

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

In re:	§	
	§	Chapter 11
	§	
SPEEDCAST INTERNATIONAL	§	
LIMITED, <i>et al.</i> ,	§	Case No. 20-32243 (MI)
	§	
Reorganized Debtors. <sup>1</sup>	§	(Jointly Administered)
	§	

**MOTION OF REORGANIZED DEBTORS FOR  
ENTRY OF AN ORDER (I) APPROVING OMNIBUS CLAIMS  
OBJECTIONS PROCEDURES AND FILING OF SUBSTANTIVE  
OMNIBUS CLAIMS OBJECTIONS, (II) WAIVING THE REQUIREMENT  
OF BANKRUPTCY RULE 3007(E)(6) AND (III) GRANTING RELATED RELIEF**

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTIES TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTIES CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTIES. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS MOTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

SpeedCast International Limited and its debtor affiliates in the above-captioned chapter 11 cases, as reorganized debtors (collectively, the “**Debtors**” and, as reorganized, the “**Reorganized Debtors**”), respectfully represent as follows in support of this motion (this “**Motion**”):

<sup>1</sup> A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <http://www.kccllc.net/speedcast>. The Reorganized Debtors’ service address for the purposes of these chapter 11 cases is 4400 S. Sam Houston Parkway East, Houston, Texas 77048.



### **Relief Requested**

1. By this Motion, the Reorganized Debtors seek entry of an order substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”) (i) approving the omnibus claims objection procedures attached to the Proposed Order as **Exhibit 1** (the “**Objection Procedures**”), (ii) waiving the Requirement of Bankruptcy Rule 3007(e)(6), and (iii) granting related relief.

### **Jurisdiction**

2. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory bases for the relief requested in this Motion are sections 105(a) and 502(a) of the Bankruptcy Code, rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), rules 3007-1 and 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “**Local Rules**”), and Rules 33 and 34 of the Procedures for Complex Cases in the Southern District of Texas (the “**Complex Case Rules**”).

### **Background**

4. On April 23, 2020 (the “**Petition Date**”), each of the Reorganized Debtors commenced with this Court a voluntary case under chapter 11 of the Bankruptcy Code (the “**Bankruptcy Code**”).

5. The Reorganized Debtors’ chapter 11 cases are being jointly administered for procedural purposes only pursuant to Rule 1015(b) of the Bankruptcy Rules and Rule 1015-1 of the Local Rules.

6. On July 6, 2020 the Court entered the *Order (I) Establishing Deadline to File Proofs of Claim; and (II) Approving Form and Manner of Notice Thereof* (ECF No. 463) (“**Bar Date Order**”). Pursuant to the Bar Date Order, the Court established August 6, 2020 at

5:00 p.m. (prevailing Central Time) as the deadline for non-governmental units to file proofs of claim against the Reorganized Debtors (the “**General Bar Date**”) and October 20, 2020 at 5:00 p.m. (prevailing Central Time) as the deadline for government units (as defined in section 101(27) of the Bankruptcy Code) to file proofs of claim against the Reorganized Debtors (“**Government Bar Date**”).

7. On January 22, 2021, the Court entered the *Findings of Fact, Conclusions of Law, and Order (I) Approving Disclosure Statement on a Final Basis, (II) Confirming Third Amended Joint Chapter 11 Plan of SpeedCast International Limited and its Debtor Affiliates, (III) Approving Plan Settlement Agreement, and (IV) Granting Related Relief* (ECF No. 1397).

8. On March 11, 2021, the Plan went effective (the “**Effective Date**”).

9. On July 8, 2021, the Court entered the *Order Extending Deadline to Object to Claims* (ECF No. 1658), extending the deadline for the Reorganized Debtors to object to claims through and including October 7, 2021.

### **The Claims Reconciliation Process**

10. According to the official register of claims maintained by Kurtzman Carson Consultants LLC, to date, over 1500 proofs of claim (the “**Proofs of Claim**”) have been filed against the Reorganized Debtors in these cases, in addition to approximately 1,800 scheduled claims (together with claims asserted in the Proofs of Claim, the “**Claims**”). The Proofs of Claim have a total approximate aggregate face amount of over \$1.2 billion. The Reorganized Debtors have already made material progress in reviewing and analyzing the Claims. During these analyses, the Reorganized Debtors have determined that a meaningful number of Claims have substantially similar defects or flaws which are grounds for such Claims to be disallowed or modified. As discussed below, many of these objectionable characteristics are grounds for an omnibus objection under Bankruptcy Rule 3007(d), but some are not.

