

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
	§	
	§	Case No. 20-43597-399
BRIGGS & STRATTON CORPORATION, <i>et al.</i> ,	§	(Jointly Administered)
	§	
Debtors.	§	Related Docket No. 31

**ORDER AUTHORIZING AND
APPROVING THE RETENTION AND
EMPLOYMENT OF CARMODY MACDONALD P.C.
AS LOCAL RESTRUCTURING COUNSEL FOR THE DEBTORS**

Upon the Application for Authority to Employ Carmody MacDonald P.C. ("Carmody MacDonald") as Local Restructuring Counsel for the Debtor Briggs & Stratton Corporation and its debtor affiliates (the "Debtors") [ECF 31] (the "Application") filed by the Debtors on July 20, 2020, pursuant to section 327(a) of the Bankruptcy Code, seeking authority to employ Carmody MacDonald as their local restructuring counsel; and upon the Declaration of Robert E. Eggmann in Support of the Application (the "Eggmann Declaration"), attached to the Application as Exhibit A; and the Court being satisfied that based upon the representations made in the Application and the Eggmann Declaration that Carmody MacDonald is "disinterested" as such term is defined in section 101(14) of the Bankruptcy Code, as modified by section 1107 of the Bankruptcy Code, and as required under section 327(a) of the Bankruptcy Code, and that Carmody MacDonald represents no interest adverse to the Debtors with respect to the matters upon which it is to be engaged; 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 Debtors having represented adequate and proper notice of the Application has been given and that no other or further notice need be given; and the Court having previously granted the Application on a provisional basis; and this Court having reviewed the Application; and this Court having found and determined that the relief sought in the Application is in the best interests of the Debtors, their creditors and their estates; and this Court having determined that the legal and factual bases set forth in the Application establish just cause basis for the relief granted herein; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appear thereof; it is hereby **ORDERED** that the Application is **GRANTED**, in that:

1. The Debtors are authorized to employ Carmody MacDonald as their local restructuring counsel, and to employ Carmody MacDonald to provide the other services described in the Application, pursuant to Section 327(a) of the Bankruptcy Code on the terms set forth in the Application and Eggmann Declaration. This Order, to the extent it conflicts with the Application and Eggmann Declaration, shall take precedence.

2. Payment of Carmody MacDonald's fees and expenses shall be made in accordance with Bankruptcy Code §§ 330 and 331, the applicable provisions of the Federal Rules of Bankruptcy Procedure, and the Local Rules of Bankruptcy Procedure and any other applicable procedures or Orders entered in these Chapter 11 cases.

3. Carmody MacDonald shall use its best efforts to avoid inappropriate duplication of services provided by any of the Debtors' other retained professionals in these Chapter 11 Cases.

4. To the extent that there may be any inconsistency between the terms of the Application or the Eggmann Declaration, and this Order, the terms of this Order shall govern.

5. Carmody MacDonald shall apply all pre-petition retainers, advance payments and expense advances for payment of fees and costs authorized by this Court to be paid before seeking compensation from the Debtors. Carmody MacDonald may bill and be paid pursuant to Local Rule 2016-2(B).

6. Notice of the Application is adequate under Bankruptcy Rule 6004(a).

7. Notwithstanding the provisions of Bankruptcy Rule 6004(h), this Order shall be immediately effective and enforceable upon its entry.

8. Nothing herein shall be construed to permit Carmody MacDonald to be allowed reimbursement or compensation for fees or expenses Carmody MacDonald incurs in defense of the Carmody MacDonald's fees from legal challenge.


9. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

10. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

11. No later than two (2) business days after the date of this Order, the Debtors shall serve a copy of the Order and shall file a certificate of service no later than twenty- four (24) hours after service.

DATED: August 19, 2020
St. Louis, Missouri

ckc


Barry S. Schermer
United States Bankruptcy Judge

Order Prepared By:

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-and-

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