

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

In re:	)	Chapter 11
)	
LINC USA GP, <i>et al.</i> ¹	)	Case No. 16-32689 (DRJ)
)	
Debtors.	)	(Jointly Administered)

**CHAPTER 11 CREDITOR TRUSTEE’S THIRD OMNIBUS
OBJECTION TO CERTAIN PROOFS OF CLAIM (UNTIMELY CLAIMS)**

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW ALL OR A PORTION OF THE CLAIM THAT YOU FILED IN THESE BANKRUPTCY CASES. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED.

THIS MATTER HAS BEEN SET FOR HEARING ON NOVEMBER 9, 2017 AT 2:00 P.M. (CENTRAL TIME) BEFORE THE HONORABLE DAVID R. JONES, CHIEF UNITED STATES BANKRUPTCY JUDGE, 515 RUSK AVENUE, 4TH FLOOR, COURTROOM 400, HOUSTON, TEXAS 77002.

THIS OBJECTION SEEKS TO DISALLOW AND EXPUNGE CERTAIN PROOFS OF CLAIM. CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON SCHEDULE 1 ATTACHED TO THIS OBJECTION.

**To the Honorable David R. Jones,
United States Chief Bankruptcy Judge:**

Alexandre Zyngier, as the Trustee (the “Trustee”) of the Linc Chapter 11 Creditor Trust (the “Trust”), files this Third Omnibus Objection to Certain Proofs of Claim (Untimely Claims)

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtors’ federal tax identification number, are: Linc Energy Finance (USA), Inc. (6684); Linc USA GP (5234); Linc Energy Resources, Inc. (9613); Linc Gulf Coast Petroleum, Inc. (6790); Linc Energy Petroleum (Louisiana), LLC (1074); Linc Alaska Resources, LLC (2362); Paen Insula Holdings, LLC (1681); Linc Energy Petroleum (Wyoming), Inc. (9859); and Linc Energy Operations, Inc. (5806).



(the “Objection”) pursuant to 11 U.S.C. §§ 502 and 507 and Rule 3007 of the Federal Rules of Bankruptcy Procedure.

SUMMARY OF OBJECTION

The Trustee objects to certain claims as untimely filed (hereinafter, the “Untimely Claims”). The Trustee seeks entry of an order disallowing and expunging the Untimely Claims identified on **Schedule 1**, attached hereto, because each such claim was filed past the deadline to file a proof of claim.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This Objection is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The bases for the relief requested in this objection are sections 105(a) and 502(b) of title 11 of the United States Code §§ 101-1532 (the “Bankruptcy Code”), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 3007-1 of the Bankruptcy Local Rules for the Southern Districts of Texas. Pursuant to the Debtors’ Joint Plan of Liquidation (the “Plan”) [Doc. No. 450], this Court retained jurisdiction over claim objections.

LEGAL AUTHORITY

3. Section 502 of the Bankruptcy Code deems the allowance of a claim or interest, proof of which is filed under Section 501 of the Bankruptcy Code “unless a party in interest . . . objects.” 11 U.S.C. § 502. Bankruptcy Rule 3007 provides certain grounds upon which “objections to more than one claim may be joined in an omnibus objection,” which includes objections to claims that “were not timely filed.” FED. R. BANKR. P. 3007(d)(5).

4. Bankruptcy Rule 3001(f) provides that “[a] proof of claim executed and filed in accordance with [the Bankruptcy Rules] shall constitute prima facie evidence of the validity and amount of the claim.” *See, e.g., In re Jack Kline Co., Inc.*, 440 B.R. 712, 742 (Bankr. S.D. Tex. 2010). A proof of claim loses the presumption under Bankruptcy Rule 3001(f) when an objecting party refutes at least one allegation that is essential to the claim’s legal sufficiency. *See In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988). The burden then shifts to the claimant to prove the validity of its claim by a preponderance of the evidence. *Id.* Thus, even with the burden shifting framework, “the ultimate burden of proof always lies with the claimant.” *In re Armstrong*, 347 B.R. 581, 583 (Bankr. N.D. Tex. 2006) (citing *Raleigh v. Ill. Dep’t of Rev.*, 530 U.S. 15 (2000)).

5. As a general rule, “an untimely proof of claim will be allowed unless an objection is made based on the tardiness of the claim.” *In re Rodriguez*, 567 B.R. 275, 278–79 (Bankr. S.D. Tex. 2017) (citing *In re Hogan*, 346 B.R. 715, 721 (Bankr. N.D. Tex. 2006) (“Section 502(b)(9) has made clear, for over a decade now, that a proof of claim not timely filed, regardless of whether it is secured or unsecured, should not be allowed if there is an objection made on grounds of timeliness.”)).

FACTUAL BACKGROUND

6. On May 29, 2016 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11, title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Court”).

