

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS**

**IN RE:**

**ZACHRY MAINTENANCE SERVICES, LLC**

**CASE NO. 24-90395**

**Debtor(s)**

**CHAPTER 11**

**RESPONSE TO DEBTORS' SIXTEENTH OMNIBUS OBJECTION TO CERTAIN  
PROOFS OF CLAIM (AMENDED CLAIMS)**

On August 7, 2024, Regional Director M. Kathleen McKinney, Regional Director of Region 15 of the National Labor Relations Board, filed a Proof of Claim along with supporting documentation, a copy of which is attached hereto as Exhibit 1, for wages and tax liability owed to Adriaunna Ferrell, an employee of Zachry Maintenance Services, LLC (Debtor), (Case No. 24-90395). Ferrell's Proof of Claim was provided with a claim number of 664. This Proof of Claim did not amend a prior Proof of Claim.

On August 9, 2024, Regional Director M. Kathleen McKinney, Regional Director of Region 15 of the National Labor Relations Board, filed a Proof of Claim along with supporting documentation, a copy of which is attached hereto as Exhibit 2, for wages and tax liability owed to Andrey Barquero, an employee of Zachry Maintenance Services, LLC, (Case No. 24-90395). Barquero's Proof of Claim was provided with a claim number of 665. The Proof of Claim form in Part 1, box 4, asks Does this claim amend one already filed? By mistake, in Part 1 of the Proof of Claim, box 4 is checked "Yes." However, Barquero's Proof of Claim did not actually amend a claim already filed. Counsel believes this clerical error caused Barquero's Proofs of Claim to be treated as an Amended Proof of Claim that possibly caused the Debtor to Amend Ferrell's Proof of Claim.



24903952412200000000000001

On November 26, 2024, the Debtors filed Debtor's Sixteenth Omnibus Objection to Certain Proofs of Claim (Amended Claims). The Objection is 19 pages. On page 15 of 19, there is a table of Claims to be Disallowed and Surviving Claims and the National Labor Relations Board Region 15 is listed on that page and the Objection lists the Adriaunna Ferrell Proof of Claim as a Claim to be Disallowed and lists the Andrey Barquero Proof of Claim as a Surviving Claim.

The claims specified in Ferrell's Proof of Claim amount to \$43,680.00. The claims specified in Barquero's Proof of Claim amount to \$47,274.00. Neither of the two Proofs of Claim Amend any prior Proofs of Claim. Each Proof of Claim is a separate claim.

In sum, the two Proofs of Claim and their supporting documentation demonstrate that, contrary to Debtors' Objection, both Proofs of Claim should be allowed because they are two separate Proofs of Claim and neither Proof of Claim was intended to replace or amend the other Proof of Claim. For these reasons, Counsel for the General Counsel, National Labor Relations Board Region 15, respectfully requests that the Debtor and the Court allow both Claim 664 and Claim 665 to be allowed for the amounts listed above, which are based on the documentation submitted, and that the Debtor and the Court respectfully remove both Proofs of Claim from Schedule 1 "Amended Claims" so that the claims are not incorrectly classified as Amended Claims, and for any related relief the Court deems appropriate.

Dated: December 20, 2024

Respectfully submitted,

/s/ Charles L. Rauton

CHARLES L. RAUTON

Counsel for the General Counsel

National Labor Relations Board, Region 15

700 West Capitol Avenue, Suite 4429

Little Rock, AR 72201

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**Certificate of Service**

I certify that on December 20, 2024, 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 L. Rauton  
Charles L. Rauton

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS**

**IN RE:**

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In sum, the two Proofs of Claim and their supporting documentation demonstrate that, contrary to Debtors' Objection, both Proofs of Claim should be allowed because they are two separate Proofs of Claim and neither Proof of Claim was intended to replace or amend the other Proof of Claim. For these reasons, Counsel for the General Counsel, National Labor Relations Board Region 15, respectfully requests that the Debtor and the Court allow both Claim 664 and Claim 665 to be allowed for the amounts listed above, which are based on the documentation submitted, and that the Debtor and the Court respectfully remove both Proofs of Claim from Schedule 1 "Amended Claims" so that the claims are not incorrectly classified as Amended Claims, and for any related relief the Court deems appropriate.

Dated: December 20, 2024

Respectfully submitted,

/s/ Charles L. Rauton  
CHARLES L. RAUTON  
Counsel for the General Counsel  
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ECF Noticing E-mail: [charles.rauton@nlrb.gov](mailto:charles.rauton@nlrb.gov)

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/s/ Charles L. Rauton  
Charles L. Rauton

Fill in this information to identify the case:

Debtor Zachry Maintenance Services, LLC

United States Bankruptcy Court for the: Southern District of Texas  
(State)

Case number 24-90395

Official Form 410  
Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

|  |   |  |
|--|---|--|
| 1. Who is the current creditor?  | <u>National Labor Relations Board - Region 15</u><br>Name of the current creditor (the person or entity to be paid for this claim)                              |  |
|  | Other names the creditor used with the debtor <u>Zachry Maintenance Services, LLC</u>   |  |
| 2. Has this claim been acquired from someone else?                       | <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. From whom? _____  |  |
| 3. Where should notices and payments to the creditor be sent?            | <b>Where should notices to the creditor be sent?</b><br>See summary page  | <b>Where should payments to the creditor be sent? (if different)</b><br>See summary page |
| Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)                      |   |  |
|  | Contact phone <u>501-508-7097</u><br>Contact email <u>charles.rauton@nlrb.gov</u>   | Contact phone <u>501-508-7097</u><br>Contact email <u>charles.rauton@nlrb.gov</u>        |
|  | Uniform claim identifier for electronic payments in chapter 13 (if you use one):<br>_____   |  |
| 4. Does this claim amend one already filed?                              | <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____<br>MM / DD / YYYY |  |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. Who made the earlier filing? _____  |  |



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

|     |   |  |
|-----|---|--|
| 6.  | <b>Do you have any number you use to identify the debtor?</b>   | <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____   |
| 7.  | <b>How much is the claim?</b> \$ <u>43,680.00</u>   | <b>Does this amount include interest or other charges?</b><br><input type="checkbox"/> No<br><input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A). |
| 8.  | <b>What is the basis of the claim?</b><br>Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.<br>Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).<br>Limit disclosing information that is entitled to privacy, such as health care information.<br><br><u>See summary page</u>   |  |
| 9.  | <b>Is all or part of the claim secured?</b><br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. The claim is secured by a lien on property.<br><br><b>Nature or property:</b><br><input type="checkbox"/> Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> .<br><input type="checkbox"/> Motor vehicle<br><input type="checkbox"/> Other. Describe: _____<br><br><b>Basis for perfection:</b> _____<br>Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)<br><br><b>Value of property:</b> \$ _____<br><b>Amount of the claim that is secured:</b> \$ _____<br><b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)<br><br><b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____<br><br><b>Annual Interest Rate</b> (when case was filed) _____ %<br><input type="checkbox"/> Fixed<br><input type="checkbox"/> Variable |  |
| 10. | <b>Is this claim based on a lease?</b><br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. <b>Amount necessary to cure any default as of the date of the petition.</b>   | \$ _____   |
| 11. | <b>Is this claim subject to a right of setoff?</b><br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. Identify the property: _____  |  |



## 12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No☒ Yes. Check all that apply:

## Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ \_\_\_\_\_

☐ Up to \$3,350\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☒ Wages, salaries, or commissions (up to \$15,150\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).\$ 18,564.00☒ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).\$ 478.00☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

