

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

In re:

ZACHRY HOLDINGS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-90377 (MI)

(Jointly Administered)

**LIMITED OBJECTION OF W. JOE SHAW, LTD. TO
DEBTORS' EMERGENCY MOTION FOR ENTRY OF INTERIM AND
FINAL ORDERS (I) AUTHORIZING THE DEBTORS TO PAY CERTAIN
PREPETITION CLAIMS OF (A) CRITICAL VENDORS, (B) LIEN
CLAIMANTS, (C) FOREIGN CLAIMANTS, AND (D) 503(B)(9) CLAIMANTS,
(II) CONFIRMING ADMINISTRATIVE EXPENSE PRIORITY OF
OUTSTANDING ORDERS AND AUTHORIZING THE DEBTORS TO
SATISFY SUCH OBLIGATIONS, AND (III) GRANTING RELATED RELIEF**

COMES NOW W. Joe Shaw, Ltd. d/b/a goSafe ("goSafe") and files this its Limited Objection to *Debtors' Emergency Motion for Entry of Interim and Final Orders (i) Authorizing the Debtors to Pay Certain Prepetition Claims of (a) Critical Vendors, (b) Lien Claimants, (c) Foreign Claimants, and (d) 503(b)(9) Claimants, (ii) Confirming Administrative Expense Priority of Outstanding Orders and Authorizing the Debtors to Satisfy such Obligations, and (iii) Granting Related Relief*, and as cause in support would show as follows:

1. On May 21, 2024, Zachry Holdings, Inc. (the "Debtor") and certain affiliated companies (collectively with the Debtor, "Debtors") filed their voluntary petition for relief under Chapter 11 of Title 11. On the same day, the Debtors filed certain "first day" motions seeking immediate attention to certain matters affecting their current operations. One of such motions was

¹ A complete list of the Debtors in these chapter 11 cases and the last four digits of their federal tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://kccllc.net/zhi>. The location of the Debtors' service address in these chapter 11 cases is: P.O. Box 240130, San Antonio, Texas 78224.



2490377240610000000000013

Debtors' Emergency Motion for Entry of Interim and Final Orders (i) Authorizing the Debtors to Pay Certain Prepetition Claims of (a) Critical Vendors, (b) Lien Claimants, (c) Foreign Claimants, and (d) 503(b)(9) Claimants, (ii) Confirming Administrative Expense Priority of Outstanding Orders and Authorizing the Debtors to Satisfy such Obligations, and (iii) Granting Related Relief (the "Motion") in which the Debtors stated they had identified specific suppliers of materials and services that their continued supply of such materials and services was so vital to the Debtors' operations that certain treatment for such suppliers was necessary, specifically, the Debtors requested approval of the payment of prepetition claims of (a) critical vendors, (b) lien claimants, (c) foreign claimants, and (d) 503(b)(9) claimants all as further described in the Motion ("Critical Vendor Treatment"). The Motion further requests confirmation of administrative expense priority of outstanding orders and authority to pay such obligations ("Administrative Expense Priority Treatment"). The Critical Vendor Treatment and Administrative Expense Priority Treatment as well as the other relief afforded claimants under the Motion is referred to herein as "Priority Treatment."

2. In general, goSafe supports the Debtor and the Priority Treatment relief requested in the Motion.

LIMITED OBJECTION

3. goSafe is a supplier of safety equipment and does repair, training and recertification of such equipment, and is a large supplier of such equipment and services to the Debtors. Through communications with the Debtors regarding present and future purchase requests, goSafe has been led to believe that the Debtors view goSafe as eligible for the Priority Treatment. However, despite requests for direct express confirmation of eligibility, neither the Debtors nor their counsel have been forthcoming with the Debtors deferring to counsel and the Debtors' personnel deferring to

counsel. The lack of goSafe's verification of Priority Treatment complicates the ongoing discussions and creates concern as to what can be agreed upon between the parties regarding present and future purchase requests. goSafe values its relationship with the Debtors and has shown a genuine interest in continuing that relationship. The Debtors have shown a similar interest yet have not provided reasonable assurance of Priority Treatment and therefore what may be accomplished in the discussions between the parties. Disclosure to the creditor that it has been identified as an eligible party for Priority Treatment under the Motion is necessary to provide transparency and clarity to the ongoing process of assuring the Debtors have their current and future purchase requests covered.

PRAYER

WHEREFORE PREMISES CONSIDERED, W. Joe Shaw, Ltd. d/b/a goSafe respectfully requests that the Debtors provide in writing at or before the hearing set for Monday, June 17, 2024, 2:00 p.m. assurance that it shall be afforded treatment pursuant to the relief requested in the Motion and it be afforded such other and further relief to which it may show itself entitled.

Dated: June 10, 2024.

Respectfully submitted,

OPPEL & GOLDBERG, P.L.L.C.

By: /s/ Jeffrey Wells Oppel

Jeffrey Wells Oppel

TSBN 15291800

1010 Lamar Suite 1420

Houston, TX 77002

713-659-9200

713-659-9300 Fax

joppel@ogs-law.com

fedfilings-jwo@ogs-law.com

ATTORNEYS FOR W. JOE SHAW, LTD.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 10, 2024, a true and correct copy of the foregoing instrument has been served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas on counsel for Debtor, the U.S. Trustee and all parties registered to receive notice through the Court's ECF notification system.

/s/ Jeffrey Wells Oppel

Jeffrey Wells Oppel

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

In re:

ZACHRY HOLDINGS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-90377 (MI)

(Jointly Administered)

Re: Docket No. _____

**ORDER AUTHORIZING THE DEBTORS TO PAY
CERTAIN PREPETITION CLAIMS OF CRITICAL VENDORS**

CAME ON for consideration the *Debtors' Emergency Motion for Entry of Interim and Final Orders (i) Authorizing the Debtors to Pay Certain Prepetition Claims of (a) Critical Vendors, (b) Lien Claimants, (c) Foreign Claimants, and (d) 503(b)(9) Claimants, (ii) Confirming Administrative Expense Priority of Outstanding Orders and Authorizing the Debtors to Satisfy such Obligations, and (iii) Granting Related Relief* (the "Motion") for entry of an order authorizing the Debtors to pay certain prepetition claims of critical vendors, and this Court having reviewed the Motion and having heard statements in support of the relief requested therein at a hearing before this Court, this Court determined that the relief requested in the Motion should be granted; it is therefore

ORDERED, that the Debtors provide in writing at or before the hearing set for Monday, June 17, 2024, at 2:00 p.m. assurance that it shall be afforded treatment pursuant to the relief requested in the Motion.

¹ A complete list of the Debtors in these chapter 11 cases and the last four digits of their federal tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://kcellc.net/zhi>. The location of the Debtors' service address in these chapter 11 cases is: P.O. Box 240130, San Antonio, Texas 78224.

SIGNED this _____ day of _____, 2024.

MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE

Entry Requested:

OPPEL & GOLDBERG, P.L.L.C.

By: /s/ Jeffrey Wells Oppel

Jeffrey Wells Oppel

TSBN 15291800

1010 Lamar Suite 1420

Houston, TX 77002

713-659-9200

713-659-9300 Fax

joppel@ogs-law.com

fedfilings-jwo@ogs-law.com

ATTORNEYS FOR W. JOE SHAW, LTD.