

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
THE ALIERA COMPANIES INC.,)	
)	Case No. 21-11548 (JTD)
Debtor. ¹)	
)	Related to ECF Nos 18 & 38 .
)	

**LIQUIDATING TRUSTEE OF SHARITY MINISTRIES, INC.’S STATEMENT IN
SUPPORT OF THE PETITIONING CREDITORS’ (a) MOTION TO TRANSFER
VENUE OF LATER-FILED CASES TO THIS COURT AND (b) OBJECTION TO THE
MOTION OF THE ALLEGED DEBTOR TO TRANSFER THIS CASE
TO THE NORTHERN DISTRICT OF GEORGIA**

Neil F. Luria, as the Plan Trustee of the Sharity Ministries, Inc., Liquidation Trust (“**the Plan Trustee**”), in *In re Sharity Ministries, Inc.* pending before this Court, Case No. 21-11001 (JTD)(the liquidating debtor in which, hereafter “**Sharity**”), submits this statement of support for the Petitioning Creditors’ a) motion to transfer venue of later-filed cases to this Court (D.I. 18) and (b) objection to the motion of the Alleged Debtor to transfer this case to the Bankruptcy Court for the Northern District of Georgia.

1. On October 4, 2021, almost 3 months after Sharity commenced its bankruptcy case in this Court, the Alleged Debtor and its four subsidiaries, in lieu of commencing their own bankruptcy cases, commenced an assignment for the benefit of creditors under Georgia law (the “**ABC**”), alleging that each was “unable to pay its debts as they become due” and the supporting exhibits for which showed virtually no liquidity and little in the form of valuable assets.

¹ The last four digits of the Debtor’s federal taxpayer identification number are 9555. The address of the Debtor’s principal office is 990 Hammond Drive, Suite 700, Atlanta, Georgia 30328.

2. On December 3, 2021, with the permission of this Court in Sharity's Chapter 11, the Petitioning Creditors commenced this involuntary case.

3. On December 21, 2021, Sharity's plan of liquidation was approved by this Court and on December 31, the plan went effective and Mr. Luria became Plan Trustee.

4. Also on December 21, almost 6 months after Sharity commenced its Chapter 11 and some 2-1/2 months after the filing of the ABC, the Alleged Debtor, rather than appearing in this case and consenting to an order for relief, filed a competing Chapter 11 in the Bankruptcy Court for the Northern District of Georgia and four companion cases for its subsidiaries (the "**Georgia Cases**").

5. On December 28, 2021, the Alleged Debtor filed its *Motion to Transfer Venue Pursuant to 28 U.S.C. § 1412 and Fed. R. Bankr. P. 1014* [ECF No. 17] (the "**Aliera Motion to Transfer**") and shortly thereafter that same day the Petitioning Creditors filed their *Motion to Transfer Venue of the Later-Filed Voluntary Bankruptcy Cases of The Aliera Companies Inc. and Its Four Affiliates* [ECF No. 18] (the "**Petitioning Creditors' Motion to Transfer**").

6. Earlier today, the Petitioning Creditors filed their objection to the Aliera Motion to Transfer [ECF 38] (the "**Objection**"). Aside from the compelling legal arguments set forth, the Objection demonstrates the very practical reasons why it makes sense to have the Georgia Cases transferred to this Court, where the Court, its staff, the Office of the United States Trustee, counsel for the major players, including the Plan Trustee, all are conversant with the nature, operations, financial structure and history of the Aliera Companies. The Plan Trust supports both the and the reasons which the Petitioning Creditors' Objection advances.

For the foregoing reasons, the Plan Trustee respectfully request that the Court sustain the

Objection and grant the Petitioning Creditors' Motion to Transfer.

Dated: January 6, 2022
Wilmington, Delaware

Respectfully submitted,

/s/ Joseph H. Huston, Jr.

Joseph H. Huston, Jr. (No. 4035)

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CERTIFICATE OF SERVICE

The undersigned certifies that, on January 6, 2022, the foregoing *Statement in Support* was served on all parties in interest that are registered, directly or indirectly via counsel, to receive notice of electronic filings through the Court's CM/ECF system.

Dated: January 6, 2022
At Wilmington, Delaware

Respectfully submitted,

/s/ Joseph H. Huston, Jr
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