## 13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. 503(b)(9)?

☒ No☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

## Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.☒ I am the creditor's attorney or authorized agent.☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 08/07/2024

MM / DD / YYYY

/s/Charles Rauton

Signature

Print the name of the person who is completing and signing this claim:

Name Charles Rauton

First name

Middle name

Last name

Title AttorneyCompany National Labor Relations Board - Region 15

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_

Contact phone \_\_\_\_\_

Email \_\_\_\_\_



KIRSTEN WALLS-PARKER  
KIRSTEN.WALLS@NLRB.GOV  
Region 15  
Telephone: (501) 508-7093  
Facsimile: (501) 324-5009

Field Examiner  
Labor Relations Board

\*\*\*\*\*

In re:  
Zachry Maintenance Services, LLC

\*

Case No. 24-90395

\*

Chapter 11

\*

Debtor

\*

DECLARATION OF

\*

KIRSTEN WALLS-PARKER

\*

IN SUPPORT TO PROOF OF

\*

CLAIM

\*\*\*\*\*

I, Kirsten Walls-Parker, declare as follows:

1. I am a Field Examiner for the National Labor Relations Board ("NLRB" or "Board"), an agency of the United States Government, at the Region 15 Office located in New Orleans, Louisiana. I have held the position with Region 15 of the National Labor Relations Board since 2010. As a Field Examiner, it is my duty to investigate charges filed against employers and unions for allegedly committing unfair labor practices.
2. The Board is the forum with the exclusive authority to adjudicate the liability of Zachary Maintenance Services, LLC ("Debtor" or "Zachary Maintenance") for violations of the National Labor Relations Act ("the Act"), 29 U.S.C. §§ 151-169, and to determine the appropriate amount of liability for any violation of the Act.
3. This declaration is in support of the Board's Initial Proof of Claim ("Initial Claim") which is being filed concurrently with this declaration.



4. I have reviewed the Board's Initial Claim and the supporting document attached hereto as **Exhibits A and B** and described below. The assertions contained in the Board's Initial Claim are true and correct to the best of my knowledge and belief. A true and correct copy of the exhibit that supports the Initial Claim are attached and made part of this declaration.
5. The claim described in this Initial Claim is derived from an unfair labor practice charge filed with the National Labor Relations Board against Zachary Maintenance (Case No. 15-CA-322118, **Exhibit C**.)
6. The charge referred to in Paragraphs 4-5, above, allege that the respondent "discriminated against Adriaunna Ferrell by discharging her in retaliation for and/or in order to discourage protected concerted activities in violation of Section 8(a)(1) of the Act.
7. Actions taken against an employee, or the failure to take actions that would normally be taken, in retaliation for union activities or membership violate the Act.
8. Generally, if a Regional Director determines that a charge has merit, the Region will issue a complaint and notice of hearing, 29 C.F.R. §102.15. If the charge is not settled, the allegations will be litigated before an administrative law judge (ALJ). 29 C.F.R. § 102.34. After a hearing, the ALJ then issues a decision, which can be appealed to the five-member Board of the NLRB. 29 C.F.R. § 102.45(a). Orders issued by the NLRB are subject to enforcement in the U.S. Circuit Courts of Appeals. 29 U.S.C. § 160.
9. The charge listed in Paragraph 5, above, is currently under investigation by NLRB Region 15. No merit determination has yet been made. Accordingly, the liability that is the basis for this Initial Claim is conditioned on the outcome of the Board proceedings and cannot presently be precisely liquidated.

10. To date, the NLRB believes the amount owed to be approximately \$18,564.00 in "wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual," which was incurred before Debtor's Bankruptcy petition filing and within 180 days of the petition filing date of May 21, 2024. However, the total backpay, including periods of time earlier than the 180 days from the date of the petition filing, is approximately \$43,680.00. Additionally, there is interest in the amount of \$2,510.00 and excess tax liability in the amount of \$478.00 owed by the Debtor on behalf of Adriaunna Ferrell. The NLRB anticipates that this Initial Claim will be either supplemented with precise liquidated amount of liability or withdrawn when the proceeding has resulted in a final determination.

11. To the best of my knowledge, no payment has been made on this Initial Claim, to date.

12. This Initial Claim is not subject to any setoff or counterclaim.

13. No security interest is held for this Initial Claim.

14. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Executed at Little Rock, Arkansas this 7<sup>th</sup> date of aug 2024



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS

IN RE:

ZACHRY HOLDINGS, INC.

CASE NO. 24-90395

Debtor(s)

CHAPTER 11

**ADDENDUM TO PROOF OF CLAIM OF  
NATIONAL LABOR RELATIONS BOARD**

The basis of the National Labor Relations Board's proof of claim is as follows:

The Regional Director for Region 15, National Labor Relations Board, F. Edward Hebert Federal Building, 600 South Maestri Place, 7th Floor, New Orleans, Louisiana, 70130-3413, is the statutory agent of the National Labor Relations Board (the Board) and is authorized under the National Labor Relations Act, 29 U.S.C. Sec. 151 *et. seq.* (the Act), to make this proof of claim on behalf of the claimant described below.

Adriaunna Ferrell filed a charge with the Board in Case Number 15-CA-322118 on July 20, 2023, against the Debtor, Zachry Maintenance Services, LLC, Bankruptcy Case No. 24-90395. The charge alleges that the Debtor violated Section 8(a)(1) of the Act by, *inter alia*, discharging Adriaunna Ferrell because the Debtor believed Ferrell engaged in protected concerted activities by discussing wages with other employees. A copy of the charge is attached as **Exhibit C**.

The charge is still under investigation and the Board has not yet found merit to the charge. If the Board finds merit to the charge, the Board will inform the Court that the Board found merit to the charge and issued an Order Consolidating Complaint and Notice of Hearing against the Debtor. If the allegations in such future Order Consolidating Complaint are successfully litigated or settled by the Board, an appropriate remedy for such conduct would include, *inter alia*, an order requiring that the Debtor make Ferrell whole for discharging her in the manner set forth in *F. W.*

*Woolworth Co.*, 90 NLRB 289 (1950), with interest as set forth in *New Horizons*, 2183 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 9 (2010). Additionally, in accordance with *Don Chavas, LLC*, 359 NLRB No. 44 (2022), if successfully litigated, Ferrell would be entitled to be compensated for the adverse tax consequences of receiving a lump-sum backpay award during a year after the year in which she would have received backpay if she had not been unlawfully discharged. Further, the remedy would include an order to post and/or mail a Notice to Employees regarding the above conduct. The amount of the proof of claim herein is an estimate of the debtor's pre-petition and post-petition liability based on unverified information and made without having access to the Debtor's payroll records. The estimated figures submitted as a priority claim § 507(a)(4) and priority claim § 507(a)(8) are set forth in **Exhibits A and B**, which is attached hereto and made a part thereof. Upon more specific information regarding the Debtor's backpay obligation, an appropriate amendment to this proof of claim will be filed. The exact amount of the claims would be liquidated by the Board in a formal proceeding, absent agreement by the parties. *Nathanson v. NLRB*, 344 U.S. 25, 29 (1952). Therefore, the Board reserves the right to fully liquidate, through formal proceedings, the amount owing by Debtor in accordance with *Nathanson*.

