

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
	§	
BRIGGS & STRATTON CORPORATION, <i>et al.</i> ,	§	Case No. 20-43597-399
	§	
Debtors.	§	(Jointly Administered)
	§	
	§	Hearing Date: November 12, 2020
	§	Hearing Time: 10:00 a.m. (Central Time)
	§	Hearing Location: Courtroom 5 North
	§	111 S. 10th St., St. Louis, MO 63102

**DEBTORS’ MOTION TO SHORTEN NOTICE OF HEARING
ON MOTION FOR ORDER (I) APPROVING FORM OF NOTICE TO
CREDITORS REGARDING (A) SATISFACTION OF CERTAIN SCHEDULED
CLAIMS, AND (B) REMOVAL OR REDUCTION, AS APPLICABLE, OF SATISFIED
CLAIMS FROM DEBTORS’ SCHEDULES OF ASSETS AND LIABILITIES AND
CLAIMS REGISTER; AND (II) GRANTING RELATED RELIEF**

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 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 (the “**Creditors’ Committee**”) 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. On September 15, 2020, the Bankruptcy Court entered an order¹ authorizing the sale of the Debtors’ assets to Bucephalus Buyer, LLC (the “**Purchaser**”) and the sale transaction closed on September 21, 2020.² On October 9, 2020, the Debtors filed the *Joint Chapter 11 Plan of Briggs & Stratton Corporation and Its Affiliated Debtors* [Docket No. 1066] (the “**Plan**”) and the *Disclosure Statement for Joint Chapter 11 Plan of Briggs & Stratton Corporation and Its Affiliated Debtors* [Docket No. 1067].³ The Debtors continue to honor their post-closing sale obligations, wind down their estates, and work on confirming their proposed chapter 11 plan and otherwise concluding these chapter 11 cases

3. 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* [Docket No. 51] (the “**Ficks Declaration**”).

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.

¹ *Order (I) Authorizing the Sale of the Assets and Equity Interests to the Purchaser Free and Clear of Liens, Claims, Interests, and Encumbrances; (II) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases; and (III) Granting Related Relief* [Docket No. 898].

² *See Notice of (I) Filing of Amendment to Stock and Asset Purchase Agreement, And (II) the Occurrence of Closing of the Sale Transaction* [Docket No. 964].

³ The Debtors intend to file an amended Plan and amended Disclosure Statement prior to the hearing to approve the adequacy of the Disclosure Statement scheduled for November 9, 2020.

Relief Requested

5. The Debtors have, contemporaneous with the filing of this Motion, filed a *Motion for Order (I) Approving Form of Notice to Creditors Regarding (A) Satisfaction of Certain Scheduled Claims, and (B) Removal or Reduction, as Applicable, of Satisfied Claims from Debtors' Schedules of Assets and Liabilities and Claims Register; and (II) Granting Related Relief* (the "**Claims Motion**").

6. The Debtors currently contemplate a voting deadline to accept or reject the Plan of December 11, 2020 (the "**Voting Deadline**").

7. In order to provide holders of claims, as defined by section 101(5) of the Bankruptcy Code, that have been fully or partially satisfied by the Debtors (the "**Satisfied Claimants**") with sufficient notice of their designation as a Satisfied Claimant before the Voting Deadline, an expedited need exists for the Court's consideration of the Claims Motion.

8. Accordingly, the Debtors hereby request that the Court shorten the notice of the Claims Motion to six (6) days and set a hearing on the Claims Motion on an expedited basis.

Notice

9. 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 thirty (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) Brown Rudnick LLP (Attn: Osaka P. Lashko, Esq.), as counsel to the Creditors' Committee; (vii) any other party that

has requested notice pursuant to Bankruptcy Rule 2002; and (viii) any other party entitled to notice pursuant to Local Rule 9013-3(E) (collectively, the “**Notice Parties**”). Notice of this Motion and any order entered hereon will be served in accordance with Local Rule 9013-3(E)(1).

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: November 6, 2020
St. Louis, Missouri

Respectfully submitted,

CARMODY MACDONALD P.C.

/s/ Robert E. Eggmann

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