7. On October 24, 2016, the deadline for filing proof of claims passed (the “Bar Date”). [Doc. No. 158].

8. On November 28, 2016, the deadline for filing government proof of claims passed (the “Government Bar Date”). [*Id.*].

9. On February 13, 2017, the Court entered the order (the “Confirmation Order”) [Doc. No. 536], which confirmed the Debtors’ Plan (the “Plan”). [Doc. No. 450]. Pursuant to the Plan and Confirmation Order, the Trustee was vested with the authority to, among other things, review and object to claims.

10. As of the date hereof, more than 538 proofs of claim have been filed in Debtors’ Chapter 11 cases. The Trustee and his advisors have commenced a claims reconciliation process that includes identifying particular categories of claims that may be targeted for disallowance and expungement, reduction and allowance, or reclassification and allowance. In addition to the present Objection, the Trustee may file further individual and/or omnibus objections.

CLAIMS AND OBJECTION

11. The Untimely Claims listed in **Schedule 1** were filed against the Debtors’ estates.

12. The Trustee objects to each claim listed in **Schedule 1** as an “Untimely Claim” because they are claims filed after the Bar Date. The Trustee has reviewed the claims and has concluded that the Untimely Claims should be barred as untimely.

13. Allowing the Untimely Claims would result in the holders of those claims (the “Untimely Claimants”) receiving a distribution to the detriment of other creditors, who filed their claim timely. Accordingly, the Trustee requests that the Untimely Claims in **Schedule 1** be disallowed and expunged in their entirety.

RESERVATION OF RIGHTS

14. The Trustee expressly reserves all rights related to this Objection, including, without limitation, the right to amend, modify, or supplement this Objection and/or raise any

additional objections or arguments, prior to or during any hearing(s) regarding the claims, or any hearing regarding payment of any claims. The Trustee also reserves the right to object to any of the claims on any other grounds, and does not admit the validity of any claim filed by a claimant against a different Debtor-entity (if applicable). All such rights are expressly reserved and preserved.

SEPARATE CONTESTED MATTER

15. To the extent that a response is filed regarding any Untimely Claim and the Trustee is not able to resolve any such response, each Untimely Claim, and the Objection as it pertains to such Untimely Claim, will constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. Further, the Trustee request that any order entered by the Court regarding an objection or other reply asserted in response to this Objection be deemed a separate order with respect to each proof of claim.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Objection as set forth above, and grant relief to which the Trustee may be justly entitled.

Dated: September 30, 2017

Porter Hedges LLP

/s/ Eric M. English

Eric M. English

State Bar No. 24062714

Rachel I. Thompson

State Bar No. 24093258

Porter Hedges LLP

1000 Main Street, 36th Floor

Houston, Texas 77002-2764

Telephone: (713) 226-6000

Facsimile: (713) 226-6255

**ATTORNEYS FOR ALEXANDRE
ZYNGIER, THE TRUSTEE OF THE
LINC CHAPTER 11 CREDITOR
TRUST**

CERTIFICATE OF SERVICE

I certify that, on September 30, 2017, a true and correct copy of the foregoing document was forwarded by electronic transmission to all registered ECF users appearing in the case and by U.S. first class mail to the parties listed on Exhibit A attached hereto.

/s/ Rachel I. Thompson _____

Rachel I. Thompson

EXHIBIT A

Blakeman Propane Inc.
4111 North HWY 14-16
Gillette, WY 82716

Breazeale, Sachse & Wilson
17168 Frazier Drive
Batson, Texas 77519

Bud Griffin Customer Support
5010 Terminal
Bellaire, Texas 77401

David Brown Irrevocable Trust
Dustin Brown, Trustee
1780 Ranger Highway
Weatherford, Texas 76088

Diana L. Todd
313 Sweetbay Drive
Chesapeake, Virginia 23322

Fantome Tower L.P.
P.O. Box 974597
Dallas, Texas 75397

Flexpipe Systems (US) LLC
Shawcor Composite Production Systems
4250 N. Sam Houston Pkwy. Suite 180
Houston, Texas 77032

Frances Leland Fondren
5006 Green Tree
Houston, Texas 77056

Gael Wiatt Garwick Burke
P.O. Box 95
Paauilo, Hawaii 96776

Internal Revenue Service
1919 Smith Street
5022HOU
Houston, Texas 77002

Kenall Inc.
8101 Westglen Drive
Houston, Texas 77063

Lauren C. Davis – Deceased
Deborah L. Davis – Conservator of
MyKayla C. Davis (Minor)
710 Bayridge Road
La Porte, Texas 77571

Leggette, Brashears & Graham, Inc.
4 Research Drive, Suite 204
Shelton, Connecticut 06484

Linc Energy Limited (in Liquidation)
Level 27, 345 Queen Street
Brisbane, QLD 4000, Australia

Lynn L. Bourdon Jr. MD
Village Green Lane
Longview, Texas 75605

Marine Fueling Service, Inc.
900 Old Yacht Club Road
Port Arthur, Texas 77642

Martin Energy Services LLC
Scott McPherson
Three Riverway, Suite 400
Houston, Texas 77056