Dated: August 7, 2024

Respectfully submitted,

/s/ Charles L. Rauton

CHARLES L. RAUTON

Counsel for the General Counsel

National Labor Relations Board, Region 15

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/s/ Charles L. Rauton  
Charles L. Rauton

**Exhibit A****NLRB Backpay Calculation**

1

| Case Name: Zachary Maintenance |     |             |              |             |                |                  | Backpay period:<br><br>6/15/2023 - 03/23/2024 |             | Interest<br>calculated to:<br><br>8/1/2024 |                     |                           |
|--------------------------------|-----|-------------|--------------|-------------|----------------|------------------|---|-------------|--|---------------------|---------------------------|
| Case Number: 15-CA-322118      |     |             |              |             |                |                  |   |             |  |                     |                           |
| Claimant: Adriaunna Ferrell    |     |             |              |             |                |                  |   |             |  |                     |                           |
| Year                           | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings                | Net Backpay | Interim<br>Expenses                        | Medical<br>Expenses | Net Backpay &<br>Expenses |
| 2023                           | 2   | 6/24        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 2   | 7/1         | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 2   | Total       |              |             |                | 2,184            |   | 2,184       | -  | -                   | 2,184                     |
| 2023                           | 3   | 7/8         | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 7/15        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 7/22        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 7/29        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 8/5         | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 8/12        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 8/19        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 8/26        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 9/2         | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 9/9         | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 9/16        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 9/23        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | 9/30        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 3   | Total       |              |             |                | 14,196           |   | 14,196      | -  | -                   | 14,196                    |
|                                | 4   | 10/7        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 10/14       | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 10/21       | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 10/28       | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 11/4        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 11/11       | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 11/18       | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 11/25       | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |
| 2023                           | 4   | 12/2        | 40           |             | 27.30          | 1,092            |   |             |  |                     |                           |

## NLRB Backpay Calculation

2

Case Name: Zachary Maintenance

Case Number: 15-CA-322118

Claimant: **Adriaunna Ferrell**

Backpay period:

6/15/2023 - 03/23/2024

Interest  
calculated to:**8/1/2024**

| Year | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings | Net Backpay | Interim<br>Expenses | Medical<br>Expenses | Net Backpay &<br>Expenses |
|------|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|---------------------------|
| 2023 | 4   | 12/9        | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/16       | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/23       | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/30       | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2023 | 4   | Total       |              |             |                | 14,196           |                                | 14,196      | -                   | -                   | 14,196                    |
| 2024 | 1   | 1/6         | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/13        | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/20        | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/27        | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/3         | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/10        | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/17        | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/24        | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/2         | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/9         | 40           |             | 27.30          | 1,092            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/16        | 40           |             | 27.30          | 1,092            |                                |             | 4,000               |                     |                           |
| 2024 | 1   | 3/23        | 40           |             | 27.30          | 1,092            |                                |             | 900                 |                     |                           |
| 2024 | 1   | 3/30        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 1   | Total       |              |             |                | 13,104           | -                              | 13,104      | 4,900               | -                   | 18,004                    |

|                                   |        |       |   |               |
|-----------------------------------|--------|-------|---|---------------|
| Totals                            | 43,680 | 4,900 | - | <b>48,580</b> |
| <b>Net Backpay (Withholdings)</b> |        |       |   | <b>43,680</b> |

## NLRB Backpay Calculation

3

Case Name: Zachary Maintenance

Case Number: 15-CA-322118

Claimant: **Adriaunna Ferrell**

Backpay period:

6/15/2023 - 03/23/2024

Interest  
calculated to:**8/1/2024**

| Year | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings | Net Backpay | Interim<br>Expenses | Medical<br>Expenses | Net Backpay &<br>Expenses |
|------|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|---------------------------|
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**Exhibit B****NLRB Backpay Calculation**

1

Case Name: Zachary Maintenance  
Case Number: 15-CA-322118

Claimant: **Adriaunna Ferrell**

Backpay period:

6/15/2023 - 03/23/2024

Interest  
calculated to:

| Year | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings | Net Backpay | Interim<br>Expenses | Medical<br>Expenses |
|------|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|
|------|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|

**Adjusted Taxes for Lump Sum Backpay**

Case Name: **Zachary Maintenance**  
Case Number: **15-CA-322118**  
Claimant: **Adriaunna Ferrell**

| Year                                 | Taxable Income<br>(Backpay) | Filing Status | State | Federal Tax | State Tax |
|--------------------------------------|-----------------------------|---------------|-------|-------------|-----------|
| <b>2023</b>                          | 30,576                      | Single Filer  | LA    | 3,449       | 1,223     |
| <b>Taxes Paid:</b>                   |                             |               |       | 3,449       | 1,223     |
| <b>(Sum)</b>                         |                             |               |       |             |           |
| <b>Sum<br/>2000 to 2023</b>          | 30,576                      | Single Filer  | LA    | 3,449       | 1,223     |
| <b>2024</b>                          | 13,104                      |               |       |             |           |
| Excess Tax on Backpay:               |                             |               |       | 0           | 0         |
| Incremental Tax on Backpay:          |                             |               |       |             | 0         |
| <b>Total Excess Tax on Backpay:</b>  |                             |               |       | <b>0</b>    |           |
| <b>Interest on<br/>Backpay:</b>      | 2,510                       |               |       |             |           |
| Tax on Interest:                     |                             |               |       | 301         | 100       |
| Incremental Tax on Interest:         |                             |               |       |             | 77        |
| <b>Total Excess Tax on Interest:</b> |                             |               |       | <b>478</b>  |           |
| <b>Additional Tax Liability:</b>     |                             |               |       | <b>0</b>    |           |
| <b>Total Excess Tax Liability:</b>   |                             |               |       | <b>478</b>  |           |

**Exhibit C**

Form NLRB - 501 (3-21)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

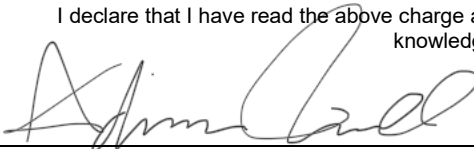
**INSTRUCTIONS:**

| DO NOT WRITE IN THIS SPACE |               |
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| Case                       | Date Filed    |
| 15-CA-322118               | July 20, 2023 |

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

|  |   |                               |
|--|---|-------------------------------|
| a. Name of Employer<br>Zachary Maintenance   |   | b. Tel. No.<br>(504)391-6593  |
|  |   | c. Cell No.                   |
| d. Address (Street, city, state, and ZIP code)<br>10285 LA-23, Bell Chasse, LA<br>70037  | e. Employer Representative<br>Charles Boris<br>Manager  | f. Fax No.                    |
|  |   | g. e-mail                     |
|  |   | h. Number of Workers Employed |
| i. Type of Establishment (factory, mine, wholesaler, etc.)<br>Contractor   | j. Identify Principal Product or Service<br>Maintenance |                               |
| 1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. |   |                               |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)<br>On about June 15, 2023 the Employer discriminated against employee Adrianaunna Ferrell by discharging her in retaliation for and or in order to discourage protected concerted activities.  |   |                               |

|   |  |
|---|--|
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number)<br>Adrianunna Ferrell  |  |
| 4a. Address (Street and number, city, state, and ZIP code)<br>356 Fairfield Ave, Gretna, LA 70056   | 4b. Tel. No.   |
|   | 4c. Cell No.<br>(504)739-8470  |
|   | 4d. Fax No.  |
|   | 4e. e-mail<br><a href="mailto:adria.ferrell@gmail.com">adria.ferrell@gmail.com</a> |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) |  |
| 6. DECLARATION<br>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.                                      |  |
| <br>(signature of representative or person making charge)                                |  |
| Address: 356 Fairfield Ave, Gretna, LA 70056<br>Date: 07/20/2023  |  |
| Tel. No.<br>Office, if any, Cell No.<br>(504)739-8470<br>Fax No.<br>e-mail<br><a href="mailto:adria.ferrell@gmail.com">adria.ferrell@gmail.com</a>                          |  |

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**  
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-3341662081



## Changes made To Page

Changes have been made To the page. Click [Continue] To save your changes And proceed With your action. Click [Cancel] To remain On this page.

