debtor | |
| 2. Has this claim been acquired from someone else? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? | |
| 3. Where should notices and payments to the creditor be sent? | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| | John M Kaschak | |
| | Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | |
| | Name | Name |
| | 2430 Frontier Road Auburn, CA 95603 | |
| | Contact phone 916-878-9998 | Contact phone |
| Contact email jkaschak52@gmail.com | Contact email | |
| Uniform claim identifier for electronic payments in chapter 13 (if you use one): | | |
| 4. Does this claim amend one already filed? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) Filed on MM/DD/YYYY | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? | |

| Fill in this information to identify the case: | |
|--|----------------------------|
| Debtor 1 | FRONT SIGHT MANAGEMENT LLC |
| Debtor 2 (Spouse, if filing) | |
| United States Bankruptcy Court | District of Nevada |
| Case number: | 22-11824 |

FILED
 U.S. Bankruptcy Court
 District of Nevada
 1/3/2023
 Mary A. Schott, Clerk

**Official Form 410
 Proof of Claim**

04/22

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

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

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

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

Part 1: Identify the Claim

| | | | |
|---|--|--|--|
| 1. Who is the current creditor? | Paul Lewis _____ Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____ | | |
| 2. Has this claim been acquired from someone else? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____ | | |
| 3. Where should notices and payments to the creditor be sent? | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) | |
| | Paul Lewis _____ Name | _____ Name | |
| | Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | 4321 N 9th Ave PHOENIX, AZ 85013 | |
| | Contact phone _____ 6025447390 | Contact phone _____ | |
| | Contact email _____ sulusexcelsior2000@gmail.com | Contact email _____ | |
| | Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ | | |
| 4. Does this claim amend one already filed? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY | | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____ | | |

| Fill in this information to identify the case: | |
|--|----------------------------|
| Debtor 1 | FRONT SIGHT MANAGEMENT LLC |
| Debtor 2 (Spouse, if filing) | |
| United States Bankruptcy Court | District of Nevada |
| Case number: | 22-11824 |

FILED
 U.S. Bankruptcy Court
 District of Nevada
 1/3/2023
 Mary A. Schott, Clerk

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04/22

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

Part 1: Identify the Claim

| | | |
|---|--|--|
| 1. Who is the current creditor? | Robert Neidich | |
| | Name of the current creditor (the person or entity to be paid for this claim) | |
| | Other names the creditor used with the debtor | |
| 2. Has this claim been acquired from someone else? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? | |
| 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| | Robert Neidich | |
| | Name | Name |
| | 10 Ravine Ct Lima, OH 45805 | |
| | Contact phone 419-230-1717 | Contact phone |
| | Contact email neidich@me.com | Contact email |
| Uniform claim identifier for electronic payments in chapter 13 (if you use one): | | |
| 4. Does this claim amend one already filed? | <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) 227 Filed on 08/03/2022 MM / DD / YYYY | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? | |

| Fill in this information to identify the case: | |
|--|----------------------------|
| Debtor 1 | FRONT SIGHT MANAGEMENT LLC |
| Debtor 2 (Spouse, if filing) | |
| United States Bankruptcy Court | District of Nevada |
| Case number: | 22-11824 |

FILED
 U.S. Bankruptcy Court
 District of Nevada
 1/3/2023
 Mary A. Schott, Clerk

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

Part 1: Identify the Claim

| | | |
|---|--|--|
| 1. Who is the current creditor? | Eric Nelson Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor _____ | |
| 2. Has this claim been acquired from someone else? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____ | |
| 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| | Eric Nelson Name | _____ Name |
| | 809 W Kane Dr Kanab, UT 84741 | |
| | Contact phone 435-644-5378 | Contact phone _____ |
| | Contact email coso@coso-kid.com | Contact email _____ |
| Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____ | | |
| 4. Does this claim amend one already filed? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY | |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____ | |

Fill in this information to identify the case:

Debtor 1 Front Sight Management LLC

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: District of Nevada

Case number 22-11824-abl

Official Form 410

Proof of Claim

04/22

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

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

Part 1: Identify the Claim

1. Who is the current creditor? PHILIP J. ROSEN
Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor _____

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

| | | |
|--|--|--|
| 3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) | Where should notices to the creditor be sent? | Where should payments to the creditor be sent? (if different) |
| | <u>PHIL ROSEN</u> Name <u>440 HEMPSTEAD AVE</u> Number Street <u>MALVERNE NY 11565</u> City State ZIP Code Contact phone <u>516-987-5443</u> Contact email <u>PROSEIN@OPTONLINE.NET</u> | Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____ |