**Relief Pursuant to Bankruptcy Rules 3007(c) and Local Rules 3007-1**

11. The Reorganized Debtors will begin filing objections to Claims to facilitate and expedite additional distributions to creditors under the Plan. To do that in a timely, efficient, fair and cost-effective manner, the Reorganized Debtors seek through this Motion to establish claim objection procedures to object to Claims on an omnibus basis on the grounds set forth in Bankruptcy Rule 3007(d) and on the following additional grounds (the “**Additional Grounds**”):

- (a) such claims are inconsistent with the Reorganized Debtors’ books and records;
- (b) fail to specify the asserted Claim amount (or only list the claim amount as “unliquidated”);
- (c) were, in whole or in part paid prepetition or paid post-petition pursuant to an order entered by the Court or are satisfied by payment in full on account of such Claim from a party that is not a Reorganized Debtor;
- (d) seek recovery of amounts for which the Reorganized Debtors are not liable, including but not limited to rejection damages claims that exceed the maximum allowable amount of such claims under 11 U.S.C. § 502(b)(6);
- (e) assert a priority in an amount that exceeds the maximum amount under § 507 of the Bankruptcy Code;
- (f) are incorrectly or improperly classified under the Bankruptcy Code or the Plan;
- (g) have been formally withdrawn by the claimant through the filing of a pleading or through the entry of a Court order indicating withdrawal of the Claim;
- (h) are filed against non-Reorganized Debtors or are filed against multiple Reorganized Debtors;
- (i) fail to specify a Reorganized Debtor against whom the Claim is asserted;
- (j) are disallowed pursuant to, or asserted in an amount, priority, or on terms that are otherwise inconsistent with the Plan
- (k) are disallowed pursuant to §502 of the Bankruptcy Code; or
- (l) fail to sufficiently specify the basis for the Claim or provide sufficient supporting documentation therefor.

12. Through the proposed procedures, the Reorganized Debtors will be able to object to more than one Claim (and potentially in excess of 100 Claims) per objection. To minimize the costs the Reorganized Debtors otherwise would incur to prepare and file individual objections on a claim-by-claim basis, the Reorganized Debtors will object to Claims on the grounds set forth in Bankruptcy Rule 3007(d) and herein seeks to (a) object to certain Claims on

the Additional Grounds in an omnibus objection format, (b) join objections to various Claims on multiple bases into a single omnibus objection, in accordance with the proposed Objection Procedures, and (c) request a waiver of Bankruptcy Rule 3007(e)(6) so that they may include more than 100 Claims in a single Omnibus Objection.

### **The Objection Procedures**

13. The Objection Procedures, attached to the Proposed Order as **Exhibit 1**, describe the key aspects of the Reorganized Debtors' proposed claims objection process, including, among other things:

- (a) the form of omnibus objection (each, an “**Omnibus Objection**”) to be submitted by the Reorganized Debtors;
- (b) the types of exhibits and supporting documentation that the Reorganized Debtors will include with each Omnibus Objection;
- (c) the form of the notice provided to affected creditors (the “**Objection Notice**”), which will conform substantially to the form notice attached to the Proposed Order as **Exhibit 2**;
- (d) where reasonably available, the information necessary for affected creditors to attempt to resolve the objection to their Claim and/or file a formal response thereto, and the implications of failing to timely resolve or respond to an objection;
- (e) information relating to filing a formal reply to a filed response; and
- (f) information relating to discovery and hearings on Omnibus Objections.

14. To protect the due process rights of creditors, the Reorganized Debtors will comply with, and the Objection Procedures will preserve, the procedural safeguards for omnibus claim objections set forth in Bankruptcy Rule 3007(e) and Local Rule 3007-1, as indicated in Complex Case Rules 33 and 34. The Reorganized Debtors and its professionals also intend to serve affected creditors with the Objection Notice, substantially in the form attached to the Proposed Order as **Exhibit 2**, which notice will include, among other things, information regarding the Omnibus Objection, the response deadline and procedures for responding to the Omnibus Objection if a claimant disagrees with the proposed treatment of its respective Claim.

15. Additionally, to minimize costs and to facilitate an efficient claims resolution process, the Reorganized Debtors request a waiver of Bankruptcy Rule 3007(e)(6) so that they may include more than 100 Claims in a single Omnibus Objection. The Reorganized Debtors believe that limiting Omnibus Objections to 100 Claims or fewer, as Bankruptcy Rule 3007(e)(6) otherwise requires, will result in an excessive number of Omnibus Objections that will increase costs and may confuse creditors. Streamlining the number of Omnibus Objections will mitigate these concerns.

16. Consistent with Bankruptcy Rule 3007(f), the Reorganized Debtors request that any order sustaining an Omnibus Objection on one or more of the Additional Grounds be a final order with respect to the Claims referenced in such order as if an individual objection had been filed for each Claim.

### **Relief Requested Should be Granted**

17. Section 105(a) of the Bankruptcy Code provides that a bankruptcy court may “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of the [Bankruptcy Code]” 11 U.S.C. § 105(a). Under section 105(a) of the Bankruptcy Code, the Court has expansive equitable power to fashion any order or decree that is in the interest of preserving or protecting the value of a debtor’s assets, as long as such power is “exercised in a manner that is consistent with the Bankruptcy Code.” *See e.g. Stern v. Stern (In re Stern)*, 204 F.3d 1117 (5th Cir. 1999) (quoting *Chiasson v. J. Louis Matherne & Assocs. (In re Oxford Mgmt, Inc.)*, 4 F.3d 1329, 1334 (5th Cir. 1993)); *see also, Comm. of Equity Sec. Holders v. Lionel Corp. (In re Lionel Corp.)*, 722 F.2d 1063, 1069 (2d. Cir. 1983) (“[A] bankruptcy judge must have substantial freedom to tailor his orders to meet differing circumstances.”). Approval of the Objection Procedures is an appropriate exercise of the Court’s power under section 105(a) of the Bankruptcy

Code, as the procedures are in conformity with the Bankruptcy Rules, Local Rules and Complex Case Rules.