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Kurtzman Carson Consultants, LLC (KCC) has rebranded as Verita Global. All existing KCC URLs and email addresses will be automatically redirected. KCC will remain as a legal entity as we make this transition.

---

### Zachry Holdings, Inc., et al.

Case Number: 24-90377

[Blank Proof of Claim Form with Instructions](#)

For phone assistance:

(866) 479-8211 (Domestic US)

(781) 575-2037 (International)

This claim was successfully submitted for \$ 43,680.00 against Zachry Maintenance Services, LLC on 07-Aug-2024 3:02:48 p.m. Eastern Time.

You can download a copy of the Claim Filing Summary [here](#).

If you would like to make any changes to your claim, please [request a new PIN](#) and file an amended claim.

**You have uploaded your supporting documentation so there is nothing for you to mail to Verita (KCC).**



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[Privacy Policy](#)

**SUPPLEMENT TO MODIFIED OFFICIAL FORM 410 (“PROOF OF CLAIM FORM”)****CLAIM SUMMARY REQUEST FORM**

If you are a current or former employee of Zachry or one of its affiliates, you do **not** need to complete this form.

For all claimants who are vendors and customers of the Debtors, although completion of this form is **not mandatory**, the Debtors **strongly recommend** that any party asserting a claim fill out this form in full and submit it with the Proof of Claim Form. Filling out this supplement in full will allow the Debtors to understand the facts supporting the claim and reconcile the claim against the Debtors’ books and records. The Bankruptcy Court encourages claimants to complete this form. You **must** submit a Form 410 Proof of Claim, this form alone does not constitute the filing of a Proof of Claim in the Chapter 11 case of Zachry Holding Inc., et al., Case No. 24-90377. For more information, please visit <https://www.veritaglobal.net/zhi>.

**1. Name of claimant as stated on Proof of Claim Form:**


---

**2. Claim Summary.** List of Project / Job Name(s), Job Location(s), and Purchase Order(s) and description of the claim (you may attach a separate summary that contains the same information):

| # | Project Name(s) | Amount of Claim |
|---|-----------------|-----------------|
| 1 |                 |                 |
| 2 |                 |                 |
| 3 |                 |                 |

| # | Job Name(s) | Job Location(s) | Purchase Order(s) | Amount of Claim |
|---|-------------|-----------------|-------------------|-----------------|
| 1 |             |                 |                   |                 |
| 2 |             |                 |                   |                 |
| 3 |             |                 |                   |                 |

**Additional claim summary page available at end of this document**

**3. Documentation.** Documentation supporting the claim should be attached hereto. Documentation should include both evidence of the nature of the claim asserted as well as evidence of the date or dates on which the claim arose.

**4. Claims Against Multiple Debtor Entities.** Each Proof of Claim and Claim Summary must state a claim against **only one** Debtor and clearly indicate the Debtor against which the claim is asserted.

**5. Sign and Date Form.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**If you are a vendor or customer claimant, the Debtors strongly recommend that you please complete the Proof of Claim Form and this Supplement. Attach the Supplement to the Electronic Proof of Claim Form (ePOC) as supporting documentation (ePOC Step 10) or include the Supplement in the envelope with the Proof of Claim mailed to Verita at the address below. Forms will not be accepted by Electronic Mail or Facsimile.**

**Submit Electronic Proof of Claim (ePOC):**

Please visit <https://www.veritaglobal.net/zhi> to submit an ePOC. See ePOC Step 10 - Supporting Documentation to load this Supplement form.

**Mailing Address:**

Zachry Claims Processing Center  
c/o KCC dba Verita  
222 N. Pacific Coast Hwy., Ste. 300  
El Segundo, CA 90245

**Claim Summary Additional Page for List of Projects**

**Name (as listed on Proof of Claim):** \_\_\_\_\_

| # | Project Name(s) | Amount of Claim |
|---|-----------------|-----------------|
|   |                 |                 |
|   |                 |                 |
|   |                 |                 |
|   |                 |                 |
|   |                 |                 |
|   |                 |                 |
|   |                 |                 |
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|   |                 |                 |

**Claim Summary Additional Page for List of Jobs**

Name (as listed on Proof of Claim): \_\_\_\_\_

| # | Job Name(s) | Job Location(s) | Purchase Order(s) | Amount of Claim |
|---|-------------|-----------------|-------------------|-----------------|
|   |             |                 |                   |                 |
|   |             |                 |                   |                 |
|   |             |                 |                   |                 |
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|   |             |                 |                   |                 |
|   |             |                 |                   |                 |
|   |             |                 |                   |                 |

Fill in this information to identify the case:

Debtor Zachry Maintenance Services, LLC

United States Bankruptcy Court for the: Southern District of Texas  
(State)

Case number 24-90395

Official Form 410  
Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

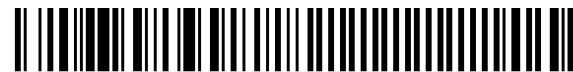
Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

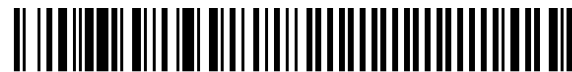
Part 1: Identify the Claim

|  |   |  |
|--|---|--|
| 1. Who is the current creditor?  | <u>National Labor Relations Board - Region 15</u><br>Name of the current creditor (the person or entity to be paid for this claim)                              |  |
|  | Other names the creditor used with the debtor <u>Zachry Maintenance Services, LLC</u>   |  |
| 2. Has this claim been acquired from someone else?                       | <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Yes. From whom? _____  |  |
| 3. Where should notices and payments to the creditor be sent?            | <b>Where should notices to the creditor be sent?</b><br>See summary page  | <b>Where should payments to the creditor be sent? (if different)</b><br>See summary page |
| Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)                      | Contact phone <u>501-508-7097</u><br>Contact email <u>charles.rauton@nlrb.gov</u>   | Contact phone <u>501-508-7097</u><br>Contact email <u>charles.rauton@nlrb.gov</u>        |
|  | Uniform claim identifier for electronic payments in chapter 13 (if you use one):<br>_____   |  |
| 4. Does this claim amend one already filed?                              | <input type="checkbox"/> No<br><input checked="" type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____<br>MM / DD / YYYY |  |
| 5. Do you know if anyone else has filed a proof of claim for this claim? | <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. Who made the earlier filing? _____  |  |



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

|     |   |  |
|-----|---|--|
| 6.  | <b>Do you have any number you use to identify the debtor?</b>   | <input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____   |
| 7.  | <b>How much is the claim?</b> \$ <u>47,274.00</u>   | <b>Does this amount include interest or other charges?</b><br><input type="checkbox"/> No<br><input checked="" type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A). |
| 8.  | <b>What is the basis of the claim?</b><br>Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.<br>Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).<br>Limit disclosing information that is entitled to privacy, such as health care information.<br><br><u>See summary page</u>   |  |
| 9.  | <b>Is all or part of the claim secured?</b><br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. The claim is secured by a lien on property.<br><br><b>Nature or property:</b><br><input type="checkbox"/> Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> .<br><input type="checkbox"/> Motor vehicle<br><input type="checkbox"/> Other. Describe: _____<br><br><b>Basis for perfection:</b> _____<br>Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)<br><br><b>Value of property:</b> \$ _____<br><b>Amount of the claim that is secured:</b> \$ _____<br><b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)<br><br><b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____<br><br><b>Annual Interest Rate</b> (when case was filed) _____ %<br><input type="checkbox"/> Fixed<br><input type="checkbox"/> Variable |  |
| 10. | <b>Is this claim based on a lease?</b><br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. <b>Amount necessary to cure any default as of the date of the petition.</b> \$ _____  |  |
| 11. | <b>Is this claim subject to a right of setoff?</b><br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Yes. Identify the property: _____  |  |





