

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. ¹	§	
	§	Hearing Date: August 18, 2020
	§	Hearing Time: 10:00 a.m. (Central Time)
	§	Hearing Location: Courtroom 5 North
	§	111 S. 10th St., St. Louis, MO 63102

**MOTION OF DEBTORS FOR ENTRY OF ORDER (I) ESTABLISHING
DEADLINES FOR FILING PROOFS OF CLAIM AND PROCEDURES RELATING
THERE TO AND (II) APPROVING FORM AND MANNER OF NOTICE THEREOF**

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 chapter 11 of 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. 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

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are: Briggs & Stratton Corporation (2330), Billy Goat Industries, Inc. (4442), Allmand Bros., Inc. (4710), Briggs & Stratton International, Inc. (9957), and Briggs & Stratton Tech, LLC (2102). The address of the Debtors’ corporate headquarters is 12301 West Wirth Street, Wauwatosa, Wisconsin 53222.



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Eastern District of Missouri (the “**Local Rules**”). No trustee, examiner, or statutory committee of creditors has been appointed in these chapter 11 cases.

2. The Debtors, combined with their non-Debtor affiliates (collectively, the “**Company**”), are the world’s largest producer of gasoline engines for outdoor power equipment and a leading designer, manufacturer and marketer of power generation, pressure washer, lawn and garden, turf care and job site products. The Company’s products are marketed and serviced in more than 100 countries on six continents through 40,000 authorized dealers and service organizations. 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**”), filed on the Commencement Date and incorporated by reference herein.²

Jurisdiction

3. 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.

Relief Requested

4. By this Motion, pursuant to sections 105(a) and 502(b)(9) of the Bankruptcy Code, Bankruptcy Rules 2002 and 3003(c)(3), and Rule 3001 and 3003 of the Local Rules, the Debtors request entry of an order (the “**Proposed Order**”):³

- a) establishing **11:59 p.m., prevailing Central Time, on the date that is forty (40) days after service of the Bar Date Notice (as defined below)**

² Capitalized terms used but not otherwise defined herein shall have the respective meanings ascribed to such terms in the Ficks Declaration.

³ Copies of the Proposed Order will be made available on the Debtors’ case information website at <http://www.kccllc.net/Briggs>.

as the deadline for each person (as defined in section 101(41) of the Bankruptcy Code), excluding governmental units (as defined in section 101(27) of the Bankruptcy Code, the “**Governmental Units**”), to file a proof of claim (each, a “**Proof of Claim**”) in respect of a claim (as defined in section 101(5) of the Bankruptcy Code) against the Debtors which arose on or prior to the Petition Date, including, for the avoidance of doubt, secured claims, priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy Code (such deadline, the “**General Bar Date**”);

- b) establishing **January 19, 2021 at 11:59 p.m., prevailing Central Time** as the deadline for each Governmental Unit to file a Proof of Claim in respect of a prepetition claim against the Debtors (such deadline, the “**Governmental Bar Date**”);
- c) establishing **the later of (i) the General Bar Date or the Governmental Bar Date (if the amendment relates to a claim of a Governmental Unit), and (ii) 11:59 p.m. (prevailing Central Time) on the date that is forty (40) days from the date on which the Debtors provide notice of previously unfiled Schedules (as defined herein) or an amendment or supplement to the Schedules** as the deadline by which each claimant holding a claim affected by such filing, amendment or supplement must file a Proof of Claim with respect to such claim (the “**Amended Schedules Bar Date**”);
- d) establishing **the later of (i) the General Bar Date or the Governmental Bar Date (if a Governmental Unit is the counterparty to the executory contract or unexpired lease), and (ii) 11:59 p.m. (prevailing Central Time) on the date that is forty (40) days following service of an order approving rejection of any executory contract or unexpired lease of the Debtors** as the deadline by which a claimant asserting a claim resulting from the Debtors’ rejection of an executory contract or unexpired lease must file a Proof of Claim for damages arising from such rejection (the “**Rejection Damages Bar Date**” and, together with the General Bar Date, the Governmental Bar Date, and the Amended Schedules Bar Date, the “**Bar Dates**”);
- e) approving the proposed procedures for filing Proofs of Claim;
- f) approving the proposed procedures for providing notice of the Bar Dates, including (i) the form of notice substantially in the form annexed as **Exhibit 1** to this Motion and to the Proposed Order (the “**Bar Date Notice**”), and (ii) the form of publication notice of the Bar Dates (the “**Publication Notice**”), as described herein; and

- g) approving the proposed Proof of Claim form (the “**Claim Form**”), substantially in the form annexed as **Exhibit 2** to this Motion and to the Proposed Order.

5. The Debtors will cause their claims and noticing agent, Kurtzman Carson Consultants, LLC (“**KCC**”), to serve the Bar Date Notice on all known persons and entities holding potential claims against the Debtors or their estates. KCC shall mail the Bar Date Notice no later than five (5) business days following the later of the Debtors’ filing of the Schedules (as defined below) and the date of the entry of the Proposed Order.

The Proposed Bar Dates

A. Summary

6. Bankruptcy Rule 3003(c)(3) provides that the Court shall fix the time within which Proofs of Claim may be filed. Bankruptcy Rule 3003(c)(2) provides that any creditor whose claim (a) is not scheduled in a debtor’s schedules of assets and liabilities (the “**Schedules**”) or (b) is scheduled as disputed, contingent, or unliquidated must file a Proof of Claim by a deadline fixed by the Court. Bankruptcy Rule 3003(c)(2) further provides that “any creditor who fails to do so shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution.” Fed. R. Bankr. P. 3003(c)(2).