18. Bankruptcy Rule 3007 requires that an objection to a proof of claim be made in writing, and that the claimant be provided with not less than thirty (30) days' notice of the hearing to be held in respect of such objection. *See* Fed. R. Bankr. P. 3007(a). Bankruptcy Rule 3007(c) proscribes joining multiple objections into an omnibus claim objection, “[u]nless otherwise ordered by the court or permitted by subdivision (d).” Bankruptcy Rule 3007(d), in turn, provides that:

[O]bjections to more than one claim may be joined in an omnibus objection if all the claims were filed by the same entity, or the objections are solely based on the grounds that the claims should be disallowed, in whole or in part, because:

- a. they duplicate other claims;
- b. they have been filed in the wrong case;
- c. they have been amended by subsequently filed proofs of claim;
- d. they were not timely filed;
- e. they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order;
- f. they were presented in a form that does not comply with applicable rules, and the objections states that the objector is unable to determine the validity of the claim because of the noncompliance;
- g. they are interests, rather than claims; or
- h. they assert priority in an amount that exceeds the maximum amount under § 507 of the Code.

19. In addition to the specific grounds for filing omnibus objections to claims in Bankruptcy Rule 3007(d), Bankruptcy Rule 3007(c) authorizes the Court to allow omnibus objections on other grounds. As set forth above, the Reorganized Debtors expect to object to a number of Claims both on the grounds enumerated in Bankruptcy Rule 3007(d) and the Additional Grounds.

20. Courts in this district have authorized the filing of omnibus objections to claims on grounds similar to the Additional Grounds in other large chapter 11 cases and also granted a waiver of Bankruptcy Rule 3007(e)(6). *See, e.g., In re Bouchard Transportation Co.*,

*Inc., et al.*, No. 20-34682 (DRJ) (ECF No. 993) (Bankr. S.D. Tex. June 21, 2021); *In re Chesapeake Energy Corporation, et al.*, No. 20-33233 (DRJ) (ECF No. 3050) (Bankr. S.D. Tex. February 9, 2021); *In re Covia Holdings Corporation, et al.*, No. 20-33295 (DRJ) (ECF No. 1148) (Bankr. S.D. Tex. February 8, 2021); *In re Noble Corporation PLC (n/k/a Noble Holding Corporation PLC), et al.*, No. 20-33826 (DRJ) (ECF No. 850) (Bankr. S.D. Tex. January 21, 2021); *In re Whiting Petroleum Corporation, et al.*, No. 20-32021 (DRJ) (Bankr. S.D. Tex. December 13, 2020); *In re Hi-Crush Inc., et al.*, No. 20-33495 (DRJ) (ECF No. 477) (Bankr. S.D. Tex. November 9, 2020); *In re Neiman Marcus Group LTD LLC, et al.*, No. 20-32519 (DRJ) (ECF No. 1790) (Bankr. S.D. Tex. Sept. 4, 2020).

21. To minimize the cost and confusion otherwise attendant to preparing and filing individual claim objections, the Reorganized Debtors request authority pursuant to Bankruptcy Rule 3007(c) to file Omnibus Objections with respect to the Additional Grounds and request a waiver of Bankruptcy Rule 3007(e)(6) so that they may include more than 100 Claims in a single Omnibus Objection.

22. The Complex Case Rules contemplate the establishment of procedures to handle Omnibus Claim Objections, so long as the procedures do not shift the burden of proof or alter discovery rights or pleading requirements for claim objections.<sup>2</sup> Accordingly, the Objection Procedures and the individualized noticing process described above protect creditors' due process rights by implementing the same safeguards for omnibus objections set forth in Bankruptcy Rule 3007(e) and Local Rule 3007-1. Furthermore, and in conformity with the Complex Case Rules, the Objection Procedures do not seek to shift the burden of proof, discovery rights or burdens, or pleading requirements.

---

<sup>2</sup> See Complex Case Rules, § M.



23. The Objection Procedures provide a cost-effective and efficient framework to reconcile and resolve disputed Claims by, among other things: (a) promoting the consensual resolution of objections or, alternatively, establishing an efficient and fair mechanism to liquidate Claims before the Court; and (b) reducing the cost and time required to prosecute objections to large numbers of similar Claims.

24. The Objection Procedures will allow the Reorganized Debtors to (a) object to Claims on the Additional Grounds in an omnibus format; and (b) join objections on multiple bases into a single Omnibus Objection, while making clear which Claims are subject to objection on different bases, which will save the Reorganized Debtors and their professionals the time and expense of filing scores, and possibly hundreds, of individual claim objections. Accordingly, approving the Objection Procedures will allow the Reorganized Debtors to run an efficient and cost-effective claims objection process, benefitting the holders of Claims by minimizing the Reorganized Debtors' costs.

