

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
	§	
BRIGGS & STRATTON	§	Case No. 20-43597-399
CORPORATION, <i>et al.</i> ,	§	
	§	(Jointly Administered)
	§	
Debtors.	§	Related Docket No. 1970

STIPULATED ORDER SUSTAINING THE PLAN ADMINISTRATOR'S
APPLICATION FOR AN ORDER PURSUANT TO 11 U.S.C. § 502(c) ESTIMATING
THE GENERAL UNSECURED CLAIM VALUE OF THE CLAIMS FILED IN
CONNECTION WITH THE LOMA FIRE

Upon the application (the “**Application**”)¹ of the Plan Administrator in the above-captioned chapter 11 cases for entry of an order pursuant to section 502(c) of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007(C) estimating the claims listed on **Schedule 1** attached hereto and as more fully set forth in the Application; and upon the *Declaration of Alan D. Halperin In Support of the Plan Administrator’s Application for an Order Pursuant to 11 U.S.C. § 502(c) Estimating the General Unsecured Claim Value of the Claims Filed in Connection with the Loma Fire* (attached to the Objection as Exhibit B); and Creditor Claudia Hartke having filed a Response to the Application (the “**Response**”); and this Court having jurisdiction to consider the Application and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Application and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Plan Administrator having represented that adequate and proper notice

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Application.



of the Application has been given in accordance with the Omnibus Objection Procedures; and that no other or further notice need be given; and this Court having reviewed the Application and the Response; and this Court having held a hearing to consider the relief requested in the Application; and this Court having determined that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and it appearing that the relief requested in the Application is in the best interests of the Plan Administrator and creditors; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor, **it is hereby ORDERED that the Application is GRANTED in that:**

1. Pursuant to section 502 of the Bankruptcy Code and Bankruptcy Rule 3007, the total combined amount of the Loma Fire Claims listed on **Schedule 1** annexed hereto is estimated to be no more than \$2 million solely for purposes of distribution by the Wind-Down Estates; provided that nothing in this Order shall be construed as (i) fixing the Loma Fire Claims for allowance or (ii) limiting the Loma Fire Claims with respect to insurance coverage (or for any purpose other than distributions by the Wind-Down Estates).

2. The Plan Administrator is authorized to estimate the Loma Fire Claims at \$2 million, collectively, solely for purposes of fixing distributions to all creditors in these chapter 11 cases, with such distributions to be made in accordance with the Plan. In the event the Wind-Down Estates are proven to have liability for the Loma Fire Claims in excess of \$2 million, the Loma Fire Claims shall, nonetheless, be capped at the aggregate amount of \$2 million for distribution purposes.

3. The terms and conditions of this Order are effective immediately upon entry.

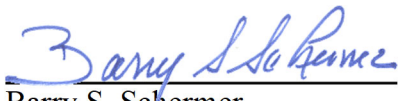
4. Nothing contained in the Application or this Order is intended to be or shall be deemed as (i) an admission as to the validity of any claim against the Debtors or the Wind-Down Estates, (ii) a waiver of rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver of rights under the Bankruptcy Code or any other applicable nonbankruptcy law, (iv) an agreement or obligation to pay any claims, (v) a waiver of any claims, defenses or causes of action which may exist against any creditor or interest holder, or (vi) an approval, assumption, adoption, or rejection of any agreement, contract, lease, program, or policy under section 365 of the Bankruptcy Code.

5. The Plan Administrator is authorized to take all actions necessary or appropriate to carry out the relief granted in this Order.

6. Not later than two (2) business days after the date of this Order, the Plan Administrator shall serve a copy of the Order and shall file a certificate of service no later than twenty-four (24) hours after service.

DATED: December 3, 2021
St. Louis, Missouri

cke


Barry S. Schermer
United States Bankruptcy Judge

So Stipulated:

By: /s/ Sally Sinclair Perez
Date: December 1, 2021

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By: /s/ Robert E. Eggmann
Date: December 1, 2021

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-and-

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SCHEDULE 1

Schedule of Loma Fire Claims

Exhibit A-1

Briggs & Stratton Corp., et al.

Claimant Name and Address	Case Number	Debtor Name	Claim Number	Date Filed	Asserted Claim Amount and Priority	
1) Allstate Insurance Company 3075 Sanders Rd Northbrook, IL 60062-7119	20-43597	Briggs & Stratton Corporation	573	9/15/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$163,356.71
					Total:	\$163,356.71
2) Claudia Hartke C/O Anna Dibenedetto Dibenedetto & Lapcevic, LLP 1101 Pacific Avenue, Suite 320 Santa Cruz, CA 95060	20-43597	Briggs & Stratton Corporation	837	9/29/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$0.00
					Total:	\$0.00
3) Farmers Insurance Exchange Teresa R. Ponder c/o Berger Kahn, A Law Corporation 1 Park Plaza, Suite 340 Irvine, CA 92614	20-43597	Briggs & Stratton Corporation	1590	10/7/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$406,298.25
					Total:	\$406,298.25
4) Fire Insurance Exchange Teresa R. Ponder c/o Berger Kahn, A Law Corporation 1 Park Plaza, Suite 340 Irvine, CA 92614	20-43597	Briggs & Stratton Corporation	1594	10/7/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$1,883,081.31
					Total:	\$1,883,081.31
5) Fire Insurance Exchange, Farmers Insurance Exchange, Foremost Insurance Co Grand Rapids, Michigan and Mid-Century Insurance Co Teresa R. Ponder c/o Berger Kahn, A Law Corporation 1 Park Plaza, Suite 340 Irvine, CA 92614	20-43597	Briggs & Stratton Corporation	1717	9/30/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$3,858,844.50
					Total:	\$3,858,844.50
6) Foremost Insurance Company Grand Rapids, Michigan Teresa R. Ponder c/o Berger Kahn, A Law Corporation 1 Park Plaza, Suite 340 Irvine, CA 92614	20-43597	Briggs & Stratton Corporation	1597	10/7/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$162,664.74
					Total:	\$162,664.74
7) Hartke, Claudia Anna Dibenedetto, Esq. C/O Dibenedetto & Lapcevic, LLP 1101 Pacific Avenue, Suite 320 Santa Cruz, CA 95060	20-43597	Briggs & Stratton Corporation	875	9/16/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$0.00
					Total:	\$0.00
8) Liberty Mutual Insurance c/o Thomas M. Regan Cozen OConnor 501 West Broadway, Suite 1610 San Diego, CA 92101	20-43597	Briggs & Stratton Corporation	742	9/24/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$653,268.37
					Total:	\$653,268.37
9) Mid-Century Insurance Company Teresa R. Ponder c/o Berger Kahn, A Law Corporation 1 Park Plaza, Suite 340 Irvine, CA 92614	20-43597	Briggs & Stratton Corporation	1600	10/7/2020	Secured:	\$0.00
					Administrative:	\$0.00
					Priority:	\$0.00
					Unsecured:	\$1,406,800.20
					Total:	\$1,406,800.20