

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK

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 :
 In re: : Chapter 11
 :
 TOISA LIMITED, *et al.*, : 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 all

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.



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: December 15, 2020
New York, New York

/S/ Shelley C. Chapman
HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE