

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.	§	Related Docket No. [●]

**[PROPOSED] ORDER SUSTAINING DEBTORS' OBJECTION  
TO CLAIM NO. 4 AGAINST BRIGGS & STRATTON TECH, LLC  
ON GROUNDS OF NO LIABILITY AND INSUFFICIENT DOCUMENTATION**

Upon the objection (the “**Objection**”)<sup>1</sup> of Briggs & Stratton Corporation and its affiliated debtors in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”), for entry of an order pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007(C) disallowing the claim listed on **Schedule 1** attached hereto and as more fully set forth in the Objection; and upon the *Declaration of Jeffrey Ficks In Support of Debtors’ Objection to Claim No. 4 Against Briggs & Stratton Tech, LLC on Grounds of No Liability and Insufficient Documentation* (attached to the Objection as **Exhibit B**); and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Objection 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 that adequate and proper notice of the Objection has been given and that no other or further notice need be given; and this Court having reviewed the Objection; and this Court having held a hearing to

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

consider the relief requested in the Objection; and this Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and it appearing that the relief requested in the Objection is in the best interests of the Debtors and their respective estates and creditors; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor, **it is hereby ORDERED that the Objection is SUSTAINED in that:**

1. Pursuant to section 502 of the Bankruptcy Code and Bankruptcy Rule 3007, the Claim listed on **Schedule 1** annexed hereto, under the heading “*Claim Number to be Disallowed*” is disallowed in its entirety and such Claim shall be removed from the claims register.

2. The terms and conditions of this Order are effective immediately upon entry.

3. This Order has no *res judicata*, estoppel, or other effect on the validity, allowance, or disallowance of, and all rights to object to or defend on any basis are expressly reserved with respect to, any claims against the Debtors.

4. Nothing contained in the Objection or this Order is intended to be or shall be deemed as (i) an admission as to the validity of any claim against the Debtors, (ii) a waiver of the Debtors’ or any party in interest’s rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver of the Debtors’ rights under the Bankruptcy Code or any other applicable nonbankruptcy law, (iv) an agreement or obligation to pay any claims, (v) a waiver of any claims or causes of action which may exist against any creditor or interest holder, or (vi) an approval, assumption, adoption, or rejection of any agreement, contract, lease, program, or policy under section 365 of the Bankruptcy Code.

5. The Debtors are authorized to take all actions necessary or appropriate to carry out the relief granted in this Order.

6. Not 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: \_\_\_\_\_, 2020  
St. Louis, Missouri

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HONORABLE BARRY S. SCHERMER  
UNITED STATES BANKRUPTCY JUDGE

**Order Prepared By:**

Robert E. Eggmann, #37374MO  
Christopher J. Lawhorn, #45713MO  
Thomas H. Riske, #61838MO  
**CARMODY MACDONALD P.C.**  
120 S. Central Avenue, Suite 1800  
St. Louis, Missouri 63105  
Telephone: (314) 854-8600  
Facsimile: (314) 854-8660  
Email: ree@carmodymacdonald.com  
cjl@carmodymacdonald.com  
thr@carmodymacdonald.com

*Local Counsel to the Debtors and  
Debtors in Possession*

-and-

Ronit J. Berkovich (admitted *pro hac vice*)  
Debora A. Hoehne (admitted *pro hac vice*)  
Martha E. Martir (admitted *pro hac vice*)  
**WEIL, GOTSHAL & MANGES LLP**  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
Email: Ronit.Berkovich@weil.com  
Debora.Hoehne@weil.com  
Martha.Martir@weil.com

*Counsel to the Debtors and  
Debtors in Possession*

## **Schedule 1**

### **The Claim**

**Exhibit A - No Liability Claims***Briggs & Stratton Corp., et al.*

No.	Claimant Name	Claimant Address	Case Number	Debtor Name	Date Filed	Claim Number to be Disallowed	Secured	Admin.	Priority	Unsecured	Total	Reason for Proposed Disallowance
1	Penelope A Krist	1798 White Pines Tr Richfield, WI 53076	20-43600	Briggs & Stratton Tech, LLC	9/21/2020	4	\$0.00	\$0.00	\$0.00	\$1,310.00	\$1,310.00	After reviewing its books and records, the Debtors have determined there is no liability owed with respect to this claim.  Additionally, no documentation is provided to support asserted claim amount.