

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. 1880

**ORDER SUSTAINING THE PLAN ADMINISTRATOR'S  
TWENTY-FOURTH OMNIBUS OBJECTION TO CLAIMS (NO LIABILITY)**

Upon the objection (the “**Objection**”)<sup>1</sup> of the Plan Administrator in the above-captioned chapter 11 cases for entry of an order pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rule 3007(d)(5), 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 Alan D. Halperin In Support of Plan Administrator’s Twenty-Fourth Omnibus Objection to Claims (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 Plan Administrator having represented that adequate and proper notice of the Objection has been given in accordance with the Omnibus Objection Procedures; 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 Objection establish just cause for the

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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.



relief granted herein; and it appearing that the relief requested in the Objection is in the best interests of the Plan Administrator 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 Claim listed on **Schedule 1** annexed hereto is disallowed.

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


3. 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 or the Wind-Down Estates, (ii) a waiver of rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver of 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.

4. The Plan Administrator is authorized to take all actions necessary or appropriate to carry out the relief granted in this Order.

5. Not later than two (2) business days after the date of this Order, the Plan Administrator shall serve a copy of the Order and shall file a certificate of service no later than twenty-four (24) hours after service.

DATED: October 8, 2021  
St. Louis, Missouri

cke

  
Barry S. Schermer  
United States Bankruptcy Judge

**Order Prepared By:**

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-and-

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*Counsel to the Plan Administrator*

**Schedule 1**

**Schedule of Claims**

**Exhibit A**  
*Briggs & Stratton Corp., et al.*

Claimant Name and Address	Case Number	Debtor Name	Claim Number	Date Filed	Asserted Claim Amount and Priority	Basis for Proposed Modification
1) B & S 1712 3PI Uwe Carson Ca - Universal Warehouse Co  2850 E Del Amo Blvd Compton, CA 90221-6007	20-43597	Briggs & Stratton Corporation	1174	9/23/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$37,977.24 Total: \$37,977.24	This claim is amended and superseded by claim #2595 filed on July 14, 2021. For the avoidance of doubt, the Debtors are not objecting to claim #2595 as part of this claims objection.
2) Barbara Nelson Hinds  642 Hedwig Road Houston, TX 77024	20-43597	Briggs & Stratton Corporation	2593	6/28/2021	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$0.00 Total: \$0.00	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
3) Brandon, Gerald (Estate Of)  Richard H. Offutt, Jr. c/o Hoffman, Comfort, Offutt, Scott & Halstad, LLP 24 North Court Street Westminster, MD 21157	20-43597	Briggs & Stratton Corporation	1709	9/28/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$1,250,000.00 Total: \$1,250,000.00	Proof of claim alleges damages in the amount of \$1.25 million for personal injury/wrongful death but attaches no information in support of the claim or how one or more of the Debtors has been proven to be liable for these damages.
4) Chianti Butler  703 Ailey Lothair Rd Mount Vernon, GA 30445	20-43597	Briggs & Stratton Corporation	734	9/23/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$10,000.00 Total: \$10,000.00	Proof of claim of an employee who alleges damages in the amount of \$10,000 for wrongful termination. Claim attaches no EEOC complaint or other information in support of the claim.
5) Darrin And Sheila Begley  Maune, Raichle, Hartley, French & Mudd, LLC 1015 Locust Street, Suite 1200 St. Louis, MO 63101	20-43597	Briggs & Stratton Corporation	1029	10/7/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$50,000.00 Total: \$50,000.00	Proof of claim alleges damages in the amount of \$50,000 for wrongful death but attaches no information in support of the claim or how one or more of the Debtors has been proven to be liable for these damages.
6) David R. Cloutier  8 Brentwood Circle Saco, ME 04072	20-43597	Briggs & Stratton Corporation	2010	10/1/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$36,015.37 Total: \$36,015.37	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
7) Dewayne Pogue  242 Old 280 Hwy Camp Hill, AL 36850	20-43597	Briggs & Stratton Corporation	641	9/14/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$0.00 Total: \$0.00	The Proof of Claim alleges damages of \$0 and does not reference this as being an unliquidated amount; however out of an abundance of caution, the Plan Administrator objects in order to confirm creditor asserts \$0 against the estates. Claimant has not provided information in support of how one or more of the Debtors has been proven to be liable for damages of any kind.
8) Eric T. Chack  Eric Chack W340N4811 Township Rd O Nashotah, WI 53058	20-43597	Briggs & Stratton Corporation	531	9/8/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$1,665,277.00 Total: \$1,665,277.00	This is a claim in part for lost value of equity, which equity was cancelled under the confirmed plan of liquidation. The balance of the claim asserts damages for alleged misrepresentations to Claimant by the Debtors, which are wholly unproven.
9) Jerry D Waid  3595 E Elswood Idaho Falls, ID 83402	20-43597	Briggs & Stratton Corporation	1842	9/29/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$1,934.60 Total: \$1,934.60	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
10) John B. Leonard  Weitz & Luxenberg P.C. 700 Broadway New York, NY 10003	20-43597	Briggs & Stratton Corporation	1430	10/5/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$0.00 Total: \$0.00	Proof of claim asserts asbestos related personal injury in an unliquidated amount but attaches no information in support of the claim or how one or more of the Debtors has been proven to be liable for these damages.