## 12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No☒ Yes. Check all that apply:

## Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ \_\_\_\_\_

☐ Up to \$3,350\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☒ Wages, salaries, or commissions (up to \$15,150\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).\$ 39,582.00☒ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).\$ 375.00☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

## 13. Is all or part of the claim entitled to administrative priority pursuant to 11 U.S.C. 503(b)(9)?

☒ No☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

## Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.☒ I am the creditor's attorney or authorized agent.☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 08/09/2024

MM / DD / YYYY

/s/Charles Rauton

Signature

Print the name of the person who is completing and signing this claim:

Name Charles Rauton

First name

Middle name

Last name

Title AttorneyCompany National Labor Relations Board - Region 15

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 700 West Capitol Ave, Suite 4429, Little Rock, ARKANSAS, 72201, United StatesContact phone 5015087097Email charles.rauton@nlrb.gov

KIRSTEN WALLS-PARKER  
KIRSTEN.WALLS@NLRB.GOV  
Region 15  
Telephone: (501) 508-7093  
Facsimile: (501) 324-5009

Field Examiner  
Labor Relations Board

\*\*\*\*\*

In re: \*  
Zachry Maintenance Services, LLC \*  
\*  
Debtor \*  
\*  
\*  
\*

Case No. 24-90395  
Chapter 11

DECLARATION OF  
KIRSTEN WALLS-PARKER  
IN SUPPORT TO PROOF OF  
CLAIM

\*\*\*\*\*

I, Kirsten Walls-Parker, declare as follows:

1. I am a Field Examiner for the National Labor Relations Board ("NLRB" or "Board"), an agency of the United States Government, at the Region 15 Office located in New Orleans, Louisiana. I have held the position with Region 15 of the National Labor Relations Board since 2010. As a Field Examiner, it is my duty to investigate charges filed against employers and unions for allegedly committing unfair labor practices.
2. The Board is the forum with the exclusive authority to adjudicate the liability of Zachry Maintenance Services, LLC ("Debtor" or "Zachary Maintenance") for violations of the National Labor Relations Act ("the Act"), 29 U.S.C. §§ 151-169, and to determine the appropriate amount of liability for any violation of the Act.
3. This declaration is in support of the Board's Initial Proof of Claim ("Initial Claim") which is being filed concurrently with this declaration.

4. I have reviewed the Board's Initial Claim and the supporting document attached hereto as **Exhibits A and B** and described below. The assertions contained in the Board's Initial Claim are true and correct to the best of my knowledge and belief. A true and correct copy of the exhibit that supports the Initial Claim are attached and made part of this declaration.
5. The claim described in this Initial Claim is derived from an unfair labor practice charge filed with the National Labor Relations Board against Zachry Maintenance Services, LLC (Case No. 15-CA-338732, **Exhibit C.**)
6. The charge referred to in Paragraphs 4-5, above, allege that the Debtor "discriminated against Andrey Barquero by discharging him in retaliation for and/or in order to discourage protected concerted activities" in violation of Section 8(a)(1) of the Act.
7. Actions taken against an employee, or the failure to take actions that would normally be taken, in retaliation for union activities or membership violate the Act.
8. Generally, if a Regional Director determines that a charge has merit, the Region will issue a complaint and notice of hearing, 29 C.F.R. §102.15. If the charge is not settled, the allegations will be litigated before an administrative law judge (ALJ). 29 C.F.R. § 102.34. After a hearing, the ALJ then issues a decision, which can be appealed to the five-member Board of the NLRB. 29 C.F.R. § 102.45(a). Orders issued by the NLRB are subject to enforcement in the U.S. Circuit Courts of Appeals. 29 U.S.C. § 160.
9. The charge listed in Paragraph 5, above, is currently under investigation by NLRB Region 15. No merit determination has yet been made. Accordingly, the liability that is the basis for this Initial Claim is conditioned on the outcome of the Board proceedings and cannot presently be precisely liquidated.



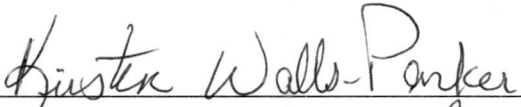
10. To date, the NLRB believes the amount owed to be approximately \$39,582.00 in "wages, salaries, or commissions, including vacation, severance, and sick leave pay earned by an individual," which was incurred before Debtor's Bankruptcy petition filing and within 180 days of the petition filing date of May 21, 2024. However, the total backpay, including periods of time earlier than the 180 days from the date of the petition filing, is approximately \$47,274.00. Additionally, there is interest in the amount of \$2,092.00 and excess tax liability in the amount of \$375.00 owed by the Debtor on behalf of Andrey Barquero. The NLRB anticipates that this Initial Claim will be either supplemented with precise liquidated amount of liability or withdrawn when the proceeding has resulted in a final determination.

11. To the best of my knowledge, no payment has been made on this Initial Claim, to date.

12. This Initial Claim is not subject to any setoff or counterclaim.

13. No security interest is held for this Initial Claim.

14. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

  
Executed at Little Rock, Arkansas this 9 date of Aug., 2024

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS

IN RE:

ZACHRY MAINTENANCE SERVICES, LLC

CASE NO. 24-90395

Debtor(s)

CHAPTER 11

**ADDENDUM TO PROOF OF CLAIM OF  
NATIONAL LABOR RELATIONS BOARD**

The basis of the National Labor Relations Board's proof of claim is as follows:

The Regional Director for Region 15, National Labor Relations Board, F. Edward Hebert Federal Building, 600 South Maestri Place, 7th Floor, New Orleans, Louisiana, 70130-3413, is the statutory agent of the National Labor Relations Board (the Board) and is authorized under the National Labor Relations Act, 29 U.S.C. Sec. 151 *et. seq.* (the Act), to make this proof of claim on behalf of the claimant described below.

Andrey Barquero filed a charge with the Board in Case Number 15-CA-338732 on March 26, 2024, against the Debtor, Zachry Maintenance Services, LLC, Bankruptcy Case No. 24-90395. The charge alleges that the Debtor violated Section 8(a)(1) of the Act by, *inter alia*, discharging Andrey Barquero because the Debtor believed Barquero engaged in protected concerted activities. A copy of the charge is attached as **Exhibit C**.

The charge is still under investigation and the Board has not yet found merit to the charge. If the Board finds merit to the charge, the Board will inform the Court that the Board found merit to the charge and issued an Order Consolidating Complaint and Notice of Hearing against the Debtor. If the allegations in such future Order Consolidating Complaint are successfully litigated or settled by the Board, an appropriate remedy for such conduct would include, *inter alia*, an order requiring that the Debtor make Barquero whole for discharging him in the manner set forth in *F*.



