

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' SECOND
OMNIBUS OBJECTION TO CLAIMS ON GROUNDS THAT
SUCH CLAIMS HAVE BEEN AMENDED AND SUPERSEDED**

Upon the objection (the “**Objection**”)¹ 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to section 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rule 3007(C) disallowing the Amended and Superseded Claims, as identified on **Schedule 1**, attached hereto, all as more fully set forth in the Objection; and upon the *Declaration of Jeffrey Ficks In Support of Debtors’ Second Omnibus Objection to Claims on Grounds That Such Claims Have Been Amended and Superseded* (attached to the Objection as **Exhibit B**); and this Court having jurisdiction to consider the Objection and the relief requested therein pursuant to 28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

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

held a hearing to 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 Pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rule 3007, each Amended and Superseded Claim listed on **Schedule 1**, attached hereto, under the heading “*Claim Number to Be Disallowed*” is disallowed in its entirety, and each such Amended and Superseded Claim shall be deleted from the claims register.

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

3. To the extent a response was filed regarding any Amended and Superseded Claim, each such Amended and Superseded Claim and the Objection as it pertains to such Amended and Superseded Claim, constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate order with respect to each Amended and Superseded Claim.

4. The disallowance of the Amended and Superseded Claims does not constitute any admission or finding concerning any of the claims listed on Schedule 1 under the heading “*Surviving Claim Number*” (the “**Surviving Claims**”), and the Surviving Claims are neither allowed nor disallowed by this Order.

5. Any documentation filed by a claimant in support of an Amended and Superseded Claim is hereby deemed documentation filed in support of such claimant's Surviving Claim.

6. The rights of the Debtors to assert further objections to the Surviving Claims, in whole or in part, and on any basis, are fully preserved.

7. 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.

8. 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.

9. The Debtors, the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC, and the Clerk of this Court are authorized to take all actions necessary or appropriate to carry out the relief granted in this Order.

10. 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

HONORABLE BARRY S. SCHERMER
UNITED STATES BANKRUPTCY JUDGE

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Schedule 1

Schedule of Amended and Superseded Claims

Exhibit A - Amended and Superseded 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	Surviving Claim Number	Basis for Proposed Disallowance
1	Department of the Treasury - Internal Revenue Service	Internal Revenue Service P.O.Box 7346 Philadelphia, PA 19101-7346	20-43599	Briggs & Stratton International, Inc.	8/20/2020	4-1	\$0.00	\$0.00	\$1,523.13	\$0.00	\$1,523.13	4-3	Claim 4-1 was originally amended by claim 4-2 and claim 4-2 has been amended and superseded by claim 4-3.
2	Department of the Treasury - Internal Revenue Service	Internal Revenue Service P.O.Box 7346 Philadelphia, PA 19101-7346	20-43599	Briggs & Stratton International, Inc.	8/20/2020	4-2	\$0.00	\$0.00	\$1,023.13	\$0.00	\$1,023.13	4-3	Claim 4-1 was originally amended by claim 4-2 and claim 4-2 has been amended and superseded by claim 4-3.