

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.	§	

**DEBTORS' OBJECTION TO TROY CRAIG,
DIANA CRAIG AND AMY CRAIG'S MOTION TO EXPEDITE
HEARING ON THEIR MOTION FOR RELIEF FROM AUTOMATIC STAY**

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 objection (the “**Objection**”):

Background

1. On July 20, 2020 (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. On August 5, 2020, the United States Trustee appointed an official committee of unsecured creditors in these chapter 11 cases pursuant to section 1102 of the Bankruptcy Code. No trustee or examiner has been appointed in these chapter 11 cases. The Debtors' chapter 11 cases are being jointly administered for procedural purposes only 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. Troy Craig, Diana Craig and Amy Craig (collectively, the “**Movants**”) filed their *Motion for Relief from Automatic Stay* (the “**Motion to Lift Stay**”) on August 31, 2020 [Docket No. 655].

3. The Movants filed an accompanying *Motion to Expedite Hearing* (the “**Motion to Expedite**”) contemporaneously therewith [Docket No. 663].

Jurisdiction

4. 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

5. Local Rule 9013-2(A) provides that a hearing on an “expedited basis” is “any hearing to be held less than 14 days after the filing of a motion on which the hearing is requested” and the motion for such hearing must “set[] forth the reason the matter should be considered on an expedited or emergency basis.” L.R. 9013-2. (A)

6. Considering a motion on an expedited basis is an extraordinary remedy that should be reserved for true emergencies. The Movants do not and cannot describe any actual or plausible emergency in the Motion to Expedite. For this reason, the Motion to Expedite should be denied.

7. The Movants have not met the heightened standard required to expedite motions under Local Rule 9013-2(C) which provides the bases on which a movant may seek to lift the automatic stay provided by section 362(a) of the Bankruptcy Code (the “**Automatic Stay**”). The Movants requested the Court lift the Automatic Stay but have not alleged a lack of insurance on subject collateral, the pendency of a published or scheduled foreclosure or other good cause for

expedited relief from the Automatic Stay. *See* L.R. 9013-2(C). Therefore, it is not appropriate for the Court to consider a request to lift the Automatic Stay on an expedited basis.

8. The Movants suggest that their Motion to Lift Stay needs to be heard on shortened notice because they are required to bring their product liability action against the Debtors within three years of the accrual of their cause of action and serve the Debtors within 90 days of commencing such an action. This is not a legitimate basis for expediting the hearing and depriving the Debtors of the time they need to consider and appropriately address the Motion to Lift Stay and the arguments raised therein.

9. The alleged cause of action at issue occurred on July 21, 2018. The Movants commenced their lawsuit on July 6, 2020. As of the date of this Objection, the Movants have approximately 33 days to serve the Debtors to comply with Wisconsin Statute 801.02. Furthermore, there are approximately 323 days until the three-year statute of limitations runs on the action pursuant to Wisconsin Statute 893.54.

10. The Movants have more than sufficient time remaining to serve the Debtors and pursue their product liability claim. As such, the Movants' rights will not be unduly prejudiced if a hearing for their Motion to Lift Stay is set for fourteen or more days after filing.

WHEREFORE, the Debtors respectfully request that the Court deny the Motion to Expedite.

Dated: September 1, 2020
St. Louis, Missouri

Respectfully submitted,

CARMODY MACDONALD P.C.

/s/ Robert E. Eggmann

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