

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 Nos. 1966, 2029

AMENDED ORDER SUSTAINING THE PLAN ADMINISTRATOR'S
TWENTY-EIGHTH OMNIBUS OBJECTION TO CLAIMS ON GROUNDS
OF NO LIABILITY (PERFORMANCE AWARDS)¹

Upon the objection (the “**Objection**”)² of the Plan Administrator in the above-captioned chapter 11 cases for entry of an order pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007(C) disallowing the claims listed on Schedule 1³ attached hereto and as more fully set forth in the Objection; and upon the *Declaration of Alan D. Halperin in Support of the Plan Administrator’s Twenty-Eighth Omnibus Objection to Claims on Grounds of No Liability (Performance Awards)* (attached to the Objection as Exhibit B); and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Objection 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

¹ This Amended Order supersedes the *Order Sustaining the Plan Administrator’s Twenty-Eighth Omnibus Objection to Claims on Grounds of No Liability (Performance Awards)* [Docket No. 2029] entered on December 3, 2021 in that the Estate of Todd MacKay’s Claim No. 1513 is not included in Schedule 1 attached hereto and is not disallowed pursuant to this Amended Order.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

³ Exhibit A-1 to Schedule 1 lists claims where the relief requested seeks disallowance of the entire claim. Exhibit A-2 to Schedule 1 lists claims where the relief requested seeks disallowance of the claim, in full, as to the Performance Claim, but where Claimant also asserts other allowable claim amounts. Thus, as to those two claims listed on Exhibit A-2, the relief requested is an overall reduction of the claim, not a complete disallowance.



adequate and proper notice of the Objection 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 Objection; and this Court having held a hearing to consider the relief requested in the Objection; and this Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and it appearing that the relief requested in the Objection 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 Objection is SUSTAINED in that:**

1. Pursuant to section 502 of the Bankruptcy Code and Bankruptcy Rule 3007, each Performance Claim listed on **Schedule 1** annexed hereto is disallowed.

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

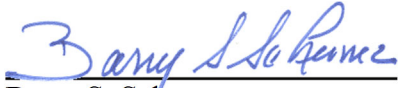
3. Nothing contained in the Objection or this Order is intended to be or shall be deemed as (i) an admission as to the validity of any claim against the Debtors or the Wind-Down Estates, (ii) a waiver of rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver of rights under the Bankruptcy Code or any other applicable nonbankruptcy law, (iv) an agreement or obligation to pay any claims, (v) a waiver of any claims 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.

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

5. 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 6, 2021
St. Louis, Missouri

cke


Barry S. Schermer
United States Bankruptcy Judge

Order Prepared By:

Robert E. Eggmann, #37374MO
Christopher J. Lawhorn, #45713MO
Thomas H. Riske, #61838MO
CARMODY MACDONALD P.C.
120 S. Central Avenue, Suite 1800
St. Louis, Missouri 63105
Telephone: (314) 854-8600
Facsimile: (314) 854-8660
Email: ree@carmodymacdonald.com
cjl@carmodymacdonald.com
thr@carmodymacdonald.com

Local Counsel to the Plan Administrator

-and-

HALPERIN BATTAGLIA BENZIJA LLP
Julie Dyas Goldberg
Matthew Murray
40 Wall Street, 37th Floor
New York, New York 10005
Telephone: (212) 765-9100
Email: jgoldberg@halperinlaw.net
mmurray@halperinlaw.net

Counsel to the Plan Administrator

SCHEDULE 1

Schedule of Performance Claims

EXHIBIT A-1

Performance Claims (No Liability Claims)

Exhibit A-1 - No Liability Claims
Briggs & Stratton Corp., et al.

Claimant Name and Address	Case Number	Debtor Name	Claim Number	Date Filed	Asserted		Basis for Proposed Modification
					Claim Amount and Priority		
1) Annette C Lococo 2445 Mayfair Drive Brookfield, WI 53005	20-43597	Briggs & Stratton Corporation	1935	10/6/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$9,838.72 \$0.00 \$9,838.72	This claim is for the value of Briggs & Stratton Corp. stock held in a retirement savings account and is an equity interest that was cancelled under the Plan.
2) Brian R Olsson Brian Olsson N52W17310 Ridgewood Dr Menomonee Falls, WI 53051	20-43597	Briggs & Stratton Corporation	1515	10/6/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$60,351.00 \$0.00 \$60,351.00	This is a claim for performance award units that either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
3) David Frank 2872 Nagawicka Rd Hartland, WI 53029-5302	20-43597	Briggs & Stratton Corporation	969	10/1/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$250,217.15 \$250,217.15	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
4) David John Schulenberg 8599 N Salisbury Rd Kewaskum, WI 53040	20-43597	Briggs & Stratton Corporation	1438	10/5/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$13,500.00 \$0.00 \$13,500.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
5) David Schulenberg 8599 N Salisbury Rd Kewaskum, WI 53040	20-43597	Briggs & Stratton Corporation	1467	10/6/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$13,500.00 \$0.00 \$13,500.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
6) Debra A Pavletich 1255 Jewel St Brookfield, WI 53005	20-43597	Briggs & Stratton Corporation	1075	10/4/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$32,649.75 \$32,649.75	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
7) Dennis J Steinhardt 20811 River Hills Way Kiel, WI 53042	20-43597	Briggs & Stratton Corporation	1938	10/5/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$24,811.00 \$24,811.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
8) Eric Chack Eric Chack W340N4811 Township Road O Nashotah, WI 53058	20-43597	Briggs & Stratton Corporation	530	9/8/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$125,000.00 \$125,000.00	The company did not reach operating income metrics and therefore performance awards have no value. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
9) Heather Barks C/O Therese A. Schellhammer 123 South Second PO Box 1226 Poplar Bluff, MO 63902-1226	20-43597	Briggs & Stratton Corporation	1552	10/7/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$3,319.13 \$0.00 \$3,319.13	This claim is for the value of Briggs & Stratton Corp. stock held in a retirement savings account and is an equity interest that was cancelled under the Plan.
10) Jacob Schmalz 2800 N 68th St Milwaukee, WI 53210	20-43597	Briggs & Stratton Corporation	1385	10/5/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$6,750.00 \$0.00 \$6,750.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
11) Jeffrey W Coad W150N7268 Paseo Ln Menomonee Falls, WI 53051	20-43597	Briggs & Stratton Corporation	842	10/7/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$103,065.80 \$103,065.80	This claim is for the value of Briggs & Stratton Corp. stock held in an investment account and is an equity interest that was cancelled under the Plan.