*W. Woolworth Co.*, 90 NLRB 289 (1950), with interest as set forth in *New Horizons*, 2183 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 9 (2010). Additionally, in accordance with *Don Chavas, LLC*, 359 NLRB No. 44 (2022), if successfully litigated, Barquero would be entitled to be compensated for the adverse tax consequences of receiving a lump-sum backpay award during a year after the year in which he would have received backpay if he had not been unlawfully discharged. Further, the remedy would include an order to post and/or mail a Notice to Employees regarding the above conduct. The amount of the proof of claim herein is an estimate of the debtor's pre-petition and post-petition liability based on unverified information and made without having access to the Debtor's payroll records. The estimated figures submitted as a priority claim § 507(a)(4) and priority claim § 507(a)(8) are set forth in **Exhibits A and B**, which is attached hereto and made a part thereof. Upon more specific information regarding the Debtor's backpay obligation, an appropriate amendment to this proof of claim will be filed. The exact amount of the claims would be liquidated by the Board in a formal proceeding, absent agreement by the parties. *Nathanson v. NLRB*, 344 U.S. 25, 29 (1952). Therefore, the Board reserves the right to fully liquidate, through formal proceedings, the amount owing by Debtor in accordance with *Nathanson*.

Dated: August 9, 2024

Respectfully submitted,

/s/ Charles L. Rauton

CHARLES L. RAUTON

Counsel for the General Counsel

National Labor Relations Board, Region 15

700 West Capitol Avenue, Suite 4429

Little Rock, AR 72201

Telephone: (501) 508-7097

Facsimile: (501) 324-5009

ECF Noticing E-mail: [charles.rauton@nlrb.gov](mailto:charles.rauton@nlrb.gov)

**Certificate of Service**

I certify that on August 9, 2024, 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 L. Rauton  
Charles L. Rauton



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS

IN RE:

ZACHRY MAINTENANCE SERVICES, LLC

CASE NO. 24-90395

Debtor(s)

CHAPTER 11

**ADDENDUM TO PROOF OF CLAIM OF  
NATIONAL LABOR RELATIONS BOARD**

The basis of the National Labor Relations Board's proof of claim is as follows:

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*W. Woolworth Co.*, 90 NLRB 289 (1950), with interest as set forth in *New Horizons*, 2183 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 9 (2010). Additionally, in accordance with *Don Chavas, LLC*, 359 NLRB No. 44 (2022), if successfully litigated, Barquero would be entitled to be compensated for the adverse tax consequences of receiving a lump-sum backpay award during a year after the year in which he would have received backpay if he had not been unlawfully discharged. Further, the remedy would include an order to post and/or mail a Notice to Employees regarding the above conduct. The amount of the proof of claim herein is an estimate of the debtor's pre-petition and post-petition liability based on unverified information and made without having access to the Debtor's payroll records. The estimated figures submitted as a priority claim § 507(a)(4) and priority claim § 507(a)(8) are set forth in **Exhibits A and B**, which is attached hereto and made a part thereof. Upon more specific information regarding the Debtor's backpay obligation, an appropriate amendment to this proof of claim will be filed. The exact amount of the claims would be liquidated by the Board in a formal proceeding, absent agreement by the parties. *Nathanson v. NLRB*, 344 U.S. 25, 29 (1952). Therefore, the Board reserves the right to fully liquidate, through formal proceedings, the amount owing by Debtor in accordance with *Nathanson*.

Dated: August 9, 2024

Respectfully submitted,

/s/ Charles L. Rauton

CHARLES L. RAUTON

Counsel for the General Counsel

National Labor Relations Board, Region 15

700 West Capitol Avenue, Suite 4429

Little Rock, AR 72201

Telephone: (501) 508-7097

Facsimile: (501) 324-5009

ECF Noticing E-mail: [charles.rauton@nlrb.gov](mailto:charles.rauton@nlrb.gov)

**Certificate of Service**

I certify that on August 9, 2024, 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 L. Rauton  
Charles L. Rauton

## Exhibit A

## NLRB Backpay Calculation

1

Case Name: Zachary Maintenance  
Case Number: 15-CA-338732

Claimant: **Andrey Barquero**

Backpay period:

10/26/2023 - 05/20/2024

Interest  
calculated to:

**8/7/2024**

| Year | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings | Net Backpay | Interim<br>Expenses | Medical<br>Expenses | Net Backpay &<br>Expenses |
|------|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|---------------------------|
| 2023 | 4   | 10/28       | 16           |             | 36.03          | 576              |                                |             |                     |                     |                           |
| 2023 | 4   | 11/4        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 11/11       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 11/18       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 11/25       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/2        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/9        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/16       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/23       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/30       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | Total       |              |             |                | 16,587           |                                | 16,587      | -                   | -                   | 16,587                    |
| 2024 | 1   | 1/6         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/13        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/20        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/27        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/3         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/10        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/17        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/24        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/2         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/9         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/16        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/23        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/30        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | Total       |              |             |                | 23,127           |                                | 23,127      | -                   | -                   | 23,127                    |
| 2024 | 2   | 4/6         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 4/13        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 4/20        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 4/27        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 5/4         | 40           | 6.25        | 3.00           | 148              |                                |             |                     |                     |                           |
| 2024 | 2   | 5/11        | 40           | 6.25        | 3.00           | 148              |                                |             |                     |                     |                           |
| 2024 | 2   | 5/18        | 40           | 6.25        | 3.00           | 148              |                                |             |                     |                     |                           |
| 2024 | 2   | 5/25        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/1         |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/8         |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/15        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/22        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/29        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | Total       |              |             |                | 7,560            |                                | 7,560       | -                   | -                   | 7,560                     |

## NLRB Backpay Calculation

2

Case Name: Zachary Maintenance  
Case Number: 15-CA-338732

Claimant: **Andrey Barquero**

Backpay period:

10/26/2023 - 05/20/2024

Interest  
calculated to:

**8/7/2024**

| Year                                      | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings | Net Backpay | Interim<br>Expenses | Medical<br>Expenses | Net Backpay &<br>Expenses |
|---|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|---------------------------|
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Totals                                    |     |             |              |             |                |                  |                                | 47,274      | -                   | -                   | <b>47,274</b>             |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Net Backpay (Withholdings)                |     |             |              |             |                |                  |                                |             |                     |                     | <b>47,274</b>             |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Expenses (No Withholdings)                |     |             |              |             |                |                  |                                |             |                     |                     | -                         |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Daily Compound Interest (No Withholdings) |     |             |              |             |                |                  |                                |             |                     |                     | <b>2,092</b>              |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Total Backpay, Expenses and Interest      |     |             |              |             |                |                  |                                |             |                     |                     | <b>49,366</b>             |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |

## Exhibit B

## NLRB Backpay Calculation

1

| Case Name: Zachary Maintenance   |     |             |              |             |                |                  | Backpay period:<br><br>10/26/2023 - 05/20/2024 |             |                     | Interest<br>calculated to: |
|----------------------------------|-----|-------------|--------------|-------------|----------------|------------------|--|-------------|---------------------|----------------------------|
| Case Number: 15-CA-338732        |     |             |              |             |                |                  |  |             |                     |                            |
| Claimant: <b>Andrey Barquero</b> |     |             |              |             |                |                  |  |             |                     |                            |
| Year                             | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings                 | Net Backpay | Interim<br>Expenses | Medical<br>Expenses        |

