

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

In re: § Case No. 23-90054
IEH AUTOPARTS HOLDING LLC, et al.¹ § Chapter 11
Debtors. § Jointly Administered

**EDWIN MCCRARY’S RESERVATION OF RIGHTS TO DEBTORS’
SECOND AMENDED COMBINED DISCLOSURE STATEMENT AND
JOINT PLAN OF LIQUIDATION
(Relates to Dkt No. 688)**

TO THE HONORABLE BANKRUPTCY JUDGE CHRISTOPHER M. LOPEZ:

COMES NOW, Edwin McCrary (“**Mr. McCrary**”), a creditor herein, files this Reservation of Rights to the Debtors’ Second Amended Combined Disclosure Statement and Joint Plan of Liquidation [Dkt No. 688] and would respectfully show as follows:

1. Mr. McCrary files this reservation of rights to the Debtors’ Second Amended Combined Disclosure Statement and Joint Plan of Liquidation (the “**Plan**”) to the extent Mr. McCrary has a claim against the bankruptcy estate of IEH Auto Parts, LLC (the “**Debtor**”) solely to collect against the Debtor’s insurance policy. *See* Dkt No. 688 at article VC.

2. The Debtor’s Insurance Policies are to be assumed in the Debtor’s Plan. Claims covered by an Insurance Policy may be pursued to final judgment pursuant to a motion for relief from the injunction in Article VIII.F.6. in the Plan. Mr. McCrary is listed as a creditor of the Debtor with

¹ The Debtor entities in these Chapter 11 cases, along with the last four digits of each Debtor entity’s federal tax identification number, are: IEH Auto Parts Holding LLC (6529); AP Acquisition Company Clark LLC (4531); AP Acquisition Company Gordon LLC (5666); AP Acquisition Company Massachusetts LLC (7581); AP Acquisition Company Missouri LLC (7840); AP Acquisition Company New York LLC (7361); AP Acquisition Company North Carolina LLC (N/A); AP Acquisition Company Washington LLC (2772); Auto Plus Auto Sales LLC (6921); IEH AIM LLC (2233); IEH Auto Parts LLC (2066); IEH Auto Parts Puerto Rico, Inc. (4539); and IEH BA LLC (1428). The Debtors’ service address is: 112 Townpark Drive NW, Suite 300, Kennesaw, GA 30144.



his litigation listed in the Debtor's statement of financial affairs. However, Mr. McCrary failed to receive notice of the Debtor's bankruptcy case until May 12, 2023, after the proof of claim bar date. Subject to this Court's approval, Mr. McCrary reserves the right to seek leave to file his claim against the Debtor and move to lift the injunction under the Plan to pursue his state court litigation solely to collect against the Debtor's applicable Insurance Policy to the extent any insurance proceeds are available to satisfy Mr. McCrary's claim.

3. Mr. McCrary reserves all rights under the Bankruptcy Code and applicable law, including but not limited to, the right to amend or supplement this Reservation of Rights based on any changes in the representations made herein, or any modification to the Plan made by the Debtor prior to the conclusion of a final hearing pertaining to the Debtor's Plan.

WHEREFORE, PREMISES CONSIDERED, Edwin McCrary hereby requests that confirmation of the Debtors' Second Amended Combined Disclosure Statement and Joint Plan of Liquidation is subject to the rights of, and the reservation of rights of Edwin McCrary and for such further relief to which Edwin McCrary may justly be entitled.

Respectfully submitted this 16th day of June, 2023.

Respectfully submitted,

By: /s/ Kim Lewinski

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ATTORNEYS FOR EDWIN MCCRARY

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing Reservation of Rights has been served via the Clerk of the Court through the CM/ECF system upon all parties registered to receive notice by CM/ECF on this 16th day of June, 2023.

/s/ Kim Lewinski

Kim Lewinski