7. The Debtors believe that thousands of persons, individuals, or entities may be creditors in these chapter 11 cases. The Debtors propose to allow at least forty (40) days’ notice of each of the General Bar Date, the Amended Schedules Bar Date, and the Rejection Damages Bar Date. Additionally, the Debtors propose to set the Governmental Bar Date as January 19, 2021, the date which is 180 days from the Petition Date in accordance with section 502(b)(9) of the Bankruptcy Code. The Debtors respectfully submit that the proposed Bar Dates and the procedures set forth below will provide the Debtors’ creditors adequate notice and ample opportunity to prepare and file Proofs of Claim.

B. The General Bar Date

8. The Debtors request that the Court establish **11:59 p.m., prevailing Central Time, on the date that is forty (40) days after service of the Bar Date Notice (as defined below)** as the General Bar Date.⁴ The General Bar Date is the date by which any person or entity (including individuals, partnerships, corporations, joint ventures, and trusts, but not including Governmental Units) must file a Proof of Claim against any of the Debtors in respect of a prepetition claim (as defined in section 101(5) of the Bankruptcy Code), including secured claims, unsecured priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy Code. Such Proofs of Claim must actually be received by KCC on or before the General Bar Date, unless such claim falls within one of the exceptions set forth in this Motion.

9. The current deadline for the Debtors to file the Schedules is August 19, 2020; however, the Debtors reserve their right to seek an extension of that deadline, if necessary. The Debtors will not serve the Bar Date Notice (and thus establish the Bar Dates) until after the Schedules have been filed with the Court. For illustrative purposes, if the Court enters the Proposed Order on August 18, 2020 (the date of the hearing), the Schedules are filed on August 19, 2020, and KCC serves the Bar Date Notice on the date that is five business days after the Schedules are filed (August 26, 2020), then the General Bar Date would be Monday, October 5, 2020.

⁴ The current deadline for the Debtors to file the Schedules is August 19, 2020. The Debtors reserve their right to seek an extension of that deadline, if necessary. The Debtors will not serve the Bar Date Notice (and thus establish the Bar Dates) until after the Schedules have been filed with the Court.

C. Governmental Bar Date

10. Section 502(b)(9) of the Bankruptcy Code provides that the “claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the Federal Rules of Bankruptcy Procedure may provide.” 11 U.S.C. § 502(b)(9).

11. The Debtors request that the Court establish **January 19, 2021 at 11:59 p.m., prevailing Central Time** as the Governmental Bar Date in these chapter 11 cases. The Governmental Bar Date would apply to all Governmental Units holding claims (as defined in section 101(5) of the Bankruptcy Code) against the Debtors, including secured claims, priority claims, and unsecured non-priority claims, that arose prior to the Petition Date, including Governmental Units with claims against the Debtors for unpaid taxes, whether such claims arose from prepetition tax years or periods or prepetition transactions to which a Debtor was a party. All Governmental Units holding such claims against the Debtors would be required to file Proofs of Claim so that such Proofs of Claim are actually received by KCC on or before the Governmental Bar Date.

D. The Amended Schedules Bar Date

12. In the event the Debtors file a previously unfiled Schedule or amend or supplement their Schedules, the Debtors request that the Court establish **the later of (i) the General Bar Date or the Governmental Bar Date (if the amendment relates to a claim of a Governmental Unit), and (ii) 11:59 p.m. (prevailing Central Time), on the date that is forty (40) days from the date on which the Debtors provide notice of the previously unfiled Schedule or amendment or supplement to the Schedules**, as the deadline on or before which claimants holding claims affected by such filing, amendment, or supplement must file Proofs of

Claim with respect to such claim, so that such Proofs of Claim are actually received by KCC on or before the Amended Schedules Bar Date.

E. The Rejection Damages Bar Date

13. The Debtors request that the Court establish **the later of (i) the General Bar Date or the Governmental Bar Date (if a Governmental Unit is the counterparty to the executory contract or unexpired lease), and (ii) 11:59 p.m. (prevailing Central Time) on the date that is forty (40) days following service of an order approving the rejection of any executory contract or unexpired lease of the Debtors**, as the deadline on or before which claimants holding claims for damages arising from such rejection must file Proofs of Claim with respect to such rejection, so that such Proofs of Claim are actually received by KCC on or before the Rejection Damages Bar Date. Notwithstanding the foregoing, a party to an executory contract or unexpired lease that asserts a claim on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease (other than a rejection damages claim) must file a Proof of Claim for such amounts on or before the General Bar Date, the Governmental Bar Date, or the Amended Schedules Bar Date, as applicable.

The Proposed Procedures for Filing Proofs of Claim

14. The Debtors propose the following procedures for filing Proofs of Claim (the “**Procedures**”):

- a) Proofs of Claim must conform substantially to the Claim Form attached as **Exhibit 2** to this Motion and to the Proposed Order or Official Bankruptcy Form No. 410 (the “**Official Form**”);⁵
- b) Proofs of Claim must be filed (i) electronically through KCC’s website for these cases (<http://www.kccllc.net/Briggs>) by following instructions for filing proofs of claim electronically or (ii) by mailing the original Proof of

⁵ The Official Form can be found at www.uscourts.gov/forms/bankruptcy-forms, the official website for the United States Bankruptcy Courts. The Claim Form can be found at <http://www.kccllc.net/Briggs>, the website established by KCC for the Debtors’ chapter 11 cases.