## Adjusted Taxes for Lump Sum Backpay

Case Name: **Zachary Maintenance**  
Case Number: **15-CA-338732**  
Claimant: **Andrey Barquero**

| Year                                 | Taxable<br>Income<br>(Backpay) | Filing Status | State | Federal Tax | State Tax |
|--------------------------------------|--------------------------------|---------------|-------|-------------|-----------|
| <b>2023</b>                          | 16,587                         | Single Filer  | LA    | 1,770       | 531       |
| <b>Taxes Paid:</b>                   |                                |               |       | 1,770       | 531       |
| <b>(Sum)</b>                         |                                |               |       |             |           |
| <b>Sum<br/>2000 to 2023</b>          | 16,587                         | Single Filer  | LA    | 1,758       | 531       |
| <b>2024</b>                          | 30,687                         |               |       |             |           |
| Excess Tax on Backpay:               |                                |               |       | 0           | 0         |
| Incremental Tax on Backpay:          |                                |               |       |             | 0         |
| <b>Total Excess Tax on Backpay:</b>  |                                |               |       | <b>0</b>    |           |
| <b>Interest on<br/>Backpay:</b>      | 2,092                          |               |       |             |           |
| Tax on Interest:                     |                                |               |       | 251         | 67        |
| Incremental Tax on Interest:         |                                |               |       |             | 57        |
| <b>Total Excess Tax on Interest:</b> |                                |               |       | <b>375</b>  |           |
| <b>Additional Tax Liability:</b>     |                                |               |       | <b>0</b>    |           |
| <b>Total Excess Tax Liability:</b>   |                                |               |       | <b>375</b>  |           |


## Exhibit C

FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

| DO NOT WRITE IN THIS SPACE |                              |
|----------------------------|------------------------------|
| Case<br>15-CA-338732       | Date Filed<br>March 26, 2024 |

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT   |   |
|--|---|
| a. Name of Employer<br>Zachry Maintenance Services, LLC  | b. Tel. No.<br>(210) 588-5000   |
|  | c. Cell No.   |
|  | f. Fax. No.   |
| d. Address (Street, city, state, and ZIP code)<br>10285 Highway 23 South<br>Belle Chasse, Louisiana 70037  | e. Employer Representative<br>Jay Old, General Counsel<br>527 Logwood Avenue<br>San Antonio, TX 78221                         |
|  | g. e-mail   |
|  | h. Number of workers employed<br>10,001+  |
| i. Type of Establishment (factory, mine, wholesaler, etc.)<br>Plant  | j. Identify principal product or service<br>Turnkey Engineering, Construction, Maintenance, Turnaround, & Fabrication Service |
| The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. |   |
| 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)<br>On or around October 26, 2023, the Employer discriminated against employee Andrey Barquero by discharging him in retaliation for and/or in order to discourage protected concerted activities.  |   |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number)<br>Andrey Barquero  |   |
| 4a. Address (Street and number, city, state, and ZIP code)<br>3912 Red Cypress Drive<br>Harvey, LA 70058   | 4b. Tel. No.<br>(504) 722-7846  |
|  | 4c. Cell No.  |
|  | 4d. Fax No.   |
|  | 4e. e-mail<br>aaroncp3@hotmail.com  |
| 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  |   |
| 6. DECLARATION<br>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.   |   |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <br/>           (signature of representative or person making charge)         </div> <div style="width: 45%;">           Andrey Barquero, an individual<br/>           (Print/type name and title or office, if any)         </div> </div>                 |   |
| 3912 Red Cypress Drive<br>Address Harvey, LA 70058   |   |
| Date 22/03/2024  |   |
| Tel. No.<br>(504) 722-7846   |   |
| Office, if any, Cell No.   |   |
| Fax No.<br>(504) 534-3380  |   |
| e-mail<br>aaroncp3@hotmail.com   |   |

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

## Exhibit A

## NLRB Backpay Calculation

1

Case Name: Zachary Maintenance

Case Number: 15-CA-338732

Backpay period:

10/26/2023 - 05/20/2024

Interest  
calculated to:

8/7/2024

Claimant: **Andrey Barquero**

| Year | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings | Net Backpay | Interim<br>Expenses | Medical<br>Expenses | Net Backpay &<br>Expenses |
|------|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|---------------------------|
| 2023 | 4   | 10/28       | 16           |             | 36.03          | 576              |                                |             |                     |                     |                           |
| 2023 | 4   | 11/4        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 11/11       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 11/18       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 11/25       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/2        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/9        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/16       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/23       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | 12/30       | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2023 | 4   | Total       |              |             |                | 16,587           |                                | 16,587      | -                   | -                   | 16,587                    |
| 2024 | 1   | 1/6         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/13        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/20        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 1/27        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/3         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/10        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/17        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 2/24        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/2         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/9         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/16        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/23        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | 3/30        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 1   | Total       |              |             |                | 23,127           |                                | 23,127      | -                   | -                   | 23,127                    |
| 2024 | 2   | 4/6         | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 4/13        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 4/20        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 4/27        | 40           | 6.25        | 36.03          | 1,779            |                                |             |                     |                     |                           |
| 2024 | 2   | 5/4         | 40           | 6.25        | 3.00           | 148              |                                |             |                     |                     |                           |
| 2024 | 2   | 5/11        | 40           | 6.25        | 3.00           | 148              |                                |             |                     |                     |                           |
| 2024 | 2   | 5/18        | 40           | 6.25        | 3.00           | 148              |                                |             |                     |                     |                           |
| 2024 | 2   | 5/25        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/1         |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/8         |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/15        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/22        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | 6/29        |              |             |                | -                |                                |             |                     |                     |                           |
| 2024 | 2   | Total       |              |             |                | 7,560            |                                | 7,560       | -                   | -                   | 7,560                     |



## NLRB Backpay Calculation

2

Case Name: Zachary Maintenance  
Case Number: 15-CA-338732

Claimant: **Andrey Barquero**

Backpay period:

10/26/2023 - 05/20/2024

Interest  
calculated to:

**8/7/2024**

| Year                                      | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings | Net Backpay | Interim<br>Expenses | Medical<br>Expenses | Net Backpay &<br>Expenses |
|---|-----|-------------|--------------|-------------|----------------|------------------|--------------------------------|-------------|---------------------|---------------------|---------------------------|
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Totals                                    |     |             |              |             |                |                  |                                | 47,274      | -                   | -                   | <b>47,274</b>             |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Net Backpay (Withholdings)                |     |             |              |             |                |                  |                                |             |                     |                     | <b>47,274</b>             |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Expenses (No Withholdings)                |     |             |              |             |                |                  |                                |             |                     |                     | -                         |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Daily Compound Interest (No Withholdings) |     |             |              |             |                |                  |                                |             |                     |                     | <b>2,092</b>              |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |
| Total Backpay, Expenses and Interest      |     |             |              |             |                |                  |                                |             |                     |                     | <b>49,366</b>             |
| <hr/>                                     |     |             |              |             |                |                  |                                |             |                     |                     |                           |

## Exhibit B

## NLRB Backpay Calculation

1

| Case Name: Zachary Maintenance   |     |             |              |             |                |                  | Backpay period:<br><br>10/26/2023 - 05/20/2024 |             |                     | Interest<br>calculated to: |
|----------------------------------|-----|-------------|--------------|-------------|----------------|------------------|--|-------------|---------------------|----------------------------|
| Case Number: 15-CA-338732        |     |             |              |             |                |                  |  |             |                     |                            |
| Claimant: <b>Andrey Barquero</b> |     |             |              |             |                |                  |  |             |                     |                            |
| Year                             | Qtr | Week<br>End | Reg<br>Hours | OT<br>Hours | Hourly<br>Rate | Gross<br>Backpay | Quarter<br>Interim<br>Earnings                 | Net Backpay | Interim<br>Expenses | Medical<br>Expenses        |