#### **Reservation of Rights**

25. Nothing contained herein shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim against the Reorganized Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) an impairment or waiver of the Reorganized Debtors' or any other party in interest's right to dispute any claim against, or interest in, the Reorganized Debtors, their property or estates; (c) a waiver of the Reorganized Debtors' or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (d) prejudicial to the rights of the Reorganized Debtors to assert or bring individualized objections to claims on any basis.

#### **Notice**

26. Notice of this Motion shall be provided to (i) the Office of the United States Trustee for the Southern District of Texas, Houston Division; and (ii) all entities requesting notice

pursuant to Bankruptcy Rule 2002. The Reorganized Debtors submit that, under the circumstances, no other or further notice is required.

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

*[Remainder of page intentionally left blank]*

Dated: August 5, 2021  
Houston, Texas

Respectfully submitted,

/s/ Alfredo R. Pérez  
WEIL, GOTSHAL & MANGES LLP  
Alfredo R. Pérez (15776275)  
Brenda L. Funk (24012664)  
Stephanie N. Morrison (admitted *pro hac vice*)  
700 Louisiana Street, Suite 1700  
Houston, Texas 77002  
Telephone: (713) 546-5000  
Facsimile: (713) 224-9511  
Email: Alfredo.Perez@weil.com  
Brenda.Funk@weil.com  
Stephanie.Morrison@weil.com

-and-

WEIL, GOTSHAL & MANGES LLP  
Gary T. Holtzer (admitted *pro hac vice*)  
David N. Griffiths (admitted *pro hac vice*)  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
Email: Gary.Holtzer@weil.com  
David.Griffiths@weil.com

-and-

WEIL, GOTSHAL & MANGES LLP  
Paul R. Genender (00790758)  
Amanda Pennington Prugh (24083646)  
Jake R. Rutherford (24102439)  
200 Crescent Court, Suite 300  
Dallas, Texas 75201  
Telephone: (214) 746-7877  
Facsimile: (214) 746-7777  
Email: Paul.Genender@weil.com  
Amanda.PenningtonPrugh@weil.com  
Jake.Rutherford@weil.com

*Attorneys for the Reorganized Debtors*

**Certificate of Service**

I hereby certify that on August 5, 2021 a true and correct copy of the foregoing document was served as provided by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Alfredo R. Pérez  
Alfredo R. Pérez

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

<b>In re:</b>  <b>SPEEDCAST INTERNATIONAL LIMITED, <i>et al.</i>,</b>  <b>Reorganized Debtors.<sup>1</sup></b>	§ § § § § § § § §	<b>Chapter 11</b>   <b>Case No. 20-32243 (MI)</b>  <b>(Jointly Administered)</b>
--	---	---

**ORDER (I) APPROVING OMNIBUS CLAIMS  
OBJECTIONS PROCEDURES AND FILING OF SUBSTANTIVE  
OMNIBUS CLAIMS OBJECTIONS, (II) WAIVING THE REQUIREMENT  
OF BANKRUPTCY RULE 3007(E)(6) AND (III) GRANTING RELATED RELIEF**

Upon the motion, dated August 5, 2021 (the “**Motion**”),<sup>2</sup> of SpeedCast International Limited and its debtor affiliates in the above-captioned chapter 11 cases, as reorganized debtors (collectively, the “**Debtors**”, as reorganized, the “**Reorganized Debtors**”), (a) approving the Objection Procedures attached hereto as **Exhibit 1**, (b) waiving the requirement in Bankruptcy Rule 3007(e)(6) that Omnibus Objections contained objections to no more than 100 claims and (c) granting related relief, as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion; and

---

<sup>1</sup> A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <http://www.kccllc.net/speedcast>. The Reorganized Debtors’ service address for the purposes of these chapter 11 cases is 4400 S. Sam Houston Parkway East, Houston, Texas 77048.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Objection Procedures in **Exhibit 1** and Motion.

all objections, if any, to the Motion having been withdrawn, resolved, or overruled; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interest of the Reorganized Debtors and their respective estates and creditors; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing,

**IT IS HEREBY ORDERED THAT:**

1. The Reorganized Debtors (or any successors thereto) may file Omnibus Objections that include objections to Claims on any basis provided for in Bankruptcy Rule 3007(d), Local Rule 3007-1, and/or the Additional Grounds.

2. The Reorganized Debtors (or any successors thereto) may object to more than 100 claims in a single Omnibus Objection on any of the bases set forth in Bankruptcy Rule 3007(d) and/or the Additional Grounds.

3. The Reorganized Debtors (or any successors thereto) shall be authorized to file and prosecute any Omnibus Objections in accordance with the Objection Procedures attached hereto as **Exhibit 1**, which are hereby approved, and the other procedural safeguards set forth in Bankruptcy Rule 3007(e) and Local Rule 3007-1.

4. The form of Objection Notice attached hereto as **Exhibit 2** is hereby approved.

5. Nothing in this Order shall affect the Reorganized Debtors' (or any successors thereto) authority to pay claims to the extent authorized by a separate order of the Court.