Claim either by U.S. Postal Service mail or overnight delivery to KCC's Claims Processing Center for the Debtors at Briggs Claims Processing Center, c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245;

- c) Proofs of Claim will be deemed filed only if actually received by KCC on or before the applicable Bar Date by one of the approved methods of filing provided herein;
- d) Proofs of Claim must (i) be written in the English language; (ii) be denominated in lawful currency of the United States as of the Petition Date (using the exchange rate, if applicable, as of the Petition Date); (iii) specify by name and case number the Debtor against which the claim is filed; (iv) set forth with specificity the legal and factual basis for the alleged claim; (v) include supporting documentation for the claim or an explanation as to why such documentation is not available; and (vi) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant under penalty of perjury;
- e) If the holder asserts a claim against more than one Debtor or has claims against different Debtors, a separate Proof of Claim form must be filed with respect to each Debtor except as specifically provided herein. If the holder lists multiple Debtors on the Proof of Claim, then the Debtors will treat such claim as if it is filed against the first listed Debtor. If the holder files a Proof of Claim without identifying a Debtor, such Proof of Claim will be deemed as filed only against Briggs & Stratton Corporation;
- f) Proofs of Claim sent by facsimile, telecopy, or electronic mail transmission will not be accepted; and
- g) The following persons or entities (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, or Governmental Units) are **not** required to file a Proof of Claim on or before the applicable Bar Date, solely with respect to the claims described below:
 - i) any person or entity that has already properly filed a Proof of Claim against the Debtors in the above-captioned cases in a form substantially similar to the Claim Form or the Official Form and otherwise in compliance with these Procedures;
 - ii) any person or entity whose claim is listed in the Schedules filed by the Debtors, provided that (x) the claim is not scheduled as "disputed", "contingent" or "unliquidated"; and (y) the claimant does not disagree with the amount, nature, and priority of the claim as set forth in the Schedules; and (z) the claimant does not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules;

- iii) any person or entity whose claim has been allowed by an order of the Bankruptcy Court entered on or before the applicable Bar Date;
- iv) any person or entity whose claim has been paid in full by any of the Debtors in accordance with an order of the Bankruptcy Court entered on or before the applicable Bar Date;
- v) any person or entity that holds a claim for which specific deadlines other than the Bar Dates have been fixed by an order of the Bankruptcy Court entered on or prior to the applicable Bar Date;
- vi) any Debtor having a claim against another Debtor;
- vii) any person or entity that holds a claim that is allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (other than a claim arising under section 503(b)(9) of the Bankruptcy Code);
- viii) any current officer, director, and employee of the Debtors or any of their subsidiaries who may hold a contingent and unliquidated claim against the Debtors for indemnification, contribution, or reimbursement arising as a result of such officer's, director's, or employee's prepetition or postpetition services to the Debtors or their subsidiaries; provided that any officer, director or employee covered by this provision who wishes to assert a claim against the Debtors, other than a contingent and unliquidated claim against the Debtors for indemnification, contribution or reimbursement arising as a result of such officer's, director's, or employee's prepetition or postpetition services to the Debtors or their subsidiaries, must file a Proof of Claim on account of such claim on or before the General Bar Date unless another exception in this paragraph applies;
- ix) any professional retained in these chapter 11 cases holding an administrative expense claim for postpetition fees and expenses allowable under section 330, 331, and 503(b) of the Bankruptcy Code;
- x) any person or entity that holds an equity interest in the Debtors, which interest is based exclusively upon the ownership of common or preferred stock, membership interests, partnership interests, or warrants, options, or rights to purchase, sell, or subscribe to such a security or interest; provided that any holder of an equity interest in the Debtors who wishes to assert a claim (as opposed to an ownership interest) against the Debtors (including a claim relating to such equity interest or the purchase or sale of such equity interest), must file a proof of claim on or before the applicable Bar Date;

- xi) any holder of a claim limited exclusively to the repayment of principal, interest, fees, expenses, and any other amounts owing under any agreements governing any notes, bonds, debentures, or other debt securities (collectively, the “**Debt Securities**”) issued by any of the Debtors (a “**Debt Claim**”), pursuant to an indenture or credit agreement, as applicable (together, the “**Debt Instruments**”) if the relevant indenture trustee, administrative agent, registrar, paying agent, loan or collateral agent, or any other entity serving in a similar capacity however designated (each, a “**Debt Agent**”) under the applicable Debt Instrument files a single Proof of Claim in the Debtors’ lead chapter 11 case *In re Briggs & Stratton Corporation, Inc.* (Case No. 20-43597), on or before the applicable Bar Date, against all Debtors under the applicable Debt Instrument on account of all Debt Claims; provided that any holder of a Debt Claim wishing to assert a claim arising out of or relating to a Debt Instrument, other than a Debt Claim, must file a Proof of Claim with respect to such claim on or before the applicable Bar Date, unless another exception identified herein applies; provided, further, that in lieu of attaching voluminous documentation, including documentation for compliance with Bankruptcy Rule 3001(d), the Debt Agent under the Debt Instrument may include a summary of the operative documents with respect to the Debt Claims; or
- xii) any person or entity that is not required to file a Proof of Claim pursuant to the final order approving the *Motion of Debtors for Interim and Final Orders (I) Authorizing Debtors to Obtain Postpetition Financing, (II) Authorizing Debtors to Use Cash Collateral, (III) Granting Liens and Superpriority Claims, (IV) Granting Adequate Protection to Prepetition Secured Parties, (V) Modifying Automatic Stay, (VI) Scheduling Final Hearing and (VII) Granting Related Relief* (ECF No. 35) (the “**Final DIP Order**”), solely with respect to the claims for which no Proof of Claim is required to be filed as set forth in the Final DIP Order.

