

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE UNITED STATES BANKRUPTCY COURT OF MISSOURI**

In re:

Briggs & Stratton Corporation, et al.

Debtors.

CASE NO. 20-43597-399

Chapter 11

**OBJECTION OF GANNETT
SATELLITE INFORMATION
NETWORK LLC/USA TODAY
NETWORK TO DEBTORS' NOTICE OF
CURE COSTS AND PROPOSED
ASSUMPTION AND ASSIGNMENT OF
EXECUTORY CONTRACTS AND
UNEXPIRED LEASES IN
CONNECTION WITH SALE**

Gannett Satellite Information Network LLC dba USA Today Network (“USA Today”) files this limited objection to the Notice of Cure Costs and Proposed Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Sale [Doc. 516] (the “Cure Notice”), and in support of its Objection respectfully states as follows:

1. On July 20, 2020 (the “Petition Date”), Briggs & Stratton Corporation and certain of its affiliates (collectively “Debtors”) filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. The Debtors are continuing to operate their businesses as debtors-in-possession.

2. On July 20, 2020, Debtors filed a motion [Doc. 53] (the “Bid Procedures Motion”) seeking entry of an order establishing, among other requested relief, certain bidding procedures and procedures for the assumption and assignment of executory contracts and unexpired leases in connection with the sale of substantially all of Debtors assets (the “Sale”), an order authorizing the sale of such assets and an order authorizing the assumption and assignment of proposed assumed contracts.



3. On August 19, 2020, the Bankruptcy Court entered an Order [Doc. 505] (the “Bidding Procedures Order”) which approved the assumption and assignment procedures set out in the Bid Procedures Motion

4. On August 19, 2020, the Debtors filed the Cure Notice that lists USA Today as the counterparty to an advertising agreement [Doc. No. 516] with a proposed cure amount of \$0.

5. The Bidding Procedures Order and the Cure Notice provide that the Debtors may continue making decisions on assumption and assignment of executory contracts following closing of the Sale.

6. Although USA Today would like to continue to do business with the Debtors and/or the Buyer, it asserts this limited objection based on an incorrect cure amount. The cure amount on the listed agreement with USA Today is \$462,000.00. Under the Bankruptcy Code, Debtors may not assume an executory contract unless at the time of assumption they cure any default under the contract or provide adequate assurance that the default will be promptly cured. 11 U.S.C. § 365(b)(1). Accordingly, USA Today objects only to the inaccurate cure amount reflected in the Cure Notice and otherwise does not object to the Debtors assuming and assigning the agreement, if the proper cure amount of \$462,000.00 is paid.

WHEREFORE, USA Today respectfully requests entry of an order that: (i) denies assumption of the Debtors' advertising agreement with USA Today until the appropriate cure amount is paid; and (ii) provides or such other further relief as the Court deems appropriate.

Dated: September 10, 2020.

Respectfully submitted,

HAMMOND and SHINNERS, P.C.

/s/ Janine M. Martin

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*One of the attorneys for Gannett Satellite Network
LLC dba USA Today Network*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed with the U.S. Bankruptcy Court, Eastern District of Missouri and served by ECF electronic noticing this 10th day of September, 2020 upon all parties who have requested notice, including all Objection Notice Parties referenced in the Cure Notice except the Debtor, and by first class mail, postage prepaid on the Debtors at 12301 West Wirth Street, Wauwatosa, WI 53222.

/s/ Janine M. Martin

*One of the attorneys for Gannett Satellite
Network LLC dba USA Today Network*