S.A. Mikalson
c/o Byron Mikalson, Creditor's Trustee
257 B Avenue
Coronado, California 92118

Nancy Grace Bostick Corbett
600 Park Grove Lane, Apt. 138
Katy, Texas 77450

Quality Process Services, LLC
P.O. Box 3317
Houma, Louisiana 70361

Pitney Bowes Global Financial Services
27 Waterview Drive
Shelton, Connecticut 06484

Thornton Seiler
378 Forest Beach Road
Annapolis, Maryland 81409

Schedule 1
Untimely Claims

	Claim Number	Debtor	Name and Address of Claimant	Secured	Administrative	Priority	Unsecured	Total Claim Amount	Unliquidated
Untimely Claim	130	Linc Energy Operations	Creditor: BLAKEMAN PROPANE INC	\$0.00	\$0.00	\$0.00	\$5,991.32	\$5,991.32	
Date Filed	11/18/2016		Blakeman Propane Inc. 4111 North HWY 14-16 Gillette, WY 82716						
Untimely Claim	19	Diasu Oil & Gas Company, Inc.	Creditor: Breazeale, Sachse & Wilson	\$0.00	\$0.00	\$0.00	\$5,766.35	\$5,766.35	
Date Filed	11/23/2016		17168 Frazier Drive Batson, Texas 77519						
Untimely Claim	137	Linc USA GP	Creditor: Bud Griffin Customer Support	\$0.00	\$0.00	\$0.00	\$540.00	\$540.00	
Date Filed	5/1/2016		Bud Griffin Customer Support 5010 Terminal Bellaire, TX 77401						
Untimely Claim	87	Linc Gulf Coast Petroleum, Inc.	Creditor: DAVID BROWN IRREV TRUST	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	10/26/2016		DAVID BROWN IRREV TRUST DUSTIN BROWN TRUSTEE 1780 Ranger Highway Weatherford, TX 76088						
Untimely Claim	129	Linc USA GP	Creditor: Diana L. Todd	\$0.00	\$0.00	\$0.00	\$82,041.09	\$82,041.09	
Date Filed	12/6/2016		Diana L. Todd 313 Sweetbay Drive Chesapeake VA 23322						
Untimely Claim	135	Linc Energy Operations, Inc.	Creditor: FANTOME TOWER L.P.	\$0.00	\$0.00	\$0.00	\$4,925.69	\$4,025.69	
Date Filed	12/9/2016		Fantome Tower L.P. P.O. Box 974597 Dallas, TX 75397						
Untimely Claim	127	Linc USA GP	Creditor: FLEXPIPE SYSTEMS (US) LLC	\$0.00	\$0.00	\$0.00	\$2,827.62	\$2,827.62	
Date Filed	11/22/2016		Shawcor Composite Production Systems 4250 N. Sam Houston Pkwy. Suite 180 Houston, TX 77032						
Untimely Claim	136	Linc USA GP	Creditor: FRANCES LELAND FONDREN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	4/27/2017		FRANCES LELAND FONDREN 5006 Green Tree Houston, TX 77056						
Untimely Claim	133	Linc USA GP	Creditor: GAEL WIATT GARWICK BURKE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	3/17/2017		P.O. Box 95 Paauilo, HI 96776 USA						
Untimely Claim	132	Linc USA GP	Creditor: Internal Revenue Service	\$0.00	\$0.00	\$5,000.00	\$0.00	\$5,000.00	
Date Filed	2/27/2017		1919 Smith Street M/S 5022HOU Houston, TX 77002						
Untimely Claim	89	Linc Gulf Coast Petroleum, Inc.	Creditor: KENALL INC	\$0.00	\$0.00	\$0.00	\$42,853.00	\$42,853.00	
Date Filed	4/21/2017								

Schedule 1
Untimely Claims

Claim Number	Debtor	Name and Address of Claimant	Secured	Administrative	Priority	Unsecured	Total ClaimAmount	Unliquidated
Untimely Claim	124	Linc USA GP						
Date Filed	10/31/2016							
		KENALL INC 8101 Westglen Drive Houston, TX 77063	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: LAUREN C DAVIS - DECEASED						
Untimely Claim	130	Linc USA GP				\$66,197.95	\$66,197.95	
Date Filed	12/7/2016							
		Deborah L Davis - Conservator of MyKayla C. Davis (Minor) 710 Bayridge Rd. La Porte, TX 77571	\$0.00	\$0.00	\$0.00	\$66,197.95	\$66,197.95	
		Creditor: Leggette, Brashears & Graham, Inc.						
Untimely Claim	131	Linc USA GP				\$32,430.23	\$32,430.23	
Date Filed	1/27/2017							
		Leggette, Brashears & Graham, Inc. 4 Research Drive, Suite 204 Shelton CT 06484	\$0.00	\$0.00	\$0.00	\$32,430.23	\$32,430.23	
		Creditor: LYNN L. BOURDON JR MD						
Untimely Claim	136	Linc Energy Operations, Inc.				\$380.00	\$380.00	
Date Filed	12/13/2016							
		Lynn L Bourdon Jr MD 112 Village Green Ln Longview, TX 75605	\$0.00	\$0.00	\$0.00	\$380.00	\$380.00	
		Creditor: MARINE FUELING SERVICE, INC						
Untimely Claim	129	Linc Energy Operations, Inc.				\$873.00	\$873.00	
Date Filed	10/27/2016							
		Marine Fueling Service, Inc. 9000 Old Yacht Club Rd. Port Arthur, TX 77642	\$0.00	\$0.00	\$0.00	\$873.00	\$873.00	
		Creditor: MARTIN ENERGY SERVICES LLC						
Untimely Claim	6	Paen Insula Holdings, LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Scott McPherson Three Riverway, Suite 400 Houston, TX 77056	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	7	Diasu Holdings, LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	7	Linc Alaska Resources, LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	8	Linc Energy Petroleum (Louisiana), LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	11	Linc Energy Finance (USA), Inc.				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	12	Linc Energy Resources, Inc.				\$0.00	\$0.00	Yes
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor:						