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

STRETTO
NOV 17 2022
RECEIVED

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

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

EXHIBIT 2

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STEVEN T. GUBNER – NV Bar No. 4624
SUSAN K. SEFLIN – CA Bar No. 213865 – Admitted *Pro Hac Vice*
JESSICA S. WELLINGTON – CA Bar No. 324477 – Admitted *Pro Hac Vice*
BG LAW LLP
300 S. 4th Street, Suite 1550
Las Vegas, NV 89101
Telephone: (702) 835-0800
Facsimile: (866) 995-0215
Email: sgubner@bg.law
sseflin@bg.law
jwellington@bg.law

Attorneys for Province, LLC, solely in its capacity as
the Liquidating Trustee of the Front Sight Creditors Trust

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

| | |
|---|--|
| <p>In re:</p> <p>Front Sight Management LLC,</p> <p>Debtor.</p> | <p>Case No. 22-11824-abl</p> <p>Chapter 11</p> <p>Hearing Date: April 13, 2023 Hearing Time: 9:30 a.m.</p> |
|---|--|

**ORDER SUSTAINING ELEVENTH OMNIBUS OBJECTION TO PROOFS OF CLAIM
THAT ASSERT AN INCORRECT PRIORITY**

On April 13, 2023 at 9:30 a.m., a hearing was held before the Honorable August Landis,
Chief United States Bankruptcy Judge for the District of Nevada, for the Court to consider the
Eleventh Omnibus Objection to Proofs of Claim that Assert an Incorrect Priority [ECF No. ____]

1 (the “Omnibus Objection”)¹ filed by Province, LLC, solely in its capacity as the duly authorized and
 2 acting Liquidating Trustee (the “Liquidating Trustee”)² of the Front Sight Creditors Trust (the
 3 “Liquidating Trust”). Appearances were as duly noted on the record at the hearing.

4 The Court, having read and considered the Omnibus Objection and all evidence filed in
 5 support of the Omnibus Objection; the Court having considered the argument and representations of
 6 counsel at the hearing and other matters which the Court may properly take judicial notice,
 7 including, without limitation, the record in this case as reflected on the docket; the Court having set
 8 forth its findings and conclusions on the record pursuant to Rule 52 of the Federal Rules of Civil
 9 Procedure and Rule 7052 of the Federal Rules of Bankruptcy Procedure; the Court having found that
 10 notice of the Omnibus Objection was sufficient under the circumstances and no other or further
 11 notice is required; the Court having determined that the legal and factual bases set forth in the
 12 Omnibus Objection establish just cause for the relief sought therein; and after due deliberation and
 13 sufficient cause appearing therefor,

14 **IT IS HEREBY ORDERED** that the Omnibus Objection is sustained in its entirety.

15 **IT IS HEREBY FURTHER ORDERED** that the following Proofs of Claim filed by the
 16 following claimants (“Claimants”) shall be RECLASSIFIED as GENERAL UNSECURED
 17 CLAIMS:

| Claimant | Claim No. | Date Filed | Allowed Unsecured Claim Amount |
|------------------|-----------|------------|--------------------------------|
| Carney, Brian | 1016-1 | 12/30/2022 | \$8,446.00 |
| Hansen, Michael | 990-1 | 12/16/2022 | \$500.00 |
| Kaschak, John M. | 968-1 | 12/8/2022 | \$798.00 |
| Lewis, Paul | 1041-1 | 1/3/2023 | \$500.00 |
| Neidich, Robert | 227-2 | 1/3/2023 | \$27,535.00 |
| Nelson, Eric | 1044-1 | 1/3/2023 | \$700.00 |
| Rosen, Philip J. | 943-1 | 11/21/2022 | \$250.00 |

24 **[Remainder of Page Intentionally Blank]**

26 ¹ All initial capitalized terms not defined herein shall have the same meaning ascribed to them in the
 Omnibus Objection.

27 ² Pursuant to Front Sight Management, LLC’s (the “Debtor”) confirmed chapter 11 plan of
 28 reorganization and order thereon, the Liquidating Trustee has standing to pursue all claim objections
 in this case except for those relating to Las Vegas Development Fund, LLC and Michael Meacher.

1 **IT IS HEREBY FURTHER ORDERED** that any further claims filed or asserted by the
2 Claimants, including any amendments, shall be deemed disallowed without further Court order.

3 **IT IS HEREBY FURTHER ORDERED** that pursuant to Civil Rule 54(b), made applicable
4 in contested matters through Bankruptcy Rules 7054 and 9014, this Order shall be treated as a final
5 judgment with respect to Claimants and their Claims.

6 **IT IS HEREBY FURTHER ORDERED** that the Court clerk is hereby directed to modify
7 the claim register in this case consistent with this Order.

8 **IT IS SO ORDERED.**

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22 Prepared and Submitted By:

23 BG Law LLP

24 By: /s/ Susan K. Seflin
25 Susan K. Seflin
26 Jessica S. Wellington
27 Attorneys for Province, LLC, solely in its capacity as
28 the Liquidating Trustee of the Front Sight Creditors
Trust