## Adjusted Taxes for Lump Sum Backpay

Case Name: **Zachary Maintenance**  
Case Number: **15-CA-338732**  
Claimant: **Andrey Barquero**

| Year                                 | Taxable<br>Income<br>(Backpay) | Filing Status | State | Federal Tax | State Tax |
|--------------------------------------|--------------------------------|---------------|-------|-------------|-----------|
| <b>2023</b>                          | 16,587                         | Single Filer  | LA    | 1,770       | 531       |
| <b>Taxes Paid:</b>                   |                                |               |       | 1,770       | 531       |
| <b>(Sum)</b>                         |                                |               |       |             |           |
| <b>Sum<br/>2000 to 2023</b>          | 16,587                         | Single Filer  | LA    | 1,758       | 531       |
| <b>2024</b>                          | 30,687                         |               |       |             |           |
| Excess Tax on Backpay:               |                                |               |       | 0           | 0         |
| Incremental Tax on Backpay:          |                                |               |       |             | 0         |
| <b>Total Excess Tax on Backpay:</b>  |                                |               |       | <b>0</b>    |           |
| <b>Interest on<br/>Backpay:</b>      | 2,092                          |               |       |             |           |
| Tax on Interest:                     |                                |               |       | 251         | 67        |
| Incremental Tax on Interest:         |                                |               |       |             | 57        |
| <b>Total Excess Tax on Interest:</b> |                                |               |       | <b>375</b>  |           |
| <b>Additional Tax Liability:</b>     |                                |               |       | <b>0</b>    |           |
| <b>Total Excess Tax Liability:</b>   |                                |               |       | <b>375</b>  |           |

## Exhibit C

FORM NLRB-501  
(3-21)UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## DO NOT WRITE IN THIS SPACE

Case

15-CA-338732

Date Filed

March 26, 2024

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Zachry Maintenance Services, LLC

b. Tel. No.

(210) 588-5000

c. Cell No.

f. Fax. No.

d. Address (Street, city, state, and ZIP code)

10285 Highway 23 South  
Belle Chasse, Louisiana 70037

e. Employer Representative

Jay Old, General Counsel  
527 Logwood Avenue  
San Antonio, TX 78221

g. e-mail

h. Number of workers employed  
10,001+i. Type of Establishment (factory, mine, wholesaler, etc.)  
Plant

j. Identify principal product or service

Turnkey Engineering, Construction, Maintenance, Turnaround, &amp; Fabrication Service

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or around October 26, 2023, the Employer discriminated against employee Andrey Barquero by discharging him in retaliation for and/or in order to discourage protected concerted activities.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Andrey Barquero

4a. Address (Street and number, city, state, and ZIP code)

3912 Red Cypress Drive  
Harvey, LA 70058

4b. Tel. No.

(504) 722-7846

4c. Cell No.

4d. Fax No.

4e. e-mail

aaroncp3@hotmail.com

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

## 6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.

(504) 722-7846

Office, if any, Cell No.

Fax No.

(504) 534-3380

e-mail

aaroncp3@hotmail.com



(signature of representative or person making charge)

Andrey Barquero, an individual

(Print/type name and title or office, if any)

3912 Red Cypress Drive  
Address Harvey, LA 70058

Date 22/03/2024

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

**SUPPLEMENT TO MODIFIED OFFICIAL FORM 410 ("PROOF OF CLAIM FORM")****CLAIM SUMMARY REQUEST FORM**

If you are a current or former employee of Zachry or one of its affiliates, you do **not** need to complete this form.

For all claimants who are vendors and customers of the Debtors, although completion of this form is **not mandatory**, the Debtors **strongly recommend** that any party asserting a claim fill out this form in full and submit it with the Proof of Claim Form. Filling out this supplement in full will allow the Debtors to understand the facts supporting the claim and reconcile the claim against the Debtors' books and records. The Bankruptcy Court encourages claimants to complete this form. You **must** submit a Form 410 Proof of Claim, this form alone does not constitute the filing of a Proof of Claim in the Chapter 11 case of Zachry Holding Inc., et al., Case No. 24-90377. For more information, please visit <https://www.veritaglobal.net/zhi>.

**1. Name of claimant as stated on Proof of Claim Form:**

**National Labor Relations Board - Region 15**

---

**2. Claim Summary.** List of Project / Job Name(s), Job Location(s), and Purchase Order(s) and description of the claim (you may attach a separate summary that contains the same information):

| # | Project Name(s)  | Amount of Claim |
|---|--|-----------------|
| 1 | Not applicable, as this claim is based on backpay wages associated with a wrongful discharge under the National Labor Relations Act. | \$47,274.00     |
| 2 |  |                 |
| 3 |  |                 |

| # | Job Name(s)  | Job Location(s) | Purchase Order(s) | Amount of Claim |
|---|--|-----------------|-------------------|-----------------|
| 1 | Not applicable, as this claim is based on backpay wages associated with a wrongful discharge under the National Labor Relations Act. |                 |                   |                 |
| 2 |  |                 |                   |                 |
| 3 |  |                 |                   |                 |

**Additional claim summary page available at end of this document**

**3. Documentation.** Documentation supporting the claim should be attached hereto. Documentation should include both evidence of the nature of the claim asserted as well as evidence of the date or dates on which the claim arose.

**4. Claims Against Multiple Debtor Entities.** Each Proof of Claim and Claim Summary must state a claim against only one Debtor and clearly indicate the Debtor against which the claim is asserted.

**5. Sign and Date Form.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**If you are a vendor or customer claimant, the Debtors strongly recommend that you please complete the Proof of Claim Form and this Supplement. Attach the Supplement to the Electronic Proof of Claim Form (ePOC) as supporting documentation (ePOC Step 10) or include the Supplement in the envelope with the Proof of Claim mailed to Verita at the address below. Forms will not be accepted by Electronic Mail or Facsimile.**

**Submit Electronic Proof of Claim (ePOC):**

Please visit <https://www.veritaglobal.net/zhi> to submit an ePOC. See ePOC Step 10 - Supporting Documentation to load this Supplement form.

**Mailing Address:**

Zachry Claims Processing Center  
c/o KCC dba Verita  
222 N. Pacific Coast Hwy., Ste. 300  
El Segundo, CA 90245

**Claim Summary Additional Page for List of Projects**

Name (as listed on Proof of Claim): \_\_\_\_\_

| # | Project Name(s) | Amount of Claim |
|---|-----------------|-----------------|
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**Claim Summary Additional Page for List of Jobs**

Name (as listed on Proof of Claim): \_\_\_\_\_

| # | Job Name(s) | Job Location(s) | Purchase Order(s) | Amount of Claim |
|---|-------------|-----------------|-------------------|-----------------|
|   |             |                 |                   |                 |
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## Changes made To Page

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Kurtzman Carson Consultants, LLC (KCC) has rebranded as Verita Global. All existing KCC URLs and email addresses will be automatically redirected. KCC will remain as a legal entity as we make this transition.

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### Zachry Holdings, Inc., et al.

Case Number: 24-90377

[Blank Proof of Claim Form with Instructions](#)

For phone assistance:

(866) 479-8211 (Domestic US)

(781) 575-2037 (International)

This claim was successfully submitted for \$ 47,274.00 against Zachry Maintenance Services, LLC on 09-Aug-2024 10:29:51 a.m. Eastern Time.

You can download a copy of the Claim Filing Summary [here](#).

If you would like to make any changes to your claim, please [request a new PIN](#) and file an amended claim.

**You have uploaded your supporting documentation so there is nothing for you to mail to Verita (KCC).**





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