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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:

BRIGGS & STRATTON CORPORATION,  
*et al.*,

Debtors.

Chapter 11

Case No. 20-43597-399

**LIMITED OBJECTION OF WURTH INDUSTRY NORTH AMERICA LLC TO  
ASSUMPTION AND ASSIGNMENT AND CURE AMOUNTS LISTED BY DEBTORS IN  
THEIR NOTICE OF CURE COSTS AND PROPOSED ASSUMPTION AND  
ASSIGNMENT OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Wurth Industry North America, LLC, collectively with its affiliates, Wurth Revar Fasteners, Inc., Wurth Adams Nut & Bolt Company, and Wurth Des Moines Bolt inc., (collectively “Wurth”) by and through its undersigned counsel, submits this Limited Objection (the “Objection”) to assumption and assignment and the cure amounts listed by the debtors in their Notice of Cure Costs and Proposed Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Sale, filed on August 19, 2020 [Docket No. 537] (the “Notice of Assumption”).

1. On July 20, 2020 (the “Petition Date”), Briggs & Stratton Corporation and its affiliated debtors (the “Debtors”) filed their Chapter 11 bankruptcy petitions in this Court.

2. In the Notice of Assumption, on Exhibit A, at Page 19 of 26, Document 17025, the Debtors list Wurth as being a counterparty to a Supply Agreement (the “Supply Agreement”), and list the cure amount as being \$856,785.61.<sup>1</sup>



<sup>1</sup> There are other contracts listed with a zero cure amount. Wurth is not sure what these contracts relate to.

3. The cure amount listed by the Debtors is incorrect.

4. The total outstanding amount due on the Supply Agreement as of the petition date is \$934,684.05, of which \$919,201.13 is owed by Briggs and Stratton Corporation and \$15,482 is owed by Billy Goat Industries, calculated in accordance with the current accounts receivable practices between the parties. Wurth is continuing to do business with Debtors post-petition and therefore there may be other amounts due at the time of assumption.

5. Based on the foregoing, Wurth objects to the cure amounts listed by the Debtors in the Notice of Assumption, and submits that the correct cure amount is \$934,684.05, exclusive of any post-petition amounts that may be due.

6. Wurth objects to assumption and assignment of the Supply Agreement if the Debtors or the Stalking Horse Bidder do not pay the correct cure amounts as stated herein.

7. Wurth does not intend this Objection to the Notice of Assumption or any later appearance, pleading or claim to waive: (1) its right to object to jurisdiction of this court over Wurth or to consent to entry of final judgments or orders by the Bankruptcy Court; (2) its right to trial by jury in any proceeding so triable in these cases or in any case, controversy, or proceeding related to this case; or (3) any other rights, claims, actions, defenses, set-offs, or recoupments to which it is or may be entitled under agreements, in law, in equity or otherwise, all of which rights, claims, actions, defenses, set-offs, and recoupments are expressly reserved.

WHEREFORE, Wurth requests this Court to enter an order (i) requiring the Debtors to correct the cure amount due and owing to Wurth as of the Petition Date, in the amount stated above, and (ii) requiring the Debtors to pay any post-petition amounts due as of assumption, (iii) clarifying the outstanding contacts and amounts due; and (iv) granting such other and further relief as the Court deems just and proper under this matter.

Respectfully Submitted,  
SUMMERS COMPTON WELLS LLC

Date: September 4, 2020

By: /s/ David A. Sosne  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served via electronic filing in the CM/ECF system of the United States Bankruptcy Court for the Eastern District of Missouri to the parties requesting service by electronic filing.

September 4, 2020

/s/ Christina Hauck