

“Debtors”) filed a motion (the “Motion”) for entry of an order authorizing the Debtors to disallow and expunge the Claim Filed by Paul A. Herbert (Claim No. 27) [Docket No. 1322]. A hearing to consider the Motion is scheduled before the Court on **December 17, 2020 at 10:00 a.m. (prevailing Eastern Time)** (the “Hearing”).

2. The Motion set forth that objections were to be filed and served so that they were actually received no later than December 10, 2020 at 4:00 p.m. (prevailing Eastern Time).

3. Local Bankruptcy Rule 9075-1 provides that the Motion may be granted without a hearing if (a) no objections or other responsive pleadings have been filed on or before the applicable response deadline and (b) the attorney for the entity the filed the objection complies with such rule.

4. In accordance with Rule 9075-2, the undersigned counsel hereby certifies that, as of the date hereof, no objection to the Motion has been received. Undersigned counsel further certifies that he has reviewed the docket in this case and no answer, objection, or other response to the Motion appears thereon. This certificate is also being filed at least forty-eight (48) hours after expiration of the deadline for parties to file and serve any answer, objection, or response to the Motion.

[Concluded on the following page]

5. Due to the foregoing, it is respectfully requested that the Court enter the proposed Order, a copy of which is attached hereto as Exhibit "A," granting the Order as set forth therein.

DATED: New York, New York
December 14, 2020

TOGUT, SEGAL & SEGAL LLP
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By:

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Exhibit "A"

Proposed Order

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
In re:	: Chapter 11
	:
TOISA LIMITED, <i>et al.</i> ,	: Case No. 17-10184 (SCC)
	:
Debtors. ¹	: (Jointly Administered)
	:
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**ORDER GRANTING DEBTORS’ OBJECTION
TO CLAIM NO. 27 FILED BY PAUL HERBERT**

Upon the claim objection (the “Claim Objection”)² of Toisa Limited, Inc. and certain of its affiliates, the post-effective date debtors in the above-captioned cases (collectively, the “Debtors”), for entry of an order, pursuant to sections 105 and 502 of the Bankruptcy Code and the Plan, to disallow and expunge the Claim; and it appearing that the Court has jurisdiction over the Claim Objection pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and good and sufficient notice of the Claim Objection having been given and no other or further notice being necessary; and upon the hearing conducted before the Court to consider the Claim Objection (the “Hearing”); and upon

¹ The Post-Effective Date Debtors in these chapter 11 cases are as follows: Trade Prosperity, Inc.; Toisa Limited; United Courage, Inc.; Trade Vision, Inc.; United Journey, Inc.; United Kalavryta, Inc.; Trade Sky, Inc.; Trade Industrial Development Corporation; United Honor, Inc.; Trade Will, Inc.; United Leadership Inc.; United Seas, Inc.; United Dynamic, Inc.; United Emblem, Inc.; United Ideal Inc.; Trade Unity, Inc.; Trade Quest, Inc.; Trade Spirit, Inc.; Trade Resource, Inc.; United Ambassador, Inc.; Edgewater Offshore Shipping, Ltd.; United Banner, Inc.; Toisa Horizon, Inc.; and Trade and Transport Inc. Final decrees have been entered in each of these chapter 11 cases except Toisa Limited [Docket No. 1158], which case remains open for implementing the Plan and for which Post-Effective Toisa (as defined in the Plan) is the post-confirmation Debtor.

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

the record made at the Hearing and the decision reached at the conclusion thereof; and upon all of the prior proceedings had herein; and good and sufficient cause appearing therefore; it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The relief requested in the Claim Objection is granted to the extent provided herein.
2. The Claim is hereby disallowed and expunged in its entirety. The Claimant shall be entitled to no distribution from the Debtors or from the General Unsecured Claims Distribution Reserve on account of the Claim.
3. The Claimant may pursue the State Court Action, but any recovery against the Debtors (by verdict, settlement, or otherwise) shall be limited to the extent of any available proceeds under any applicable insurance policies or available indemnification.
4. Nothing herein shall affect the rights and insurer or indemnifying party to assert any defenses to the Claim, the State Court Action, or any other action or proceeding.
5. Kurtzman Carson Consultants, the claims agent retained in the Debtors' above-captioned Chapter 11 cases, is authorized to reflect the treatment of the Claim on the official claims register maintained for the Debtors' cases.
6. The terms of this Order are effective immediately upon entry.

7. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: _____, 2020

HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE