

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
BRIGGS & STRATTON CORPORATION,	§	Case No. 20-43597-399
Debtor.	§	(Joint Administration Requested)
Tax I.D. No. 39-0182330	§	

In re:	§	Chapter 11
BILLY GOAT INDUSTRIES, INC.,	§	Case No. 20-10575-399
Debtor.	§	(Joint Administration Requested)
Tax I.D. No. 43-094442	§	

In re:	§	Chapter 11
ALLMAND BROS., INC.,	§	Case No. 20-43598-399
Debtor.	§	(Joint Administration Requested)
Tax I.D. No. 47-0464710	§	

In re:	§	Chapter 11
BRIGGS & STRATTON INTERNATIONAL, INC.,	§	Case No. 20-43599-399
Debtor.	§	(Joint Administration Requested)
Tax. I.D. No. 39-1889957	§	



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In re: § **Chapter 11**
§
BRIGGS & STRATTON TECH, LLC, § **Case No. 20-43600-399**
§
Tax I.D. No. 39-2012102 §
§ Hearing Date: July 21, 2020
§ Hearing Time: 10:00 a.m. (Central Time)
§ Hearing Location: Courtroom 5 North
§ 111 S. 10th St., St. Louis, MO 63102

**MOTION OF DEBTORS FOR ENTRY OF AN ORDER
DIRECTING JOINT ADMINISTRATION OF CHAPTER 11 CASES**

Briggs & Stratton Corporation and its debtor affiliates in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”), respectfully represent as follows in support of this motion (the “**Motion**”):

Background

1. On the date hereof (the “**Petition Date**”), the Debtors each commenced with this Court a voluntary case under title 11 of the United States Code (the “**Bankruptcy Code**”). The Debtors are authorized to continue to operate their business and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee of creditors has been appointed in these chapter 11 cases. The Debtors have also filed a motion requesting joint administration of their chapter 11 cases pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rule 1015(b) of the Local Rules of Bankruptcy Procedure for the Eastern District of Missouri (the “**Local Rules**”).

2. The Debtors, combined with their non-Debtor affiliates (collectively, the “**Company**”), are the world’s largest producer of gasoline engines for outdoor power equipment and a leading designer, manufacturer and marketer of power generation, pressure washer, lawn and garden, turf care and job site products. The Company’s products are marketed and serviced

in more than 100 countries on six continents through 40,000 authorized dealers and service organizations. Additional information regarding the Debtors' business and capital structure and the circumstances leading to the commencement of these chapter 11 cases is set forth in the *Declaration of Jeffrey Ficks, Financial Advisor of Briggs & Stratton Corporation, in Support of the Debtors' Chapter 11 Petitions and First Day Relief*, sworn to on the date hereof (the "**Ficks Declaration**"),¹ which has been filed with the Court contemporaneously herewith and is incorporated by reference herein.

Jurisdiction

3. The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

4. By this Motion, the Debtors seek entry of an order (the "**Proposed Order**"),² pursuant to sections 105(a) and 342(c)(1) of the Bankruptcy Code, Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**") and Rule 1015(b) of the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for the Eastern District of Missouri (the "**Local Rules**"), for authority for joint administration of their chapter 11 cases for procedural purposes only. In addition, the Debtors respectfully request that the Court maintain one file and one docket for all of the jointly administered cases under the same number assigned to Briggs & Stratton Corporation, and that these chapter 11 cases be jointly administered under the following consolidated caption:

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

² Copies of the Proposed Order will be made available on the Debtors' case information website at <http://www.kccllc.net/Briggs>.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
	§	
BRIGGS & STRATTON,	§	Case No. 20-43597-399
CORPORATION, et al.,	§	
	§	(Jointly Administered)
	§	
Debtors.³	§	

5. Specifically, the Debtors request that the Court order the use of the foregoing caption, which designates as the Lead Case Briggs & Stratton Corporation, the second petition filed by the Debtor to initiate these cases. The foregoing caption satisfies the requirements set forth in section 342(c)(1) of the Bankruptcy Code, and is further authorized by Local Rule 1015(b)(1) which provides that “[u]nless otherwise stated in the order granting joint administration, when multiple affiliated cases are filed, the first case filed ... shall be designated as the lead case.” (emphasis added).