**Exhibit A**  
*Briggs & Stratton Corp., et al.*

Claimant Name and Address	Case Number	Debtor Name	Claim Number	Date Filed	Asserted Claim Amount and Priority	Basis for Proposed Modification
11) John Ford  N17 W26865 East Fieldhack Drive, Apt. C Pewaukee, WI 53072	20-43597	Briggs & Stratton Corporation	210	9/8/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$2,000,000.00 Total: \$2,000,000.00	Proof of claim alleges damages in the amount of \$2 million for discrimination based on age (48), race (Caucasian), sex (male) and disability (depression) but attaches no information in support of the claim or how one or more of the Debtors has been proven to be liable for these damages.
12) Joyce Franchett  c/o Sara Salger The Gori Law Firm 156 N Main Street Edwardsville, IL 62025	20-43597	Briggs & Stratton Corporation	1370	10/5/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$0.00 Total: \$0.00	The Proof of Claim alleges damages of \$0 and does not reference this as being an unliquidated amount; however out of an abundance of caution, the Plan Administrator objects in order to confirm creditor asserts \$0 against the estates. Claimant claim is believed to be associated with asbestos for which the date of first exposure would invoke an "all sums" insurance policy.
13) Keith And Carole Chirgwin  1810 30th Ave W Seattle, WA 98199	20-43597	Briggs & Stratton Corporation	2013	10/1/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$14,925.00 Total: \$14,925.00	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
14) Kurt L Martin  73 Woodridge Lane Murray, KY 42071	20-43597	Briggs & Stratton Corporation	1098	10/4/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$13,650.00 Unsecured: \$51,278.71 Total: \$64,928.71	This claim was filed on 10/4/20 and asserted a total claim of \$78,578.71 of which \$13,650 was asserted as priority. Later in the same day, claim 1098-2 was filed, acknowledging that the \$13,650 priority amount had already been paid and only the remaining \$64,928.71 general unsecured claim was outstanding. The Debtors assert no liability for claim no. 1098-1 in light of the amendment. For the avoidance of doubt, claim no. 1098-2 is not affected by this objection.
15) Larry G. Salsbury  19115 Thomson Drive #203 Brookfield, WI 53045-5188	20-43597	Briggs & Stratton Corporation	369	9/7/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$0.00 Total: \$0.00	Claim is filed by a beneficial bondholder and is therefore duplicative of a master Proof of Claim filed by the Indenture Trustee for such bondholder (claim 856 filed against Briggs & Stratton Corporation, case number 20-43597). To the extent that the proof of claim asserts a non-duplicative claim for unmatured interest, that portion of the claim should be disallowed under section 502(b)(2) of the Bankruptcy Code.
16) Linda R. George  2942 El Dorado Dr. Medford, OR 97504	20-43597	Briggs & Stratton Corporation	2009	10/1/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$15,223.50 Total: \$15,223.50	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
17) Marci Joy Ashton  10563 S Sandy Sage Way Sandy, UT 84070-1342	20-43597	Briggs & Stratton Corporation	2590	6/6/2021	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$15,000.00 Total: \$15,000.00	Claim is filed by a beneficial bondholder and is therefore duplicative of a master Proof of Claim filed by the Indenture Trustee for such bondholder (claim 856 filed against Briggs & Stratton Corporation, case number 20-43597). To the extent that the proof of claim asserts a non-duplicative claim for unmatured interest, that portion of the claim should be disallowed under section 502(b)(2) of the Bankruptcy Code.
18) Michael Gayle  Leonard Legal Group, LLC 165 Washington Street Morristown, NJ 07960-0796	20-43597	Briggs & Stratton Corporation	331	9/1/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$1,000,000.00 Total: \$1,000,000.00	Proof of claim alleges damages in the amount of \$1 million for personal injury but attaches no information in support of the claim or how one or more of the Debtors has been proven to be liable for these damages.
19) Peter Barniak, Estate Representative For Theodore Barniak  Weitz & Luxenberg P.C. 700 Broadway New York, NY 10003	20-43597	Briggs & Stratton Corporation	1419	10/5/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$0.00 Total: \$0.00	Proof of claim asserts asbestos related personal injury in an unliquidated amount but attaches no information in support of the claim or how one or more of the Debtors has been proven to be liable for these damages.
20) Randall M. Brogdon  Maune, Raichle, Hartley, French & Mudd, LLC 1015 Locust Street, Suite 1200 St. Louis, MO 63101	20-43597	Briggs & Stratton Corporation	1031	10/2/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$50,000.00 Total: \$50,000.00	The Debtors were dismissed from the litigation underlying the claim, with no resulting liability for the Debtors.