Consequences of Failure to File a Proof of Claim

15. Bankruptcy Rule 3003(c)(2) provides that any creditor whose claim is not scheduled or is scheduled as disputed, contingent, or unliquidated that fails to file a Proof of Claim by the Bar Date “shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution.” Fed. R. Bankr. P. 3003(c)(2). Accordingly, the Debtors request that any holder of a claim against any of the Debtors that is required to file a Proof of Claim in accordance with the Proposed Order, but fails to do so on or before the applicable Bar Date, shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution with respect to any chapter 11 plan or plans of reorganization that may be filed in these chapter 11 cases.

Notice of the Bar Dates

16. Pursuant to Bankruptcy Rules 2002(a)(7), (f), and (l), the Debtors propose providing notice of the Bar Dates in accordance with the following procedures:

- a) The Debtors shall cause to be mailed (i) the Claim Form and (ii) the Bar Date Notice to the following parties, within five (5) business days of the later of (i) entry of the Bar Date Order, and (ii) the filing of the Schedules:
 - i) the U.S. Trustee;
 - ii) the Creditors’ Committee;
 - iii) all known creditors and other known holders of potential claims against any of the Debtors’ estates;
 - iv) all counterparties to the Debtors’ executory contracts and unexpired leases at the addresses stated therein or as updated pursuant to a request by the counterparty or by returned mail from the post office with a forwarding address;
 - v) all parties to pending litigation against the Debtors (as of the date of the entry of the Proposed Order);
 - vi) all parties who have requested notice pursuant to Bankruptcy Rule 2002 (as of the date of the entry of the Proposed Order);

- vii) all current and former employees of the Debtors (to the extent that contact information for former employees is available in the Debtors' records of the past two (2) years);
 - viii) all known non-Debtor equity and interest holders of the Debtors (as of the date of entry of the Proposed Order);
 - ix) the Internal Revenue Service for the district in which the case is pending and, if required by Bankruptcy Rule 2002(j), the Securities and Exchange Commission and any other required governmental units;
 - x) all taxing authorities for the jurisdictions in which the Debtors maintain or conduct business;
 - xi) all regulatory authorities that regulate the Debtors' business, including consumer protection, environmental, and permitting authorities;
 - xii) such additional persons and entities as deemed appropriate by the Debtors; and
 - xiii) all other entities listed on the Debtors' matrix of creditors.
- b) With regard to those holders of claims listed in the Schedules, the Debtors shall mail one or more Claim Forms (as appropriate), indicating on the form how the Debtors have scheduled such creditor's claim in the Schedules (including the identity of the Debtor, the amount of the claim and whether the claim has been scheduled as contingent, unliquidated, or disputed).

17. The Debtors intend to supplement notice of the Bar Dates by providing Publication Notice consistent with Bankruptcy Rule 2002(l) ("The court may order notice by publication if it finds that notice by mail is impracticable or that it is desirable to supplement the notice."). Such notice is appropriate for (a) those creditors to whom no other notice was sent and who are unknown or not reasonably ascertainable by the Debtors; (b) known creditors with addresses unknown by the Debtors; and (c) creditors with potential claims unknown by the Debtors. Accordingly, the Debtors propose publishing the Bar Date Notice, with any necessary modifications for ease of publication, once in the national editions of *The New York Times* and *USA Today* at least twenty-eight (28) days prior to the General Bar Date. The Debtors also request

authority, in their sole discretion, to publish the Bar Date Notice in additional newspapers, trade journals, or similar publications.

The Bar Date Notice

18. The Bar Date Notice specifically notifies parties of:

- a) the Bar Dates;
- b) who must file a Proof of Claim;
- c) the Procedures for filing a Proof of Claim;
- d) the consequences for failing to timely file a Proof of Claim; and
- e) where parties can find additional information.

19. Accordingly, the Debtors submit that the Bar Date Notice contains all required information and should be approved.

**The Proposed Bar Date and Procedures Are
Reasonably Calculated to Provide Due and Proper Notice**

20. Bankruptcy Rule 2002(a)(7) requires debtors to provide at least twenty-one (21) days' notice of the time fixed for filing proofs of claim. Bankruptcy Rule 2002(p)(2) requires at least thirty (30) days' notice to creditors with a foreign address.

21. Under the Proposed Order, the Debtors will be providing forty (40) days' notice to all known creditors. Accordingly, the Debtors submit that the proposed Bar Dates and Procedures provide sufficient time for all parties in interest, including any foreign creditors, to assert their claims. Furthermore, because the proposed Procedures will provide notice to all known parties in interest by mail and notice to any unknown parties in interest by publication, the Debtors submit that the proposed Procedures are reasonably calculated to provide notice to all parties that may wish to assert a claim in these chapter 11 cases.

22. KCC will also post the Claim Form, along with instructions for filing Proofs of Claim, on the website established in these chapter 11 cases (<http://www.kccllc.net/Briggs>). The Bar Date Notices will also provide that the Schedules may be accessed through the same website or by contacting KCC by telephone at (866) 544-7045 (U.S./Canada) or (781) 575-2084 (International) or by e-mail at <http://www.kccllc.net/Briggs/inquiry>.

23. Accordingly, the Debtors submit that no further or other notice of the Bar Dates is necessary and that the proposed Procedures provide due and proper notice of the Bar Dates.