Schedule 1
Untimely Claims

	Claim Number	Debtor	Name and Address of Claimant	Secured	Administrative	Priority	Unsecured	Total ClaimAmount	Unliquidated
Date Filed	5/3/2017		Mr. S. A. Mikalson Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	16	Linc Energy Petroleum (Wyoming), Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	21	Diasu Oil & Gas Company, Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	90	Linc Gulf Coast Petroleum, Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	138	Linc USA GP	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	139	Linc Energy Operations, Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	135	Linc USA GP	Creditor: NANCY GRACE BOSTICK CORBETT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	4/20/2017		Nancy Grace Bostick Corbett 600 Park Grove Ln. Apt. 138						
Untimely Claim	134	Linc USA GP	Creditor: Quality Process Services, LLC	\$0.00	\$0.00	\$0.00	\$20,011.42	\$20,011.42	
Date Filed	4/19/2017		Quality Process Services P.O. Box 3317 Houma, LA 70361						
Untimely Claim	139	Linc USA GP	Creditor: Pitney Bowes Global Financial Services LLC	\$0.00	\$0.00	\$0.00	\$0.00	\$1,980.77	\$1,980.77
Date Filed	7/20/2017		27 Waterview Drive Shelton, CT 06484						
Untimely Claim	15	Linc Energy Petroleum (Wyoming), Inc.	Creditor: THORNTON SEILER	\$0.00	\$0.00	\$0.00	\$2,300.00	\$2,300.00	
Date Filed	5/3/2017		Thornton Seiler 378 Forest Beach Rd. Annapolis, MD 81409						

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

In re:	)	Chapter 11
)	
LINC USA GP, et al. ¹	)	Case No. 16-32689 (DRJ)
)	
Debtors.	)	(Jointly Administered)

DECLARATION OF WILLIAM G. WEST

I, William G. West, hereby declare under penalty of perjury:

1. My name is William G. West, P.C., C.P.A, and I assist the Chapter 11 Creditor Trustee in the above-styled case with certain accounting and reporting services. I have practiced accounting for nearly forty (40) years. Moreover, I have represented Trustees in the Southern, Eastern, Western, and Northern Districts of Texas as a CPA for over twenty-five (25) years. I have also served as a Chapter 7 Trustee, Chapter 11 Trustee, Liquidating Trustee and Examiner in numerous cases.

2. I am generally familiar with the Debtors’ financing arrangements, business affairs and books and records that reflect, among other things, the Debtors’ liabilities and the amounts owed to their creditors as of the Petition Date. I have read the Chapter 11 Creditor Trustee’s Third Omnibus Objection to certain Untimely Claims (“Omnibus Objection”), filed contemporaneously herewith.²

3. To the best of my knowledge, information, and belief, the assertions made in the Omnibus Objection are accurate. The Trustee’s counsel and personnel have reviewed the Debtors’ books and records and the relevant proofs of claim, as well as the supporting documentation provided by each claimant, and have determined that each Untimely Claim—as identified on **Schedule 1** of the Omnibus Objection—should be disallowed and expunged.


4. I believe that the disallowance and expungement of the Untimely Claims on the terms set forth in the Third Omnibus Objection is appropriate, and I request that the Untimely Claims be disallowed and expunged.

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² Capitalized terms used but not defined in this declaration shall have the meaning ascribed to them in the Omnibus Objection.

5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the facts set forth in the foregoing declaration are true and correct to the best of my knowledge, information, and belief.

Dated: September 20, 2017



William G. West, P.C., C.P.A

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

In re:	)	Chapter 11
)	
LINC USA GP, <i>et al.</i> ¹	)	Case No. 16-32689 (DRJ)
)	
Debtors.	)	(Jointly Administered)

**NOTICE OF CHAPTER 11 CREDITOR TRUSTEE’S THIRD OMNIBUS CLAIMS
OBJECTION TO CERTAIN PROOFS OF CLAIM (UNTIMELY CLAIMS)**

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW ALL OR A PORTION OF THE CLAIM THAT YOU FILED IN THESE BANKRUPTCY CASES. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED.