6. The Debtors also seek this Court’s direction that a notation substantially similar to the following be entered on the docket in each of the above-captioned cases (except the chapter 11 case of Briggs & Stratton Corporation) to reflect the joint administration of these cases:

An order has been entered in this case directing the procedural consolidation and joint administration of the chapter 11 cases of Briggs & Stratton Corporation, Billy Goat Industries, Inc., Allmand Bros., Inc., Briggs & Stratton International, Inc., and Briggs & Stratton Tech, LLC. The docket in Case No. 20-43597-399 should be consulted for all matters affecting this case.

³ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are: Briggs & Stratton Corporation (2330), Billy Goat Industries, Inc. (4442), Allmand Bros., Inc. (4710), Briggs & Stratton International, Inc. (9957), and Briggs & Stratton Tech, LLC (2102). The address of the Debtors’ corporate headquarters is 12301 West Wirth Street, Wauwatosa, Wisconsin 53222.

7. The Debtors reserve all rights to file a subsequent motion seeking authority to jointly administer their cases with additional cases if the circumstances warrant doing so.

Relief Requested Should Be Granted

8. As set forth in the Ficks Declaration, the Debtors operate as an integrated business with common ownership and control and a number of shared financial and operational systems. As a result, many of the motions, hearings, and orders in these cases will affect each and every Debtor. Joint administration of these chapter 11 cases therefore will reduce fees and costs by avoiding duplicative filings, objections, notices, and hearings. Joint administration will also allow the United States Trustee for the Eastern District of Missouri and all other parties in interest to monitor these chapter 11 cases with greater ease and efficiency.

9. Under section 105(a) of the Bankruptcy Code, “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. §105(a). Bankruptcy Rule 1015(b) provides, in relevant part, that if “two or more petitions are pending in the same court by or against ... a debtor and an affiliate, the court may order a joint administration of the estates.” Fed. R. Bankr. P. 1015(b). As set forth in the Ficks Declaration, the three (3) Debtors in these chapter 11 cases are “affiliates” as that term is defined in section 101(d) of the Bankruptcy Code.

10. In addition, Local Rule 1015(b) provides, in relevant part, as follows:

The debtor or a party in interest may request by motion that cases in this Court regarding a debtor and its affiliate(s) be jointly administered. A motion for joint administration shall be filed as early in the case as possible.

E.D.Mo. Bankr. L.R. 1015(b).

11. Moreover, joint administration will not adversely affect the Debtors’ respective constituencies because this Motion requests only administrative—and not substantive—

consolidation of the Debtors' estates. For example, any creditor may still file a claim against a particular Debtor or its estate (or against multiple Debtors and their respective estates) and intercompany claims among the Debtors will not be affected by joint administration.

12. For the foregoing reasons, joint administration of these chapter 11 cases is necessary, appropriate, and in the best interests of the Debtors, their estates, and all other parties in interest in these cases. Accordingly, the Court should authorize the Debtors jointly administer these chapter 11 cases.

Notice

13. Notice of this Motion will be provided to (i) the Office of the United States Trustee for the Eastern District of Missouri; (ii) the holders of the 30 largest unsecured claims against the Debtors on a consolidated basis; (iii) Latham & Watkins LLP (Attn: Peter P. Knight, Esq. and Jonathan C. Gordon, Esq.), as counsel to JPMorgan Chase Bank, N.A., as the administrative agent and collateral agent under the ABL Credit Facility and DIP Facility; (iv) Pryor Cashman LLP (Attn: Seth H. Lieberman, Esq. and David W. Smith, Esq.), as counsel to Wilmington Trust, N.A., as successor indenture trustee under the Unsecured Notes; (v) the United States Attorney's Office for the Eastern District of Missouri; (vi) the Securities and Exchange Commission; (viii) the Banks; (ix) the state attorney generals for all states in which the Debtors conduct business, and (x) any other party that has requested notice pursuant to Bankruptcy Rule 2002 (collectively, the "**Notice Parties**"). Notice of this Motion and any order entered hereon will be served in accordance with Local Rule 9013-3(A)(1).

No Previous Request

14. No previous request for the relief sought herein has been made by the Debtors to this or any other court.

WHEREFORE the Debtors respectfully request entry of the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: July 20, 2020
St. Louis, Missouri

Respectfully submitted,

CARMODY MACDONALD P.C.

/s/ Robert E. Eggmann

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