Objections to Claims and Reservations of Rights

24. The Debtors reserve all rights and defenses with respect to any Proof of Claim, including, among other things, the right to dispute, assert offsets or defenses thereto, or otherwise object to any Proof of Claim on any grounds.

25. The Debtors also reserve all rights and defenses to any claim listed in the Schedules, including, among other things, the right to assert any offsets or defenses thereto, dispute or otherwise object to any such claims on any grounds; provided that, if the Debtors dispute any claim listed in the Schedules and such claim is not already listed as disputed, contingent, or unliquidated, the Debtors shall amend their Schedules as appropriate.

26. Furthermore, the Debtors reserve the right to seek a further order of this Court to fix a deadline by which holders of claims not subject to the Bar Dates must file Proofs of Claim against the Debtors or be forever barred from doing so.

27. Based on the foregoing, the Debtors submit that the relief requested herein is necessary, appropriate, and in the best interests of the Debtors and their estates.

Notice

28. 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 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 Internal Revenue Service; (vi) the United States Attorney's Office for the Eastern District of Missouri; (vii) the Securities and Exchange Commission; (viii) the Banks; (ix) any other party that has requested notice pursuant to Bankruptcy Rule 2002 (collectively, the "**Notice Parties**"). Notice of this Motion and any order entered hereon will be served in accordance with Local Rule 9013-3(A)(1).

No Previous Request

29. No previous request for the relief sought herein has been made by the Debtors to this or any other court.

WHEREFORE the Debtors respectfully request entry of the Proposed Order granting the relief requested herein and grant such other and further relief as the Court may deem just and appropriate.

Dated: August 4, 2020
St. Louis, Missouri

Respectfully submitted,

CARMODY MACDONALD P.C.

/s/ Robert E. Eggmann

Robert E. Eggmann, #37374MO
Christopher J. Lawhorn, #45713MO
Thomas H. Riske, #61838MO
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

*Proposed Local Counsel to the Debtors and
Debtors in Possession*

-and-

WEIL, GOTSHAL & MANGES LLP
Ronit J. Berkovich (admitted *pro hac vice*)
Debora A. Hoehne (admitted *pro hac vice*)
Martha E. Martir (admitted *pro hac vice*)
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

*Proposed Counsel to the Debtors
and Debtors in Possession*

Exhibit 1

Bar Date Notice

UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI

In re

**Briggs & Stratton Corporation, *et al.*,
Debtors.**

**Chapter 11 Case Nos.:
20-10575, 20-43597 through 20-43600
(Jointly Administered)**

NOTICE OF DEADLINES TO FILE PROOFS OF CLAIM

**TO: ALL PERSONS AND ENTITIES WHO MAY HAVE CLAIMS AGAINST ANY OF THE FOLLOWING
DEBTOR ENTITIES:**

<u>Name of Debtor</u>	<u>Case Number</u>	<u>Tax Identification Number (Last Four Digits)</u>
Briggs & Stratton Corporation	20-43597	2330
Allmand Bros., Inc.	20-43598	4710
Briggs & Stratton International, Inc.	20-43599	9957
Briggs & Stratton Tech, LLC	20-43600	2102
Billy Goat Industries, Inc.	20-10575	4442

OTHER NAMES USED BY THE DEBTORS IN THE PAST 8 YEARS:

Briggs & Stratton Power Products Group, LLC
Briggs & Stratton Power Products, LLC
Briggs & Stratton Power Products Group

Attorneys for Debtors

Robert E. Eggmann
Christopher J. Lawhorn
Thomas H. Riske
CARMODY MACDONALD P.C.
120 S. Central Avenue, Suite 1800
St. Louis, Missouri 63105
Telephone: (314) 854-8600
Facsimile: (314) 854-8660

Attorneys for Debtors

Ronit J. Berkovich
Debora A. Hoehne
Martha E. Martir
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Address of the Clerk of the Bankruptcy Court

United States Bankruptcy Court
Eastern District of Missouri
111 South 10th Street, Fourth Floor
St. Louis, MO 63102
T: (314) 244-4500
Office Hours: 8:30 a.m.–4:30 p.m. Monday–Friday

PLEASE TAKE NOTICE THAT:

YOU ARE RECEIVING THIS NOTICE (“**NOTICE**”) BECAUSE YOU MAY HAVE A CLAIM AGAINST THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES. HOWEVER, THE FACT THAT YOU ARE RECEIVING THIS NOTICE DOES NOT MEAN THAT THE DEBTORS BELIEVE THAT YOU HAVE A CLAIM AGAINST THE DEBTORS OR THAT YOU ACTUALLY HAVE A CLAIM AGAINST THE DEBTORS. THEREFORE, YOU SHOULD READ THIS NOTICE CAREFULLY AND CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS, INCLUDING WHETHER YOU SHOULD FILE A PROOF OF CLAIM.

On July 20, 2020 (the “**Petition Date**”), Briggs & Stratton Corporation and certain of its affiliates (collectively, the “**Debtors**”), filed voluntary cases under chapter 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Eastern District of Missouri (the “**Bankruptcy Court**”).

