

ENTERED

April 21, 2025

Nathan Ochsner, Clerk

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

In re: § Chapter 11
§
ZACHRY HOLDINGS, INC., *et al.*¹ § Case No. 24-90377 (MI)
§
Debtors. (Jointly Administered)
Re: Docket Nos. 1404 & 1718

**STIPULATION AND ORDER ABATING OBJECTION TO CLAIM OF
NOOTER/ERIKSEN, INC.**

This stipulation and agreed order (this “Stipulation and Agreed Order”) is made by and among Nooter/Eriksen, Inc. (“N/E”) and Zachry Holdings, Inc. and its affiliated debtors and debtors in possession (the “Debtors”) (together, N/E and Debtors are referred to as the “Parties,” and each a “Party”). The Parties hereby stipulate and agree as follows:

WHEREAS, on May 21, 2024, the Debtors commenced these chapter 11 cases (the “Chapter 11 Cases”) in the United States Bankruptcy Court for the Southern District of Texas (the “Court”);

WHEREAS, on August 12, 2024, the Court entered a final order approving a global settlement by an among the Debtors, CB&I Chiyoda International Corporation and Golden Pass LNG Terminal LLC (including the GPX Excess Claims Stipulation and as defined in the Plan, the “GPX Settlement”);

WHEREAS, on September 12, 2024, N/E filed a proof of claim in the Chapter 11 Cases (Claim No 1429) against the Debtor Zachry Industrial, Inc. in the amount of \$8,718,466.44 (the “N/E Claim”);

WHEREAS, the N/E Claim is based upon Purchase Order GPX-USSP-CBE-27-MX-948-X26-0001-A-00, as modified and supplemented, issued to N/E by CCZJV-GPX (the “Purchase Order”) with a total contract value of \$74,198,906.36 related to Golden Pass LNG Export Terminal Project;

WHEREAS, on November 13, 2024, the Debtors filed their Thirteenth Omnibus Objection to Certain Proofs of Claim and objected to the N/E Claim. *See* Doc. 1404 (the “Claim Objection”);

¹ The last four digits of Zachry Holdings, Inc.’ tax identification number are 6814. A complete list of each of the Debtors in these chapter 11 cases and the last four digits of their federal identification numbers may be obtained on the website of the Debtors’ claims agent and noticing agent at www.veritaglocal.net/ZHI. The location of the Debtors’ service address in these chapter 11 cases is: P.O. Box 240130, San Antonio, Texas 78224.



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WHEREAS, on December 30, 2024, N/E filed its Response to the Claim Objection at Dkt. 1795;

WHEREAS, on January 20, 2025, the Debtors filed the Modified First Amended Joint Chapter 11 Plan of Reorganization of Zachry Holdings, Inc. and its Debtor Affiliates [Docket No. 1978] (as altered, amended, supplemented, or otherwise modified from time to time, the “Plan”);

WHEREAS, the Plan incorporates the Plan Supplement documents, including the GPX Excess Claims Stipulation. The GPX Excess Claim Stipulation and Schedules 2-4 attached thereto identifies certain claims that Golden Pass LNG (“GPX”) shall pay, pursuant to the terms of the GPX Settlement and the Plan, to the extent such claims are or become valid, due, and payable. Schedule 4 identifies certain amounts related to the N/E Claim;

WHEREAS, on or about January 21, 2025, CCZJV-GPX and N/E entered into Purchase Order Supplement No. 39 (the “Supplemental Purchase Order”);

WHEREAS, on February 27, 2025, the Court entered the Order Approving the Debtors’ Disclosure Statement on a Final Basis and Confirming the Further Modified First Amended Plan Joint Chapter 11 Plan of Reorganization [Docket No. 2431] (the “Confirmation Order”);

WHEREAS, N/E continues to prosecute certain work in furtherance of the Purchase Order and the Supplemental Purchase Order related to the N/E Claim necessary for payment;

WHEREAS, the Parties agree to abate the N/E Claim Objection as provided herein pending continued performance of the remaining obligations related to the Purchase Order and Supplemental Purchase Order and resolution of any payment obligations related to the N/E Claim in the ordinary course of business and consistent with the terms of the Purchase Order, Supplement Purchase Order, Settlement Agreement, and Plan.

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED:

1. The Claim Objection related to the proof of claim filed by Nooter/Eriksen, Inc. at claim no. 1429 is abated until August 1, 2025, at which time the abatement will terminate and the Court shall conduct a further status conference on August 4, 2025, at 10:00 a.m.
2. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation and Agreed Order.

Signed: April 21, 2025


Marvin Isgur
United States Bankruptcy Judge

SO STIPULATED AND AGREED THIS 28TH DAY OF MARCH, 2025:

/s/ Charles R. Koster

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CERTIFICATE OF SERVICE

I certify that on March 28, 2025, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Charles R. Koster
Charles R. Koster