THIS MATTER HAS BEEN SET FOR HEARING ON NOVEMBER 9, 2017 AT 2:00 P.M. (CENTRAL TIME) BEFORE THE HONORABLE DAVID R. JONES, CHIEF UNITED STATES BANKRUPTCY JUDGE, 515 RUSK AVENUE, 4TH FLOOR, COURTROOM 400, HOUSTON, TEXAS 77002.

Important Information Regarding the Objection

Grounds for the Objection. Pursuant to the *Third Omnibus Claims Objection to Certain Proofs of Claim (Untimely Claims)* (the “Omnibus Objection”), the Trustee is seeking to disallow and expunge certain proofs of claims, as identified in **Schedule 1** attached hereto, on the grounds that such claims are untimely filed. The claims subject to this notice may also be

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtors’ federal tax identification number, are: Linc Energy Finance (USA), Inc. (6684); Linc USA GP (5234); Linc Energy Resources, Inc. (9613); Linc Gulf Coast Petroleum, Inc. (6790); Linc Energy Petroleum (Louisiana), LLC (1074); Linc Alaska Resources, LLC (2362); Paen Insula Holdings, LLC (1681); Linc Energy Petroleum (Wyoming), Inc. (9859); and Linc Energy Operations, Inc. (5806).

found on the schedules attached to the Omnibus Objection, a copy of which has been provided with this notice.

Objection Procedures. On August 23, 2017, the United States Bankruptcy Court for the Southern District of Texas (the “Court”) entered an order [Docket No. 636] approving procedures for filing and resolving objections to claims asserted against the Debtors in the chapter 11 cases (the “Objection Procedures”). *Please review the Objection Procedures to ensure your response to the Objection, if any, is timely and correctly filed and served.*

RESOLVING THE OBJECTION

1. You Must File a Response to Oppose the Objection

If you disagree with the Omnibus Objection filed with respect to your claim, you must file a response (each a “Response”) with the Court in accordance with the procedures described below and appear at the Hearing (as defined below).

2. Contents of Response

Each Response must contain the following (at a minimum):

- (i) The name of the Omnibus Objection to which the Response is directed;
- (ii) A concise statement setting forth the reasons why the Court should not grant the objection with respect to such claim, including the factual and legal bases upon which the claimant will rely in opposition to the Omnibus Objection;
- (iii) A copy of other documentation or other evidence of the claim, to the extent not already included with the claim, upon which the claimant will rely in opposition to the objection; provided that the claimant need not disclose confidential, proprietary, or otherwise protected information in the Response; and further provided, that the claimant shall disclose to counsel to the Trustee all information and provide copies of all documents that the claimant believes to be confidential, proprietary, or otherwise

protected and upon which the claimant intends to rely in support of its claim, subject to appropriate confidentiality constraints;

- (iv) A declaration or other statement of a person with personal knowledge of the relevant facts that support the Response; and
- (v) The following contact information for the responding party:
 - a. The name, address, telephone number, and email address of the responding claimant or the name, address, telephone number, and email address of the claimant's attorney or designated representative to whom counsel for the Trustee should serve a reply to the Response, if any; or
 - b. The name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the objection on the claimant's behalf.

3. You Must Serve the Response on the Notice Party

A Response will be deemed timely only if it is (a) filed with the Court and served electronically using the Court's electronic filing system and (b) actually received by 4:00 p.m. (Central Time) on the day that is thirty (30) calendar days from the date of the Omnibus Objection is served (the "Response Deadline") unless as otherwise ordered by the Court, by the following party (the "Notice Party"):

- Porter Hedges LLP, Attn: Eric M. English, 1000 Main Street, Floor 36, Houston, Texas 77002.

4. Consequences of Failing to File and Serve a Response

A Response that is not filed and served in accordance with these procedures may not be considered by the Court at the Hearing. Absent reaching an agreement with the Trustee resolving the objection to a claim (as described in the Objection Notice), failure to timely file

and serve a Response as set forth herein or to appear at the Hearing may result in the Court granting the Omnibus Objection without further notice of hearing.

Upon entry of an order sustaining an Omnibus Objection, affected creditors will be served with such order.

5. A Hearing Will be Held on the Omnibus Objection

A hearing (the "Hearing") on the Omnibus Objection will be held on November 9, 2017 at 2:00 P.M. (Central Time), before the Honorable David R. Jones, Chief United States Bankruptcy Judge, in Courtroom 400, 515 Rusk, Houston, Texas 77002. The Hearing may be adjourned to a subsequent date in the Trustee's sole discretion. You must attend the Hearing if you disagree with the Omnibus Objection and have filed a Response. Contested claims for which (a) a Response is filed in accordance with the proposed response procedures but such Response is not resolved prior to the Hearing and (b) an appearance is made at the Hearing, may be heard at the Hearing or adjourned to a subsequent hearing in the Trustee's sole discretion. If a subsequent hearing is determined to be necessary, the Trustee shall file with the Court and serve on the affected claimants a notice of the hearing (the date of which shall be determined in consultation with the affected claimant(s)), or announce such adjournment on the record.