On [], 2020, the Bankruptcy Court, having jurisdiction over the chapter 11 cases of the Debtors, entered an order (the “**Bar Date Order**”) establishing the following Bar Dates:

(i) [], 2020 at 11:59 p.m. (prevailing Central Time) as the deadline for each person (as defined in section 101(41) of the Bankruptcy Code), excluding governmental units (as defined in section 101(27) of the Bankruptcy Code, the “**Governmental Units**”), to file a proof of claim (each, a “**Proof of Claim**”) in respect of a claim (as defined in section 101(5) of the Bankruptcy Code) against any Debtor which arose on or prior to the Petition Date, including, for the avoidance of doubt, secured claims, priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy Code (such deadline, the “**General Bar Date**”);

(ii) **January 19, 2021 at 11:59 p.m. (prevailing Central Time)** as the deadline for each Governmental Unit to file a Proof of Claim in respect of a prepetition claim against any Debtor (such deadline, the “**Governmental Bar Date**”);

(iii) **the later of (i) the General Bar Date or the Governmental Bar Date (if the amendment relates to a claim of a Governmental Unit), and (ii) 11:59 p.m. (prevailing Central Time) on the date that is forty (40) days from the date on which the Debtors provide notice of previously unfiled Schedules or an amendment or supplement to the Schedules** as the deadline by which each claimant holding a claim affected by such filing, amendment or supplement must file a Proof of Claim with respect to such claim (the “**Amended Schedules Bar Date**”); and

(iv) **the later of (i) the General Bar Date or the Governmental Bar Date (if a Governmental Unit is the counterparty to the executory contract or unexpired lease), and (ii) 11:59 p.m. (prevailing Central Time) on the date that is forty (40) days following service of an order approving rejection of any executory contract or unexpired lease of the Debtors** as the deadline by which a claimant asserting a claim resulting from the Debtors’ rejection of an executory contract or unexpired lease must file a Proof of Claim for damages arising from such rejection (the “**Rejection Damages Bar Date**” and, together with the General Bar Date, the Governmental Bar Date, and the Amended Schedules Bar Date, the “**Bar Dates**”).

You may be a creditor of one or more of the Debtors. However, the fact that you have received this Notice does not mean that the Debtors believe that you have a claim against the Debtors or that that you actually have claim against the Debtors. You should not file a Proof of Claim if you do not have a claim against a Debtor. You should consult an attorney if you have any questions, including whether you should file a proof of claim.

If you have any questions relating to this Notice, you may contact the Debtors’ claims and noticing agent, Kurtzman Carson Consultants, LLC (“KCC”), by telephone at (866) 544-7045 (U.S./Canada) or (781) 575-2084 (International) or by e-mail at <http://www.kccllc.net/Briggs/inquiry>.

NOTE: The staff of the Bankruptcy Clerk’s Office, the Office of the United States Trustee, and KCC cannot give legal advice.

INSTRUCTIONS:

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a proof of claim to vote on a chapter 11 plan filed by the Debtors or to share in distributions from the Debtors' bankruptcy estates if you have a claim that arose before the Petition Date, and it is not one of the types of claims described in Section 2 below. Claims based on acts or omissions of the Debtors that occurred before the Petition Date must be filed on or before the applicable Bar Date, even if such claims are not now fixed, liquidated, or certain or did not mature or become fixed, liquidated, or certain before the Petition Date.

Under section 101(5) of the Bankruptcy Code and as used in this notice, the word "claim" means a right to (a) payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

2. WHO NEED NOT FILE A PROOF OF CLAIM

The following persons (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts, or Governmental Units) are **not** required to file a Proof of Claim on or before the applicable Bar Date, solely with respect to the claims described below:

- a. any person or entity that has already properly filed a proof of claim against the Debtors in the above-captioned cases in a form substantially similar to the attached Proof of Claim form (the "**Claim Form**") or the Official Bankruptcy Form No. 410 (the "**Official Form**")¹;
- b. any person or entity whose claim is listed on the Schedules filed by the Debtors, provided that (x) the claim is not scheduled as "disputed", "contingent" or "unliquidated"; and (y) the claimant does not disagree with the amount, nature, and priority of the claim as set forth in the Schedules; and (z) the claimant does not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules;
- c. any person or entity whose claim has been allowed by an order of the Court entered on or before the applicable Bar Date;
- d. any person or entity whose claim has been paid in full by any of the Debtors in accordance with an order of the Bankruptcy Court entered on or before the applicable Bar Date;
- e. any person or entity that holds a claim for which specific deadlines other than the Bar Dates have been fixed by an order of the Bankruptcy Court entered on or prior to the applicable Bar Date;
- f. any Debtor having a claim against another Debtor;
- g. any person or entity that holds a claim that is allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration (other than a claim arising under section 503(b)(9) of the Bankruptcy Code);
- h. any current officer, director, and employee of the Debtors or any of their subsidiaries who may hold a contingent and unliquidated claim against the Debtors for indemnification, contribution, or

¹ The Official Form can be found at www.uscourts.gov/forms/bankruptcy-forms, the official website for the United States Bankruptcy Courts. The Claim Form can be found at <http://www.kccllc.net/Briggs>, the website established by KCC for the Debtors' chapter 11 cases.

reimbursement arising as a result of such officer's, director's, or employee's prepetition or postpetition services to the Debtors or their subsidiaries; provided that any officer, director or employee covered by this provision who wishes to assert a claim against the Debtors, other than a contingent and unliquidated claim against the Debtors for indemnification, contribution or reimbursement arising as a result of such officer's, director's, or employee's prepetition or postpetition services to the Debtors or their subsidiaries, must file a Proof of Claim on account of such claim on or before the General Bar Date unless another exception in this paragraph applies;