6. Nothing in this Order shall obligate the Reorganized Debtors (or any successors thereto) to settle or pursue settlement of any particular claim. Settlements of claims may be negotiated and compromised by the Reorganized Debtors in their sole discretion (subject to applicable law).

7. For the avoidance of doubt, the Reorganized Debtors may include objections to Proofs of Claim and scheduled Claims in Omnibus Objections.

8. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order, the Motion, or the Objection Procedures shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim against the Reorganized Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) an impairment or waiver of the Reorganized Debtors' or any other party in interest's right to dispute any claim against, or interest in, the Reorganized Debtors, their property or estates; (c) a waiver of the Reorganized Debtors' or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (d) prejudicial to the rights of the Reorganized Debtors to assert or bring individualized objections to claims on any basis.

9. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

10. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

11. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: \_\_\_\_\_, 2021  
Houston, Texas

---

MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit 1**

**Objection Procedures**



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

<b>In re:</b>  <b>SPEEDCAST INTERNATIONAL LIMITED, <i>et al.</i>,</b>  <b>Reorganized Debtors.<sup>1</sup></b>	§ § § § § § § § §	<b>Chapter 11</b>   <b>Case No. 20-32243 (MI)</b>  <b>(Jointly Administered)</b>
--	---	---

**PROCEDURES FOR FILING OMNIBUS CLAIMS OBJECTIONS**

1. Grounds for Omnibus Objections. In addition to those grounds expressly set forth in Bankruptcy Rule 3007(d), the Reorganized Debtors<sup>2</sup> may file omnibus objections (each, an “**Omnibus Objection**”) to claims on the grounds that such claims, in part or in whole:

- (a) such claims are inconsistent with the Reorganized Debtors’ books and records;
- (b) fail to specify the asserted claim amount (or only list the claim amount as “unliquidated”);
- (c) were, in whole or in part paid prepetition or paid post-petition pursuant to an order entered by the Court or are satisfied by payment in full on account of such Claim from a party that is not a Reorganized Debtor;
- (d) seek recovery of amounts for which the Reorganized Debtors are not liable, including but not limited to rejection damages claims that exceed the maximum allowable amount of such claims under 11 U.S.C. § 502(b)(6);
- (e) assert a priority in an amount that exceeds the maximum amount under § 507 of the Bankruptcy Code;
- (f) are incorrectly or improperly classified under the Bankruptcy Code or the Plan;
- (g) have been formally withdrawn by the claimant through the filing of a

---

<sup>1</sup> A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <http://www.kccllc.net/speedcast>. The Reorganized Debtors’ service address for the purposes of these chapter 11 cases is 4400 S. Sam Houston Parkway East, Houston, Texas 77048.

<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

pleading or through the entry of a Court order indicating withdrawal of the Claim;

- (h) are filed against non-Reorganized Debtors or are filed against multiple Reorganized Debtors;
- (i) fail to specify a Reorganized Debtor against whom the Claim is asserted;
- (j) are disallowed pursuant to, or asserted in an amount, priority, or on terms that are otherwise inconsistent with the Plan;
- (k) are disallowed pursuant to §502 of the Bankruptcy Code; or
- (l) fail to sufficiently specify the basis for the Claim or provide sufficient supporting documentation therefor.

2. Form of Omnibus Objection. Each Omnibus Objection will be numbered consecutively, regardless of basis.

3. Supporting Documentation. To the extent appropriate, Omnibus Objections shall include an affidavit or declaration that provides a factual basis for the Reorganized Debtors' objection to the claims in accordance with Local Rule 3007-1(a).

4. Claims Exhibits. An exhibit listing the Claims that are subject to the particular Omnibus Objection will be attached thereto. Each exhibit will include only the Claims to which there is a common basis for the objection. Claims for which there is more than one basis for the objection will be referenced on each exhibit applicable thereto. Including an Omnibus Objection on one exhibit will not constitute a waiver of the Reorganized Debtors' right to object to the Claim on an additional basis or bases. The exhibits will include, without limitation, the following information alphabetized by claimant:

- (a) the Claims that are the subject of the Omnibus Objection and, if applicable, the proof of claim number or schedule number related thereto from the claims register;
- (b) the asserted amount of the claim;
- (c) the grounds for the objection;
- (d) a cross-reference to the section of the Omnibus Objection discussing such

claim; and

- (e) other information, as applicable, including: (i) the proposed classification of Claims the Reorganized Debtors seek to reclassify; (ii) the claim amounts of Claims the Reorganized Debtors seek to reduce; or (iii) the surviving claim amount, if any, of claimants affected by the Omnibus Objection.

5. Objection Notice. Each Omnibus Objection will be accompanied by an objection notice, substantially in the form annexed to the Order as Exhibit 2 (the “**Objection Notice**”), which will:

- (a) adequately describe the nature of the objection;
- (b) inform creditors that their rights may be affected by the objection;
- (c) describe the procedures for filing a written response (each, a “**Response**”); to the objection, including all relevant dates and deadlines related thereto;
- (d) identify the hearing date, if applicable, and related information;
- (e) include an exhibit listing the names of all creditors that are subject to the Omnibus Objection, along with reference to the particular exhibits of the Omnibus Objection on which their Claims are listed; and
- (f) describe how copies of proofs of claim, the Omnibus Objection, and other pleadings filed in the chapter 11 cases may be obtained.

