

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
NUVECTRA CORPORATION¹ § Chapter 11
§
DEBTOR. § Case No. 19-43090
§

PLAN ADMINISTRATOR’S MOTION TO CONTINUE HEARING ON OBJECTION
TO CLAIM 111 OF GREATBATCH LTD

TO THE HONORABLE BRENDA T. RHOADES
UNITED STATES BANKRUPTCY JUDGE:

Allison Byman, Plan Administrator (the “Plan Administrator”) for Nuvectra Corporation (the “Debtor”) hereby files this *Motion to Continue Hearing on Objection to Claim 111 of Greatbatch, Ltd.* (the “Motion”). In support of the Motion, the Plan Administrator respectfully shows the Court as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C § 1334 and the Standing Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc from the United States District Court for the Eastern District of Texas, dated August 6, 1984. This matter is a core proceeding under 28 U.S.C. § 157(b)(2).

2. Venue of this Chapter 11 Case (as defined below) and the Motion is proper pursuant to 28 U.S.C §§ 1408 and 1409.

3. The statutory predicates for the relief requested herein are Bankruptcy Rule 3007 and Local Rule 3007-1.

¹ The last four digits of the Debtor’s federal tax identification number are: 3847.



II. BACKGROUND

4. On November 12, 2019 (the “Petition Date”), the Debtor commenced this chapter 11 case (the “Chapter 11 Case”) by filing a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The deadline for filing claims in these cases for all parties other than governmental parties was March 11, 2020. For governmental entities, the deadline for filing claims was May 11, 2020.

5. On May 21, 2020, the Court entered an Order [Dkt. No. 351] (the “Confirmation Order”) confirming the Second Amended Plan of Liquidation of Nuvectra Corporation Under Chapter 11 of the Bankruptcy Code [Dkt. No. 339] (the “Plan”).

6. The Plan’s Effective Date was June 2, 2020. *See* Docket No. 353.

7. Allison Byman is designated as the Plan Administrator. *See* Docket No. 351.

8. Pursuant to Article I of the Plan the deadline for the Plan Administrator to file objections to proofs of claim was set as August 31, 2020 (the “Claim Objection Bar Date”), 90 days after the Effective Date. However, on January 21, 2021 (and on a prior occasion) the Plan Administrator requested and the Court granted an extension of the Claim Objection Bar Date up to and including June 26, 2021 [Dkt. No. 4020].

9. The Plan Administrator’s appointment is expressly approved by the Confirmation Order under Section VI, Paragraph 23 which states the appointment of Allison Byman as the Plan Administrator pursuant to the terms of the Plan and Plan Administrator Agreement is authorized and approved, and Ms. Byman (and any successor Plan Administrator) shall have full authority to carry out the Plan pursuant to its terms and the terms set forth in the Plan Administrator Agreement (a true and correct copy of the Plan Administrator Agreement is attached as Exhibit “A” to the Plan Supplement [Dkt. No. 338] (reference is made to the Plan Administrator Agreement and incorporated as if fully set forth herein).

Pursuant to the Confirmation Order and the United States Code (“Bankruptcy Code”), the Plan Administrator has standing and authority to review the claims and to file objections to proofs of claim and scheduled claims. The Plan Administrator and its counsel have reviewed the proofs of claim and scheduled claims filed in this Chapter 11 Case pursuant to a reconciliation process that includes identifying particular categories of Claims that may be targeted for disallowance and expungement, reduction and allowance, reassignment, or reclassification.

10. On March 11, 2020, Greatbatch Ltd. (the “Claimant”) filed Proof of Claim No. 111 (the “Claim”) in the amount of \$29,657,972.51. The Claim asserts that \$12,150.00 is entitled to administrative priority under 503(b)(9) of the Bankruptcy Code. On June 15, 2021 the Plan Administrator objected to the Claim (the “Objection”) [Dkt. No. 439] and on July 26, 2021, a Notice of Hearing (the “Notice”) [Dkt. No. 449] was filed and the Claim was set for hearing on August 24, 2021 at 9:29 AM.

11. The Plan Administrator files this Motion seeking to continue the hearing on the Objection while they engage in settlement negotiations and attempt to resolve this matter without the need for a hearing. This continuance is not sought for delay or to prejudice any party.

III. RELIEF REQUESTED

12. By this Motion, the Plan Administrator respectfully requests the Court continue the hearing to October 5, 2021 at 9:29 AM.

WHEREFORE, PREMISES CONSIDERED, the Plan Administrator respectfully requests that the Court enter an order granting a continuance of the hearing to October 5, 2021 at 9:29 AM., and such other further relief as the Court deems appropriate.

Dated: August 18, 2021.

CROWE & DUNLEVY, P.C.

By: /s/ Christina W. Stephenson

Vickie L. Driver

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**ATTORNEYS FOR THE PLAN
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CERTIFICATE OF CONFERENCE

I hereby certify that on August 10th, 2021, I conferred with counsel for Greatbatch, Ltd regarding the relief requested herein and they are not opposed to the relief requested herein.

/s/ Christina W. Stephenson

Christina W. Stephenson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served upon all parties registered to receive notice via the Court's CM/ECF notification system on this 18th day of August, 2021.

/s/ Christina W. Stephenson

Christina W. Stephenson

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE: §
§ **Chapter 11**
NUVECTRA CORPORATION¹ §
§ **Case No. 19-43090**
DEBTOR. §
§

**ORDER CONTINUING HEARING ON PLAN ADMINISTRATOR’S MOTION TO
CONTINUE HEARING ON OBJECTION TO CLAIM 111 OF GREATBATCH LTD**

CAME ON FOR CONSIDERATION the *Plan Administrator’s Motion to Continue Hearing on Objection to Claim 111 of Greatbatch Ltd.* [Docket No. 477] (the “Motion”), filed by Allison Byman, Plan Administrator (the “Plan Administrator”) in the above-referenced bankruptcy case. Having reviewed the Motion, the Court finds that it has jurisdiction to grant the relief requested in the Motion pursuant to 28 U.S.C. §§ 1334 and 157(b)(2) and that good cause exists for entry of the following Order. It is therefore

ORDERED that the Motion is **GRANTED** and the hearing on the Motion is continued to October 5, 2021 at 9:29 AM.

HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE

¹ The last four digits of the Debtor’s federal tax identification number are: 3847.

Order prepared by:

/s/ Christina W. Stephenson

Vickie L. Driver

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