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Claimant Name and Address	Case Number	Debtor Name	Claim Number	Date Filed	Asserted Claim Amount and Priority	Basis for Proposed Modification
21) Rex Astle  455 Dale Dr Idaho Falls, ID 83402	20-43597	Briggs & Stratton Corporation	1903	9/30/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$3,174.44 Total: \$3,174.44	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
22) Rosemary Jones, On Behalf Of Giacomo Grassi, Decd  c/o Sara Salger The Gori Law Firm 156 N. Main Street Edwardsville, IL 62025	20-43597	Briggs & Stratton Corporation	1026	10/2/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$40,000.00 Total: \$40,000.00	The Debtors were dismissed from the litigation underlying the claim, with no resulting liability for the Debtors.
23) Scott Carl Podella  Scott Podella W277 N4862 Jessy Ct Pewaukee, WI 53072	20-43597	Briggs & Stratton Corporation	1284	9/21/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$48,852.00 Total: \$48,852.00	This claim was filed on 9/21/20 and is an exact duplicate of claim no. 1065 filed on 10/3/20, which has been allowed per Docket No. 1857. The Debtors assert no liability for claim no. 1284 in light of the allowance of claim no. 1065.
24) Steven Mertens  4371 Roberts Lake Rd. Laona, WI 54541	20-43597	Briggs & Stratton Corporation	549	9/14/2020	Secured: \$0.00 Administrative: \$1,270.80 Priority: \$0.00 Unsecured: \$0.00 Total: \$1,270.80	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
25) Thomas C. Varrelmann  S108 W37150 Draper Rd Eagle, WI 53119	20-43597	Briggs & Stratton Corporation	2583	4/12/2021	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$2,568.56 Total: \$2,568.56	This is a claim for lost value of equity. The Debtors have no liability for such interests, which were cancelled under the confirmed plan of liquidation.
26) Visakay, Aida  Edward Capozzi c/o Brach Eichler, LLC 101 Eisenhower Parkway Roseland, NJ 07068	20-43597	Briggs & Stratton Corporation	1739	9/28/2020	Secured: \$0.00 Administrative: \$0.00 Priority: \$0.00 Unsecured: \$10,000,000.00 Total: \$10,000,000.00	Proof of claim alleges damages in the amount of \$10 million for personal injury but attaches no information in support of the claim or how one or more of the Debtors has been proven to be liable for these damages.