6. Notice and Service. Each Omnibus Objection will be filed with the Court and served electronically using the Court’s electronic filing system. Each Omnibus Objection (along with a copy of the Objection Notice) will be mailed to each claimholder that is subject to such objection.

7. Omnibus Claims Objection Hearings. Each Omnibus Objection may be set for a hearing no less than 30 days after service of the Omnibus Objection (each, a “**Hearing**”), unless the Court orders otherwise. In the applicable Reorganized Debtor’s discretion, each Omnibus Objection may be filed either (i) with a Hearing date already scheduled in coordination with the Court; or (ii) filed without a Hearing date with the intent of scheduling a Hearing date in the event one or more Responses is filed. Hearings will be conducted according to Local Rule

3007-1(d) such that, unless otherwise ordered by the Court or by consent of the parties, the initial Hearing will be non-evidentiary and used as a scheduling conference. In the applicable Reorganized Debtor's sole discretion, after notice to the affected claimant, the Reorganized Debtor may (without further order of the Court) adjourn a Hearing on an Omnibus Objection to a subsequent hearing date by filing a notice or statement on the docket.

8. Entry of an Order Without a Hearing. For Claims subject to an Omnibus Objection for which no Response is filed and no appearance is made at a scheduled Hearing (if any), or a Response is filed in accordance with the proposed response procedures but such Response is resolved prior to the scheduled Hearing (if any), the applicable Reorganized Debtor may request at the scheduled Hearing, if any, that the Court enter an order granting the Omnibus Objection with respect to such claim. Furthermore, if no Hearing has been scheduled, the Reorganized Debtor may seek entry of an order granting the Omnibus Objection without further notice to the claimant or a Hearing with respect to any claim for which a Response was not filed in accordance with these procedures or for which a Response was consensually resolved with the claimant. Contested Claims for which a Response is filed but not resolved before the Hearing may be heard at the Hearing or adjourned to a subsequent hearing date in the Reorganized Debtor's sole discretion. If a subsequent Hearing is necessary, the Reorganized Debtor shall file with the Court and serve on the affected claimant(s) a notice of the subsequent Hearing (the date of which shall be determined in consultation with the affected claimant(s) or announced on the record). Notwithstanding the foregoing, nothing in these procedures shall prejudice the Reorganized Debtors' right to seek entry of an order sustaining the Omnibus Objection as to any or all Claims contained therein pursuant to Section "Q" the Complex Case Rules.

9. Contested Matter. Each claim subject to an Omnibus Objection and the Response thereto shall constitute a separate contested matter as contemplated by Bankruptcy Rule

9014, and any order entered by the Court will be deemed a separate order with respect to such claim. The Reorganized Debtors may, in their discretion and in accordance with other orders of this Court, the Plan, and the provisions of the Bankruptcy Code and Bankruptcy Rules, settle the amount and validity of such contested Claims without any further notice to, or action, order, or approval of, the Court.

### **Responses to Omnibus Objections**

10. Parties Required to File a Response. Any party who disagrees with an objection is required to file a Response in accordance with the procedures set forth herein and to appear at the Hearing. If a claimant whose claim is subject to an Omnibus Objection does not file and serve a Response in compliance with the procedures below or fails to appear at the Hearing, the Court may grant the objection with respect to such claim without further notice to the claimant.

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

- (a) a caption stating the name of the Court, the names of the Reorganized Debtors, the case number, and the Omnibus Objection to which the Response is directed, and, if applicable, the Proof of Claim number(s) related thereto from the Claims Register;
- (b) 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 opposing the Omnibus Objection;
- (c) a copy of any other documentation or other evidence of the claim, to the extent not already included with the claim, upon which the claimant will rely in opposing the objection; *provided* that the claimant need not disclose confidential, proprietary, or otherwise protected information in the Response; and, *provided, further*, that the claimant shall disclose to counsel for the Reorganized Debtors 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;
- (d) a declaration or other statement of a person with personal knowledge of the relevant facts that support the Response; and

(e) the following contact information for the responding party:

- (i) 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 the attorneys for the Reorganized Debtors should serve a reply to the Response, if any; or
- (ii) 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.

12. Filing of the Response. A Response will be deemed timely only if it is filed with the Court not later than the day that is thirty (30) calendar days from the date the Omnibus Objection is served.

13. Discovery. If the Reorganized Debtors determine that discovery is necessary in advance of a Hearing on an Omnibus Objection, the Reorganized Debtor will serve a notice on the affected claimant and its counsel of record (if any) that a scheduling order with respect to the Omnibus Objection will be requested at the Hearing. Such notice may be incorporated into the agenda for the Hearing, or may be provided by separate notice.

14. Failure to Respond. **Failure to timely file a Response as set forth herein or to appear at the Hearing, if one is scheduled, may result in the Court granting the Omnibus Objection without further notice or Hearing.** Upon entry of an order sustaining an Omnibus Objection, affected creditors will be served with such order.

15. Reply to a Response. The Reorganized Debtors shall be permitted to file a reply to any Response no later than two (2) business days before the Hearing with respect to the relevant Omnibus Objection.

