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

| | | |
|---|---|---|
| | § | **Chapter 11** |
| **In re:** | § | |
| | § | **Case No. 20-43597-399** |
| **BRIGGS & STRATTON** | § | |
| **CORPORATION, *et al.,*** | § | **(Jointly Administered)** |
| | § | |
| **Debtors.** | § | Related Docket No. [●] |

**[PROPOSED] ORDER SUSTAINING DEBTORS'**
**THIRD OMNIBUS OBJECTION TO CLAIMS ON GROUNDS OF NO LIABILITY**

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 claims 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' Third Omnibus Objection to Claims on Grounds of No Liability* (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 consider the relief requested in the Objection; and this Court having determined that the legal and factual bases set forth in the

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

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, each No Liability Claim listed on **Schedule 1** annexed hereto, under the heading "*Claims to be Disallowed*" is disallowed in its entirety and each such No Liability 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

_____
HONORABLE BARRY S. SCHERMER
UNITED STATES BANKRUPTCY JUDGE

**Order Prepared By:**

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# Schedule 1

## Schedule of No Liability Claims

**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 | Akwel Cadillac USA, Inc | Cindy Johnson<br>603 7th Street<br>Cadillac, MI 49601 | 20-43599 | Briggs & Stratton International, Inc. | 8/6/2020 | 1 | $0.00 | $0.00 | $0.00 | $15,337.14 | $15,337.14 | After reviewing its books and records, the Debtors have determined there is no liability owed on behalf of Briggs & Stratton International, Inc. with respect to this claim.<br><br>The claim support provided indicates the claim is asserted against Briggs & Stratton Chongqing Engine, which is not a Debtor in these chapter 11 cases. |
| 2 | Akwel Cadillac USA, Inc | Cindy Johnson<br>603 7th Street<br>Cadillac, MI 49601 | 20-43599 | Briggs & Stratton International, Inc. | 8/6/2020 | 2 | $0.00 | $0.00 | $0.00 | $22,260.00 | $22,260.00 | After reviewing its books and records, the Debtors have determined there is no liability owed on behalf of Briggs & Stratton International, Inc. with respect to this claim.<br><br>The claim support provided indicates the claim is asserted against Briggs & Stratton Chongqing Engine, which is not a Debtor in these chapter 11 cases. |
| 3 | Akwel Cadillac USA, Inc | Cindy Johnson<br>603 7th Street<br>Cadillac, MI 49601 | 20-43599 | Briggs & Stratton International, Inc. | 8/6/2020 | 3 | $0.00 | $0.00 | $0.00 | $2,090.00 | $2,090.00 | After reviewing its books and records, the Debtors have determined there is no liability owed on behalf of Briggs & Stratton International, Inc. with respect to this claim.<br><br>The claim support provided indicates the claim is asserted against Briggs & Stratton Chongqing Engine, which is not a Debtor in these chapter 11 cases. |