6. Discovery

If the Trustee determines that discovery is necessary in advance of a hearing on an Omnibus Objection, the Trustee will serve notice on you and/or your counsel of record that the scheduled hearing will be treated as a status conference during which the parties will request that the Court issue a scheduling order to facilitate dismissal or resolution of the litigation. Such notice may be incorporated into the initial agenda letter for the hearing, or may be provided by separate notice.

7. Additional Information

Copies of these procedures, the Motion, the Order, or any other pleadings (the “Pleadings”) filed in this case are available at no cost on the Debtors’ bankruptcy website: <http://www.kccllc.net/linc>. You may also obtain copies of any of the Pleadings filed in this case for a fee at the Court’s website at <http://www.txs.uscourts.gov/bankruptcy>. A login identification and password to the Court’s Public Access to Court Electronic Records can be obtained through the PACER Service Center at <http://www/pacer/psc/uscourts.gov>.

8. Reservation of Rights

Nothing in any Omnibus Objection or Objection Notice is intended or shall be deemed to constitute:

- (i) An admission as to the validity of any prepetition claim against the Debtor;
- (ii) A waiver of any rights of the Trustee to dispute any prepetition claim on any grounds;
- (iii) A promise or requirement to pay any prepetition claim;
- (iv) An implication or admission that any particular claim is of a type specified or defined in the Motion or any order granting the relief requested by the Motion;
- (v) A request for authorization to assume any prepetition agreement, contract, or lease pursuant to § 365 of the Bankruptcy Code; or
- (vi) A waiver of any right of the Trustee under the Bankruptcy Code or any other applicable law.

Dated: September 30, 2017

Porter Hedges LLP

/s/ Eric M. English

Eric M. English

State Bar No. 24062714

Rachel I. Thompson

State Bar No. 24093258

Lisa Kollenberg

State Bar No. 24097950

Porter Hedges LLP

1000 Main Street, 36th Floor

Houston, Texas 77002-2764

Telephone: (713) 226-6000

Facsimile: (713) 226-6255

**ATTORNEYS FOR ALEXANDRE
ZYNGIER, THE TRUSTEE OF THE
LINC CHAPTER 11 CREDITOR
TRUST**

CERTIFICATE OF SERVICE

I certify that, on September 30, 2017, a true and correct copy of the foregoing document was forwarded by electronic transmission to all registered ECF users appearing in the case and by U.S. first class mail to the parties listed on Exhibit A attached hereto.

/s/ Rachel I. Thompson _____
Rachel I. Thompson

EXHIBIT A

Blakeman Propane Inc.
4111 North HWY 14-16
Gillette, WY 82716

Breazeale, Sachse & Wilson
17168 Frazier Drive
Batson, Texas 77519

Bud Griffin Customer Support
5010 Terminal
Bellaire, Texas 77401

David Brown Irrevocable Trust
Dustin Brown, Trustee
1780 Ranger Highway
Weatherford, Texas 76088

Diana L. Todd
313 Sweetbay Drive
Chesapeake, Virginia 23322

Fantome Tower L.P.
P.O. Box 974597
Dallas, Texas 75397

Flexpipe Systems (US) LLC
Shawcor Composite Production Systems
4250 N. Sam Houston Pkwy. Suite 180
Houston, Texas 77032

Frances Leland Fondren
5006 Green Tree
Houston, Texas 77056

Gael Wiatt Garwick Burke
P.O. Box 95
Paauilo, Hawaii 96776

Internal Revenue Service
1919 Smith Street
5022HOU
Houston, Texas 77002

Kenall Inc.
8101 Westglen Drive
Houston, Texas 77063

Lauren C. Davis – Deceased
Deborah L. Davis – Conservator of
MyKayla C. Davis (Minor)
710 Bayridge Road
La Porte, Texas 77571

Leggette, Brashears & Graham, Inc.
4 Research Drive, Suite 204
Shelton, Connecticut 06484

Linc Energy Limited (in Liquidation)
Level 27, 345 Queen Street
Brisbane, QLD 4000, Australia

Lynn L. Bourdon Jr. MD
Village Green Lane
Longview, Texas 75605

Marine Fueling Service, Inc.
900 Old Yacht Club Road
Port Arthur, Texas 77642

Martin Energy Services LLC
Scott McPherson
Three Riverway, Suite 400
Houston, Texas 77056

S.A. Mikalson
c/o Byron Mikalson, Creditor's Trustee
257 B Avenue
Coronado, California 92118

Nancy Grace Bostick Corbett
600 Park Grove Lane, Apt. 138
Katy, Texas 77450

Quality Process Services, LLC
P.O. Box 3317
Houma, Louisiana 70361

Pitney Bowes Global Financial Services
27 Waterview Drive
Shelton, Connecticut 06484