#### **Miscellaneous**

16. Additional Information. Copies of these procedures, the Motion, the Proposed Order or any other pleadings filed in these chapter 11 cases are available at no cost at

<http://www.kccellc.net/speedcast>.

17. Reservation of Rights. Nothing in any Omnibus Objection or Objection Notice shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim against the Reorganized Debtors under the Bankruptcy Code or other applicable nonbankruptcy law; (b) an impairment or waiver of the Reorganized Debtors' or any other party in interest's right to dispute any claim against, or interest in, the Reorganized Debtors, their property or estates; (c) a waiver of the Reorganized Debtors' or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (d) prejudicial to the rights of the Reorganized Debtors to assert or bring individualized objections to claims on any basis.

**Exhibit 2**

**Objection Notice**



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

In re:

SPEEDCAST INTERNATIONAL  
LIMITED, *et al.*,

Reorganized Debtors.<sup>1</sup>

§  
§  
§  
§  
§  
§  
§  
§

Chapter 11

Case No. 20-32243 (MI)

(Jointly Administered)

**NOTICE OF THE REORGANIZED DEBTORS' [NUMBER] OMNIBUS CLAIMS  
OBJECTION**

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW OR MODIFY 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 OR MODIFIED WITHOUT A HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

[A HEARING HAS BEEN SET ON THIS OBJECTION ON [DATE] AT [TIME] IN COURTROOM 404, 515 RUSK, HOUSTON, TEXAS 77002. YOU MAY PARTICIPATE IN THE HEARING EITHER IN PERSON OR BY AUDIO/VIDEO CONNECTION. AUDIO COMMUNICATION WILL BE THROUGH THE COURT'S DIAL-IN FACILITY. YOU MAY ACCESS THE FACILITY AT (832) 917-1510. YOU WILL BE RESPONSIBLE FOR YOUR OWN LONG DISTANCE CHARGES. ONCE CONNECTED, YOU WILL BE ASKED TO ENTER THE CONFERENCE ROOM NUMBER. JUDGE ISGUR'S CONFERENCE ROOM NUMBER IS 954554.

<sup>1</sup> A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors' claims and noticing agent at <http://www.kccllc.net/speedcast>. The Reorganized Debtors' service address for the purposes of these chapter 11 cases is 4400 S. Sam Houston Parkway East, Houston, Texas 77048.

**YOU MAY VIEW VIDEO VIA GOTOMEETING. TO USE GOTOMEETING, THE COURT RECOMMENDS THAT YOU DOWNLOAD THE FREE GOTOMEETING. APPLICATION. TO CONNECT, YOU SHOULD ENTER THE MEETING CODE “JUDGEISGUR” IN THE GOTOMEETING APP OR CLICK THE LINK ON JUDGE ISGUR’S HOME PAGE ON THE SOUTHERN DISTRICT OF TEXAS WEBSITE. ONCE CONNECTED, CLICK THE SETTINGS ICON IN THE UPPER RIGHT CORNER AND ENTER YOUR NAME UNDER THE PERSONAL INFORMATION SETTING. HEARING APPEARANCES MUST BE MADE ELECTRONICALLY IN ADVANCE OF THE HEARING. TO MAKE YOUR ELECTRONIC APPEARANCE, GO TO THE SOUTHERN DISTRICT OF TEXAS WEBSITE AND SELECT “BANKRUPTCY COURT” FROM THE TOP MENU. SELECT “JUDGES’ PROCEDURES,” THEN “VIEW HOME PAGE” FOR JUDGE ISGUR. UNDER “ELECTRONIC APPEARANCE” SELECT “CLICK HERE TO SUBMIT ELECTRONIC APPEARANCE”. SELECT THE CASE NAME, COMPLETE THE REQUIRED FIELDS AND CLICK “SUBMIT” TO COMPLETE YOUR APPEARANCE. ]<sup>2</sup>**

**THIS OBJECTION SEEKS TO DISALLOW AND EXPUNGE OR MODIFY CERTAIN CLAIMS. CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON EXHIBIT [●] THROUGH EXHIBIT [●] TO THE ORDER FILED WITH THIS OBJECTION.**

### **Important Information Regarding the Objection**

Grounds for the Objection. By the Objection, the Reorganized Debtors are seeking to [disallow/expunge/reclassify/reduce/subordinate] your claim(s) listed in the schedule attached hereto on the grounds that your claim(s) [is/are] [●]. The claim(s) subject to the [●] Objection may also be found on the schedules attached to the Objection, a copy of which has been provided with this notice.

Objection Procedures. On [Date], the United States Bankruptcy Court for the Southern District of Texas (the “**Court**”) entered an order [ECF No. ●] approving procedures for filing and resolving objections to Claims asserted against the Reorganized Debtors in these chapter 11 cases (the “**Objection Procedures**”). A copy of the Objection Procedures is included with this

---

<sup>2</sup> Information regarding appearance at a hearing will only be included to the extent the applicable omnibus objection filed with a hearing date is already scheduled.

notice. Please review the Objection Procedures to ensure your response to the Objection, if any, is timely and correctly filed and served.