- i. any professional retained in these chapter 11 cases holding an administrative expense claim for postpetition fees and expenses allowable under section 330, 331, and 503(b) of the Bankruptcy Code;
- j. any person or entity that holds an equity interest in the Debtors, which interest is based exclusively upon the ownership of common or preferred stock, membership interests, partnership interests, or warrants, options, or rights to purchase, sell, or subscribe to such a security or interest; provided that any holder of an equity interest in the Debtors who wishes to assert a claim (as opposed to an ownership interest) against the Debtors (including a claim relating to such equity interest or the purchase or sale of such equity interest), must file a proof of claim on or before the applicable Bar Date;
- k. any holder of a claim limited exclusively to the repayment of principal, interest, fees, expenses, and any other amounts owing under any agreements governing any notes, bonds, debentures, or other debt securities (collectively, the "**Debt Securities**") issued by any of the Debtors (a "**Debt Claim**"), pursuant to an indenture or credit agreement, as applicable (together, the "**Debt Instruments**") if the relevant indenture trustee, administrative agent, registrar, paying agent, loan or collateral agent, or any other entity serving in a similar capacity however designated (each, a "**Debt Agent**") under the applicable Debt Instrument files a single Proof of Claim in the Debtors' lead chapter 11 case *In re Briggs & Stratton Corporation, Inc.* (Case No. 20-43597), on or before the applicable Bar Date, against all Debtors under the applicable Debt Instrument on account of all Debt Claims; provided that any holder of a Debt Claim wishing to assert a claim arising out of or relating to a Debt Instrument, other than a Debt Claim, must file a Proof of Claim with respect to such claim on or before the applicable Bar Date, unless another exception identified herein applies; provided, further, that in lieu of attaching voluminous documentation, including documentation for compliance with Bankruptcy Rule 3001(d), the Debt Agent under the Debt Instrument may include a summary of the operative documents with respect to the Debt Claims; or
- l. any person or entity that is not required to file a Proof of Claim pursuant to the final order approving the *Motion of Debtors for Interim and Final Orders (I) Authorizing Debtors to Obtain Postpetition Financing, (II) Authorizing Debtors to Use Cash Collateral, (III) Granting Liens and Superpriority Claims, (IV) Granting Adequate Protection to Prepetition Secured Parties, (V) Modifying Automatic Stay, (VI) Scheduling Final Hearing and (VII) Granting Related Relief* (ECF No. 35) (the "**Final DIP Order**"), solely with respect to the claims for which no Proof of Claim is required to be filed as set forth in the Final DIP Order.

3. INSTRUCTIONS FOR FILING PROOFS OF CLAIM

Except as otherwise set forth herein, each entity that asserts a claim against the Debtors that arose before the Petition Date **MUST** file a Proof of Claim.

The following procedures with respect to preparing and filing of Proofs of Claim will apply:

- a. Proofs of Claim must conform substantially to the attached Claim Form or Official Bankruptcy Form No. 410;

- b. Proofs of Claim must be filed (i) electronically through KCC's website for these cases (<http://www.kccllc.net/Briggs>) by following instructions for filing proofs of claim electronically or (ii) by mailing the original Proof of Claim either by U.S. Postal Service mail or overnight delivery to KCC's Claims Processing Center for the Debtors at Briggs Claims Processing Center, c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245;
- c. Proofs of Claim will be deemed filed only if actually received by KCC on or before the applicable Bar Date by one of the approved methods of filing provided herein;
- d. Proofs of Claim must (i) be written in the English language; (ii) be denominated in lawful currency of the United States as of the Petition Date (using the exchange rate, if applicable, as of the Petition Date); (iii) specify by name and case number the Debtor against which the claim is filed; (iv) set forth with specificity the legal and factual basis for the alleged claim; (v) include supporting documentation for the claim or an explanation as to why such documentation is not available; and (vi) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant under penalty of perjury;
- e. If the holder asserts a claim against more than one Debtor or has claims against different Debtors, a separate Proof of Claim form must be filed with respect to each Debtor except as specifically provided herein. If the holder lists multiple Debtors on the Proof of Claim, then the Debtors will treat such claim as if it is filed against the first listed Debtor. If the holder files a Proof of Claim without identifying a Debtor, such Proof of Claim will be deemed as filed only against Briggs & Stratton Corporation; and
- f. Proofs of Claim sent by facsimile, telecopy, or electronic mail transmission will not be accepted.

4. CONSEQUENCES OF FAILURE TO TIMELY FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

PURSUANT TO THE BAR DATE ORDER AND BANKRUPTCY RULE 3003(C)(2), ANY HOLDER OF A CLAIM WHO IS REQUIRED TO TIMELY FILE A PROOF OF CLAIM ON OR BEFORE THE APPLICABLE BAR DATE AS PROVIDED HEREIN, BUT FAILS TO DO SO, SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSES OF VOTING AND DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF SUCH CLAIM.

5. THE DEBTORS' SCHEDULES, ACCESS THERETO, AND CONSEQUENCES OF AMENDMENT THEREOF

You may be listed as the holder of a claim against the Debtors in the Debtors' Schedules of Assets and Liabilities (the "**Schedules**"). If you agree with the nature, amount, and status of your claim as listed in the Schedules and if your claim is not listed in the Schedules as "disputed," "contingent," or "unliquidated," you do not need to file a Proof of Claim. Otherwise, or if you decide to file a Proof of Claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Schedules may be examined by interested parties on the Court's electronic docket for the Debtors' chapter 11 cases, which is posted (i) on the website established by KCC for the Debtors' cases at <http://www.kccllc.net/Briggs> and (ii) on the Bankruptcy Court's website at <https://www.moeb.uscourts.gov/>. (A login and password to the Court's Public Access to Electronic Court Records ("**PACER**") are required to access the information on the Court's website and can be obtained through the PACER Service Center at www.pacer.psc.uscourts.gov). Copies of the Schedules also may be obtained by written request to the Debtors' claims agent, KCC, by telephone at (866) 544-7045 (U.S./Canada) or (781) 575-2084 (International) or by e-mail at <http://www.kccllc.net/Briggs/inquiry>.

