

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

In re: §
§
NEIGHBORS LEGACY HOLDINGS, INC., *et al.*, § Case No. 18-33836 (MI)
§
Debtors. § (Chapter 11)

CERTIFICATE OF NO OBJECTION TO
MOTION OF DEFENDANTS IN LITIGATION BROUGHT BY
GERALD H. PHIPPS, INC. D/B/A GH PHIPPS CONSTRUCTION CO.
FOR AN ORDER APPROVING SETTLEMENT OF CONTROVERSIES
(Relates to Docket Nos. 1195 and 1197)

1. On May 25, 2021, Movants Bruce W. McVeigh, Tensie Axton, Thomas G. Gruenert, Lauren A. Cotton, Maureen L. Fuhrmann, Andy Chen, Cyril Gillman, Dharmesh Patel, Hitesh Patel, Setul G. Patel, Paul Alleyne, Michael Chang, Quang Henderson, James Thompson, and Chad Shandler (collectively, the “Movants” or “Defendants”), through their respective legal counsel, filed their *Motion of Defendants in Litigation Brought by Gerald H. Phipps, Inc. d/b/a Phipps Construction Co. for an Order Approving Settlement of Controversies* (ECF No. 1195) (the “Motion”).

2. Also on May 25, 2021, the Motion was filed and electronically served via the Court’s CM/ECF noticing system on the Debtors and Debtors’ counsel, the Trustee of the Unsecured Creditor Trust of Neighbors Legacy Holdings, Inc. and its Debtor affiliates and such Trustee’s counsel, the Liquidating Trustee and Liquidating Trustee’s counsel, the Office of the U.S. Trustee, and all other creditors, counsel, and parties-in-interest who are registered as filing users of the CM/ECF system in the referenced main bankruptcy case, as shown on the notice of electronic filing that was automatically generated by the Court’s electronic filing system.

3. On May 26, 2021, at the direction and under the supervision of the undersigned counsel, a true and complete copy of the Motion was served via First Class U.S. Mail, postage



183383621063000000000001

prepaid, on all other creditors, counsel, and parties in interest who do not automatically receive electronic service, as shown on the mailing matrix.

4. On June 1, 2021, the undersigned filed and electronically served via the Court's CM/ECF noticing system on the Debtors and Debtors' counsel, the Trustee of the Unsecured Creditor Trust of Neighbors Legacy Holdings, Inc. and its Debtor affiliates and such Trustee's counsel, the Liquidating Trustee and Liquidating Trustee's counsel, the Office of the U.S. Trustee, and all other creditors, counsel, and parties in interest who are registered as filing users of the CM/ECF system in the referenced main bankruptcy case, as shown on the notice of electronic filing that was automatically generated by the Court's electronic filing system, the following:

***Corrected Notice of Hearing on Motion of Defendants in
Litigation Brought by Gerald H. Phipps, Inc. d/b/a Phipps
Construction Co. for an Order Approving Compromise of
Controversies (ECF No. 1197) (the "Notice).***

5. On June 2, 2021, at the direction and under the supervision of the undersigned, a true and complete copy of the Notice was served via First Class U.S. Mail, postage prepaid, on all other creditors, counsel, and parties in interest who do not automatically receive electronic service, as shown on the mailing matrix.

6. On June 4, 2021, the undersigned filed and served a Certificate of Service with respect to both the Motion and the Notice (ECF No. 1198), certifying the completion of service of the Motion and Notice by electronic service and by First Class U.S. Mail, postage prepaid, on all creditors, counsel, and parties in interest, as shown on **Exhibit A** and **Exhibit B** thereto. Accordingly, service was accomplished with respect to the Motion and Notice on June 2, 2021.

7. With a generous allowance of twenty-six (26) days after mail service of the Notice, and thirty-four (34) days after electronic service of the Motion, objections to the Motion were required to be filed and served on or before June 28, 2021 (the "Objection Deadline").

8. The undersigned counsel files this Certificate of No Objection and represents to the Court that (i) more than 24 hours have passed since the Objection Deadline, (ii) the undersigned counsel is unaware of any objections or other responses to the Motion, and (iii) the undersigned counsel has reviewed the Court's docket and no objection or response to the Motion appears thereon.

9. Therefore, the Movants respectfully represent that the Motion is unopposed, request entry of an order granting the Motion in substantially the form of proposed Order filed with the Motion (ECF No. 1195-1), and further request that the Court cancel the July 7, 2021 9:00 a.m. hearing setting on the Motion and remove it from the docket.

Dated: June 30, 2021.

Respectfully submitted.

/s/ Mark S. Finkelstein

Mark S. Finkelstein

Texas Bar No. 07015100 | S.D. Texas No. 5543

SHANNON, MARTIN, FINKELSTEIN, ALVARADO &
DUNNE, P.C.

1001 McKinney Street, Suite 1100

Houston, Texas 77002

T: (713) 646-5503 | F: (713) 752-0337

Email: mfinkelstein@smfadlaw.com

***An Attorney for Setul G. Patel, M.D.,
one of the Movants***

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing document was served through the Court's CM/ECF noticing system in this case on June 30, 2021.

/s/ Mark S. Finkelstein

Mark S. Finkelstein