

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	CHAPTER 11
	§	
COBALT INTERNATIONAL ENERGY	§	Case No. 17-36709 (MI)
INC, <i>et al</i>	§	(Jointly Administered)
Reorganized Debtors	§	
	§	

**To the Honorable Marvin Isgur
United States Bankruptcy Judge:**

**SPRING BRANCH INDEPENDENT SCHOOL DISTRICT’S MOTION FOR A MORE
DEFINITE STATEMENT PURSUANT TO FRCP 12(e)**

(Relates to Doc. No. 1241)

Spring Branch Independent School District (“Spring Branch ISD”), files this Motion for a More Definite Statement Pursuant to FRCP 12(e) (the “Motion”), and respectfully shows as follows:

Jurisdiction

1. The Court has jurisdiction to consider this matter under 28 U.S.C. §§ 157 and 1334.

Background

2. On December 14, 2017 (the “Petition Date”) Cobalt International Energy, Inc and affiliates (the “Debtors”) filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code.
3. On April 5, 2018 the Debtors’ Fourth Amended Joint Chapter 11 Plan of Cobalt International Energy, Inc. and Its Debtor Affiliates was confirmed and Nader Tavakoli appointed as Plan Administrator.

4. On January 31, 2019, Nader Tavakoli, the Plan Administrator, filed a Motion for Entry Of An Order Determining 2018 Ad Valorem Tax Liabilities pursuant to 11 U.S.C. Sec. 505 (“Administrator’s Motion”).

5. At some point in time certain property on which Spring Branch ISD assessed post-petition taxes for tax year 2018 located at 920 Memorial City Way, Suite 100, Houston, Texas 77024 was sold or disposed of.

Relief Requested

6. Spring Branch ISD hereby moves for a more definite statement under FED. R. CIV. PROC. R. 12(e) and asserts that the Administrator’s Motion is “so vague or ambiguous” that they cannot prepare a response.

7. The Plan Administrator requests relief under 11 U.S.C. § 505 on the grounds that the Memorial City Property was sold for substantially less than the value it was rendered and appraised for. However, no specific information is provided as to the date such sale or sales occurred, the marketing efforts undertaken in conjunction with the sales, descriptions of the property sold or otherwise disposed of, and the amount it was sold for.

8. Attorneys for Spring Branch and Houston have made attempts to locate or obtain the above information but have been unsuccessful.

WHEREFORE, Spring Branch Independent School District respectfully requests that the Plan Administrator be required to provide a more definite statement as provided under FED. R. CIV. PROC. R. 12(e).

Respectfully Submitted,

PERDUE, BRANDON, FIELDER
COLLINS & MOTT, L.L.P.

/s/ Owen M. Sonik

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CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of February, 2019, I sent a true and correct copy of the above and foregoing Spring Branch Independent School District's Motion for More Definite Statement Pursuant to FRCP 12(e) to the following parties by the following means:

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Any other parties eligible to receive notice through the Court's ECF e-notice

/s/Owen M. Sonik
Owen M. Sonik

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	§	

**To the Honorable Marvin Isgur
United States Bankruptcy Judge:**

**PROPOSED ORDER GRANTING SPRING BRANCH INDEPENDENT SCHOOL
DISTRICT AND CITY OF HOUSTON'S MOTION FOR A MORE DEFINITE
STATEMENT PURSUANT TO FRCP 12(e)**

(Relates to Doc. # _____)

On this date, the Court heard the Motion for a More Definite Statement Pursuant to FRCP 12(e) (the "Motion"), reviewed the contents of the Court's file, reviewed the evidence presented, arguments of counsel, and testimony of witnesses, if any. The Court hereby finds that it is

ORDERED that Nader Tavakoli, the Plan Administrator, file a more definite statement within 14 days of this Order or the Court will strike the Motion of Nader Tavakoli, Acting Solely as Plan Administrator, For Entry of An Order Determining 2018 Ad Valorem Tax Liabilities Pursuant to 11 U.S.C. Sec. 505 (the "Administrator's Motion").

Date

Marvin Isgur
United States Bankruptcy Judge