Thornton Seiler
378 Forest Beach Road
Annapolis, Maryland 81409

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

In re:	)	Chapter 11
)	
LINC USA GP, et al. ¹	)	Case No. 16-32689 (DRJ)
)	
Debtors.	)	(Jointly Administered)

**ORDER SUSTAINING CHAPTER 11 CREDITOR TRUSTEE’S THIRD
OMNIBUS OBJECTION TO CERTAIN PROOFS OF CLAIM (UNTIMELY CLAIMS)**

[Relates to Doc. No. ____]

UPON CONSIDERATION of the Chapter 11 Creditor Trustee’s Third Omnibus Objection (the “Objection”)² to Certain Proofs of Claim (Untimely Claims), and this Court having jurisdiction to consider the Objection, and venue being proper, and due and sufficient notice of the Objection having been given; and after due deliberation thereon, it is HEREBY ORDERED THAT:

1. The Objection is sustained as set forth herein.
2. Each Untimely Claim, as identified in **Schedule 1** to this Order, is disallowed and expunged in its entirety.
3. The clerk of the Court is authorized and directed to update the claims register maintained in these chapter 11 cases to reflect the relief granted in this Order.
4. Each claim and the objections by the Trustee to each claim identified in **Schedule 1** constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate order with respect to each Untimely Claim.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtors’ federal tax identification number, are: Linc Energy Finance (USA), Inc. (6684); Linc USA GP (5234); Linc Energy Resources, Inc. (9613); Linc Gulf Coast Petroleum, Inc. (6790); Linc Energy Petroleum (Louisiana), LLC (1074); Linc Alaska Resources, LLC (2362); Paen Insula Holdings, LLC (1681); Linc Energy Petroleum (Wyoming), Inc. (9859); and Linc Energy Operations, Inc. (5806).

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Objection.

5. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any prepetition claim against Debtors; (b) waiver of any party's right to dispute any prepetition claim on any grounds; (c) a promise or requirement to pay any prepetition claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Objection or any order granting relief requested by this Objection; (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; or (f) waiver of the Debtors' rights under the Bankruptcy Code or any other applicable law.

6. The terms and conditions of this Order will be immediately effective and enforceable upon its entry.

7. The Trustee is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.

8. This Court shall retain exclusive jurisdiction to resolve any dispute arising from or related to this Order.

Dated: _____, 2017
Houston, Texas

THE HONORABLE DAVID R JONES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

Schedule 1
Untimely Claims

	Claim Number	Debtor	Name and Address of Claimant	Secured	Administrative	Priority	Unsecured	Total Claim Amount	Unliquidated
Untimely Claim	130	Linc Energy Operations	Creditor: BLAKEMAN PROPANE INC	\$0.00	\$0.00	\$0.00	\$5,991.32	\$5,991.32	
Date Filed	11/18/2016		Blakeman Propane Inc. 4111 North HWY 14-16 Gillette, WY 82716						
Untimely Claim	19	Diasu Oil & Gas Company, Inc.	Creditor: Breazeale, Sachse & Wilson	\$0.00	\$0.00	\$0.00	\$5,766.35	\$5,766.35	
Date Filed	11/23/2016		17168 Frazier Drive Batson, Texas 77519						
Untimely Claim	137	Linc USA GP	Creditor: Bud Griffin Customer Support	\$0.00	\$0.00	\$0.00	\$540.00	\$540.00	
Date Filed	5/1/2016		Bud Griffin Customer Support 5010 Terminal Bellaire, TX 77401						
Untimely Claim	87	Linc Gulf Coast Petroleum, Inc.	Creditor: DAVID BROWN IRREV TRUST	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	10/26/2016		DAVID BROWN IRREV TRUST DUSTIN BROWN TRUSTEE 1780 Ranger Highway Weatherford, TX 76088						
Untimely Claim	129	Linc USA GP	Creditor: Diana L. Todd	\$0.00	\$0.00	\$0.00	\$82,041.09	\$82,041.09	
Date Filed	12/6/2016		Diana L. Todd 313 Sweetbay Drive Chesapeake VA 23322						
Untimely Claim	135	Linc Energy Operations, Inc.	Creditor: FANTOME TOWER L.P.	\$0.00	\$0.00	\$0.00	\$4,925.69	\$4,025.69	
Date Filed	12/9/2016		Fantome Tower L.P. P.O. Box 974597 Dallas, TX 75397						
Untimely Claim	127	Linc USA GP	Creditor: FLEXPIPE SYSTEMS (US) LLC	\$0.00	\$0.00	\$0.00	\$2,827.62	\$2,827.62	
Date Filed	11/22/2016		Shawcor Composite Production Systems 4250 N. Sam Houston Pkwy. Suite 180 Houston, TX 77032						
Untimely Claim	136	Linc USA GP	Creditor: FRANCES LELAND FONDREN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	4/27/2017		FRANCES LELAND FONDREN 5006 Green Tree Houston, TX 77056						
Untimely Claim	133	Linc USA GP	Creditor: GAEL WIATT GARWICK BURKE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	3/17/2017		P.O. Box 95 Paauilo, HI 96776 USA						
Untimely Claim	132	Linc USA GP	Creditor: Internal Revenue Service	\$0.00	\$0.00	\$5,000.00	\$0.00	\$5,000.00	
Date Filed	2/27/2017		1919 Smith Street M/S 5022HOU Houston, TX 77002						
Untimely Claim	89	Linc Gulf Coast Petroleum, Inc.	Creditor: KENALL INC	\$0.00	\$0.00	\$0.00	\$42,853.00	\$42,853.00	
Date Filed	4/21/2017								