Exhibit A-1 - No Liability Claims
Briggs & Stratton Corp., et al.

	Claimant Name and Address	Case Number	Debtor Name	Claim Number	Date Filed	Asserted		Basis for Proposed Modification
						Claim Amount and Priority		
12)	Jeffrey W Coad W150N7268 Paseo Ln Menomonee Falls, WI 53051	20-43597	Briggs & Stratton Corporation	1682	10/7/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$80,000.00 \$80,000.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
13)	Jeffrey W Coad W150N7268 Paseo Ln Menomonee Falls, WI 53051	20-43597	Briggs & Stratton Corporation	1684	10/7/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$2,993.91 \$2,993.91	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
14)	John E Booher W147N6910 Woodland Dr Menomonee Falls, WI 53051	20-43597	Briggs & Stratton Corporation	1677	10/7/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$86,000.00 \$86,000.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
15)	John T Mourand W142N8223 Merrimac Dr Menomonee Falls, WI 53051	20-43597	Briggs & Stratton Corporation	1622	10/7/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$10,912.20 \$10,912.20	This claim is for the value of Briggs & Stratton Corp. stock held in a retirement and/or investment account and is an equity interest that was cancelled under the Plan.
16)	Joseph Rubens N73W24327 Ridgewood Rd Sussex, WI 53089	20-43597	Briggs & Stratton Corporation	823	9/28/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$66,621.00 \$66,621.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
17)	Lowell D. Millisor 5727 Frusher Ln Fitchburg, WI 53711	20-43597	Briggs & Stratton Corporation	2124	10/7/2020	Secured: Administrative: Priority: Unsecured: Total:	\$12,402.68 \$0.00 \$0.00 \$0.00 \$12,402.68	This claim is for the value of Briggs & Stratton Corp. stock held in a retirement and/or investment account and is an equity interest that was cancelled under the Plan.
18)	Paul C. Prickett 1280 Dove Lane Grafton, WI 53024	20-43597	Briggs & Stratton Corporation	1468	10/6/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$35,851.00 \$35,851.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met.
19)	Randall E Ballard 70 Loblolly Lane Lexington, TN 38351	20-43597	Briggs & Stratton Corporation	851	9/30/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$277,096.43 \$277,096.43	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met. Further, vested interests were to be distributed in the form of Briggs & Stratton Corp. stock that was cancelled under the Plan.
20)	Thomas H. Rugg W217N5399 Taylors Wood Menomonee Falls, WI 53051	20-43597	Briggs & Stratton Corporation	807	9/28/2020	Secured: Administrative: Priority: Unsecured: Total:	\$0.00 \$0.00 \$0.00 \$228,000.00 \$228,000.00	This claim is for the value of Briggs & Stratton Corp. stock held in a retirement and/or investment account and is an equity interest that was cancelled under the Plan.

EXHIBIT A-2

Performance Claims (Modified Claims)

Exhibit A-2 - Modified Claims
Briggs & Stratton Corp., et al.

Claimant Name and Address	Case Number	Debtor Name	Claim Number	Date Filed	Asserted		Modified		Basis for Proposed Modification
					Claim Amount and Priority		Claim Amount and Priority		
1) William Harrison	20-43597	Briggs & Stratton Corporation	824	9/28/2020	Secured:	\$0.00	Secured:	\$0.00	Performance awards either did not vest (employee did not meet the 'Retiree Eligible' definition) or vested with no value as operating income metrics were not met.
					Administrative:	\$0.00	Administrative:	\$0.00	
5854 N Kent Ave					Priority:	\$0.00	Priority:	\$0.00	
Whitefish Bay, WI 53217					Unsecured:	\$43,870.81	Unsecured:	\$20,000.00	
					Total:	\$43,870.81	Total:	\$20,000.00	