In the event that the Debtors amend or supplement their Schedules subsequent the entry of the Bar Date Order, the Debtors shall give notice of any amendment or supplement to the holders of claims affected by such amendment or

supplement, and such holders must file a Proof of Claim by **the later of (a) the General Bar Date or the Governmental Bar Date, as applicable, and (b) 11:59 p.m., prevailing Central Time, on the date that is forty (40) days from the date on which the Debtors provide notice of a previously unfiled Schedule or an amendment or supplement to the Schedules**, or be forever barred from so doing, and such deadline shall be contained in any notice of such amendment or supplement of the Schedules provided to the holders of claims affected thereby.

6. RESERVATION OF RIGHTS

Nothing contained in this Notice is intended to or should be construed as a waiver of the Debtors' right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; and (c) otherwise amend or supplement the Schedules.

If you require additional information regarding the filing of a proof of claim, you may contact the Debtors' Claims and Noticing Agent, Kurtzman Carson Consultants, LLC, by telephone at (866) 544-7045 (U.S./Canada) or (781) 575-2084 (International) or by e-mail at <http://www.kccllc.net/Briggs/inquiry>.

THIS NOTICE MAY BE SENT TO MANY PERSONS THAT HAVE HAD SOME RELATIONSHIP WITH OR HAVE DONE BUSINESS WITH THE DEBTORS BUT MAY NOT HAVE AN UNPAID CLAIM AGAINST THE DEBTORS. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT THE DEBTORS BELIEVE THAT YOU HAVE A CLAIM AGAINST THE DEBTORS OR THAT YOU ACTUALLY HAVE A CLAIM AGAINST THE DEBTORS. YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST ANY OF THE DEBTORS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS, INCLUDING WHETHER YOU SHOULD FILE A PROOF OF CLAIM.

Exhibit 2

Claim Form

Your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/Briggs>.

United States Bankruptcy Court for the Eastern District of Missouri

Indicate Debtor against which you assert a claim by checking the appropriate box below. **(Check only one Debtor per claim form.)**

- ☐ Briggs & Stratton Corporation (Case No. 20-43597) ☐ Briggs & Stratton Tech, LLC (Case No. 20-43600)
- ☐ Allmand Bros., Inc. (Case No. 20-43598) ☐ Billy Goat Industries, Inc. (Case No. 20-10575)
- ☐ Briggs & Stratton International, Inc. (Case No. 20-43599)

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

Part 1: Identify the Claim

1. Who is the current creditor?	<div style="border-bottom: 1px solid black; margin-bottom: 5px;">Name of the current creditor (the person or entity to be paid for this claim)</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Other names the creditor used with the debtor</div>	
2. Has this claim been acquired from someone else?	<input type="checkbox"/> No <input type="checkbox"/> Yes. From whom? <div style="border-bottom: 1px solid black; width: 150px;"></div>	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Number Street</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">City State ZIP Code</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Country</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Contact phone</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Contact email</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Uniform claim identifier for electronic payments in chapter 13 (if you use one):</div>	Where should payments to the creditor be sent? (if different) <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Name</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Number Street</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">City State ZIP Code</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Country</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Contact phone</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">Contact email</div>
4. Does this claim amend one already filed?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) <div style="border-bottom: 1px solid black; width: 100px;"></div> Filed on <div style="border-bottom: 1px solid black; width: 100px;"></div> MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? <div style="border-bottom: 1px solid black; width: 150px;"></div>	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____

7. How much is the claim? \$ ____ Does this amount include interest or other charges?
☐ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? ☐ No
☐ Yes. The claim is secured by a lien on property.
- Nature of property:**
- ☐ Real estate: If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
- ☐ Motor vehicle
- ☐ Other. Describe: _____
- Basis for perfection:** _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
- Value of property:** \$ _____
- Amount of the claim that is secured:** \$ _____
- Amount of the claim that is unsecured:** \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)
- Amount necessary to cure any default as of the date of the petition:** \$ _____
- Annual Interest Rate** (when case was filed) _____ %
- ☐ Fixed
- ☐ Variable

10. Is this claim based on a lease? ☐ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☐ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☐ Yes. Check all that apply:

Amount entitled to priority

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). \$ _____

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). \$ _____

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). \$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). \$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). \$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies. \$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

☐ No

☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
- ☐ I am the creditor's attorney or authorized agent.
- ☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- ☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code Country

Contact phone _____ Email _____

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

04/19

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

Briggs Claims Processing Center
c/o KCC
222 N. Pacific Coast Hwy., Ste. 300
El Segundo, CA 90245

Alternatively, your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/Briggs>.

How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.

- Fill in the caption at the top of the form

- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.

- Attach any supporting documents to this form.
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

- Do not attach original documents because attachments may be destroyed after scanning.

- If the claim is based on delivery health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.

- For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian.
For example, write A.B., a minor child (John Doe, parent, 123 Main St., City, State). See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may view a list of filed claims in this case by visiting the Claims and Noticing and Agent's website at <http://www.kccllc.net/Briggs>

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing that bankruptcy estate.

11 U.S.C. § 503

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

Claim Pursuant to 11 U.S.C. §503(b)(9): A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity to who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. §101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Do not file these instructions with your form.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.