Schedule 1
Untimely Claims

Claim Number	Debtor	Name and Address of Claimant	Secured	Administrative	Priority	Unsecured	Total ClaimAmount	Unliquidated
Untimely Claim	124	Linc USA GP						
Date Filed	10/31/2016							
		KENALL INC 8101 Westglen Drive Houston, TX 77063	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: LAUREN C DAVIS - DECEASED						
Untimely Claim	130	Linc USA GP				\$66,197.95	\$66,197.95	
Date Filed	12/7/2016							
		Deborah L Davis - Conservator of MyKayla C. Davis (Minor) 710 Bayridge Rd. La Porte, TX 77571	\$0.00	\$0.00	\$0.00	\$66,197.95	\$66,197.95	
		Creditor: Leggette, Brashears & Graham, Inc.						
Untimely Claim	131	Linc USA GP				\$32,430.23	\$32,430.23	
Date Filed	1/27/2017							
		Leggette, Brashears & Graham, Inc. 4 Research Drive, Suite 204 Shelton CT 06484	\$0.00	\$0.00	\$0.00	\$32,430.23	\$32,430.23	
		Creditor: LYNN L. BOURDON JR MD						
Untimely Claim	136	Linc Energy Operations, Inc.				\$380.00	\$380.00	
Date Filed	12/13/2016							
		Lynn L Bourdon Jr MD 112 Village Green Ln Longview, TX 75605	\$0.00	\$0.00	\$0.00	\$380.00	\$380.00	
		Creditor: MARINE FUELING SERVICE, INC						
Untimely Claim	129	Linc Energy Operations, Inc.				\$873.00	\$873.00	
Date Filed	10/27/2016							
		Marine Fueling Service, Inc. 9000 Old Yacht Club Rd. Port Arthur, TX 77642	\$0.00	\$0.00	\$0.00	\$873.00	\$873.00	
		Creditor: MARTIN ENERGY SERVICES LLC						
Untimely Claim	6	Paen Insula Holdings, LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Scott McPherson Three Riverway, Suite 400 Houston, TX 77056	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	7	Diasu Holdings, LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	7	Linc Alaska Resources, LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	8	Linc Energy Petroleum (Louisiana), LLC				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	11	Linc Energy Finance (USA), Inc.				\$0.00	\$0.00	Yes
Date Filed	5/3/2017							
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor: Mr. S. A. Mikalson						
Untimely Claim	12	Linc Energy Resources, Inc.				\$0.00	\$0.00	Yes
		Byron Mikalson 257 B Avenue Coronado, CA 92118	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
		Creditor:						

Schedule 1
Untimely Claims

	Claim Number	Debtor	Name and Address of Claimant	Secured	Administrative	Priority	Unsecured	Total ClaimAmount	Unliquidated
Date Filed	5/3/2017		Mr. S. A. Mikalson Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	16	Linc Energy Petroleum (Wyoming), Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	21	Diasu Oil & Gas Company, Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	90	Linc Gulf Coast Petroleum, Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	138	Linc USA GP	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	139	Linc Energy Operations, Inc.	Creditor: Mr. S. A. Mikalson	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	5/3/2017		Byron Mikalson 257 B Avenue Coronado, CA 92118						
Untimely Claim	135	Linc USA GP	Creditor: NANCY GRACE BOSTICK CORBETT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	Yes
Date Filed	4/20/2017		Nancy Grace Bostick Corbett 600 Park Grove Ln. Apt. 138						
Untimely Claim	134	Linc USA GP	Creditor: Quality Process Services, LLC	\$0.00	\$0.00	\$0.00	\$20,011.42	\$20,011.42	
Date Filed	4/19/2017		Quality Process Services P.O. Box 3317 Houma, LA 70361						
Untimely Claim	139	Linc USA GP	Creditor: Pitney Bowes Global Financial Services LLC	\$0.00	\$0.00	\$0.00	\$0.00	\$1,980.77	\$1,980.77
Date Filed	7/20/2017		27 Waterview Drive Shelton, CT 06484						
Untimely Claim	15	Linc Energy Petroleum (Wyoming), Inc.	Creditor: THORNTON SEILER	\$0.00	\$0.00	\$0.00	\$2,300.00	\$2,300.00	
Date Filed	5/3/2017		Thornton Seiler 378 Forest Beach Rd. Annapolis, MD 81409						