### **Resolving the Objection**

Parties Required to File a Response. If you disagree with the Omnibus Objection filed with respect to your claim, you must file a response (each, a “**Response**”) with the Court by 4:00 p.m. (prevailing Central Time) on [●] 2021. Please review the Objection Procedures to ensure your response to the Omnibus Objection, if any, is timely and correctly filed.

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

- (a) caption stating the name of the Court, the names of the Reorganized Debtors, the case number, and the Omnibus Objection to which the Response is directed, and, if applicable, the Proof of Claim number(s) related thereto from the Claims Register;
- (b) 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 opposing the Omnibus Objection;
- (c) a copy of any other documentation or other evidence of the claim, to the extent not already included with the claim, upon which the claimant will rely in opposing the objection; *provided* that the claimant need not disclose confidential, proprietary, or otherwise protected information in the Response; and, *provided, further*, that the claimant shall disclose to counsel for the Reorganized Debtors 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;
- (d) a declaration or other statement of a person with personal knowledge of the relevant facts that support the Response; and
- (e) the following contact information for the responding party:
  - (i) 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 the attorneys for the Reorganized Debtors should serve a reply to the Response, if any; or

- (ii) 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.

Failure to Respond. **Failure to timely file a Response as set forth herein may result in the Court granting the Omnibus Objection without further notice or hearing.** Upon entry of an order sustaining an Omnibus Objection, affected creditors will be served with such order.

Hearing.<sup>3</sup> If a Response is timely filed, the Court will hold an initial hearing. The initial hearing will be non-evidentiary and used as a scheduling conference. Failure to appear at the initial hearing may result in the summary disposition of the objection.

[OR]

A hearing (the "**Hearing**") on the Omnibus Objection will be held on [Date], at [Time] prevailing Central Time, before the Honorable Marvin Isgur, United States Bankruptcy Judge, in Courtroom 404, 515 Rusk, Houston, Texas 77002. You may participate in the Hearing via audio/video connection with the instructions included at the top of this Notice. The Hearing may be adjourned to a later date in the Reorganized Debtor's sole discretion. Unless you have resolved your claim with the Reorganized Debtor, you must attend the Hearing if you disagree with the Omnibus Objection and have filed a Response.

Discovery. If the Reorganized Debtors determine that discovery is necessary in advance of a Hearing on an Omnibus Objection, the Reorganized Debtors may serve notice on the claimant and its counsel of record. Failure to comply with this paragraph will not preclude a party from later seeking discovery.

---

<sup>3</sup> This section will be altered to reflect whether a Hearing has been scheduled in advance of the filing of the applicable Omnibus Objection

**Additional Information**

Questions or Information. Copies of these procedures, the Motion, the Proposed Order or any other pleadings filed in these chapter 11 cases are available at no cost at <http://www.kcellc.net/speedcast>. You may also obtain copies of any pleadings filed in these chapter 11 cases for a fee via PACER at: <http://www.txs.uscourts.gov/bankruptcy>. Please do not contact the Court to discuss the merits of any Claim or any Omnibus Objection filed with respect thereto.

**Reservation of Rights**

**Nothing in any Omnibus Objection or Objection Notice shall be deemed:**

**(a) an admission as to the amount of, basis for, or validity of any claim against the Reorganized Debtors under the Bankruptcy Code or other applicable nonbankruptcy law;**

**(b) an impairment or waiver of the Reorganized Debtors' or any other party in interest's right to dispute any claim against, or interest in, the Reorganized Debtors, their property or estates; (c) a waiver of the Reorganized Debtors' or any other party in interest's rights under the Bankruptcy Code or any other applicable law; or (d) prejudicial to the rights of the Reorganized Debtors to assert or bring individualized objections to claims on any basis.**

Dated: [●], 2021  
Houston, Texas

Respectfully submitted,

/s/ DRAFT

---

WEIL, GOTSHAL & MANGES LLP  
Alfredo R. Pérez (15776275)  
Brenda L. Funk (24012664)  
Stephanie N. Morrison (admitted *pro hac vice*)  
700 Louisiana Street, Suite 1700  
Houston, Texas 77002  
Telephone: (713) 546-5000  
Facsimile: (713) 224-9511  
Email: Alfredo.Perez@weil.com  
Brenda.Funk@weil.com  
Stephanie.Morrison@weil.com

-and-

WEIL, GOTSHAL & MANGES LLP  
Gary T. Holtzer (admitted *pro hac vice*)  
David N. Griffiths (admitted *pro hac vice*)  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
Email: Gary.Holtzer@weil.com  
David.Griffiths@weil.com

-and-

WEIL, GOTSHAL & MANGES LLP  
Paul R. Genender (00790758)  
Amanda Pennington Prugh (24083646)  
Jake R. Rutherford (24102439)  
200 Crescent Court, Suite 300  
Dallas, Texas 75201  
Telephone: (214) 746-7877  
Facsimile: (214) 746-7777  
Email: Paul.Genender@weil.com  
Amanda.PenningtonPrugh@weil.com  
Jake.Rutherford@weil.com

*Attorneys for the Reorganized Debtors*