

ENTERED

May 23, 2025

Nathan Ochsner, Clerk

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

In re:)	Chapter 11
)	
AUTO PLUS AUTO SALES LLC, ¹)	Case No. 23-90055 (CML)
)	
Wind-Down Debtor.)	(Formerly Jointly Administered under
)	Lead Case IEH Auto Parts Holding
)	LLC, Case No. 23-90054)
)	Re: Docket No. <u>274</u>

**ORDER SUSTAINING THE WIND DOWN DEBTOR'S
SEVENTH OMNIBUS OBJECTION TO CERTAIN PROOFS OF CLAIM
(AMENDED CLAIMS, RECLASSIFIED CLAIMS, DUPLICATE CLAIM, AND
PARTIALLY SATISFIED CLAIMS)**

Upon the objection (the "Objection")² of the above-captioned Wind-Down Debtors, seeking entry of an order (the "Order") sustaining the *Wind-Down Debtor's Seventh Omnibus Objection to Certain Proofs of Claim (Amended Claims, Reclassified Claims, Duplicate Claim, and Partially Satisfied Claims)*, all as more fully set forth in the Objection; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and this Objection in this district is permissible pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Objection is in the best interests of the Wind-Down Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Wind-Down Debtors' notice of the Objection and opportunity for

¹ The Wind-Down Debtor's service address is: 5330 Carmel Crest Lane, Charlotte, North Carolina 28226. All pleadings related to these chapter 11 cases may be obtained from the website of the Wind Down Debtor's claims and noticing agent at <https://www.kccllc.net/autoplus>.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Objection.



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a hearing on the Objection were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Objection; and this Court having determined that the legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. Each Amended Claim identified in the “Claims to be Disallowed” row on **Schedule 1** attached to this Order is disallowed; *provided* that this Order will not affect the Remaining Amended Claims identified on **Schedule 1** attached hereto.

2. Each Reclassified Claim identified on **Schedule 2** attached to this Order is modified and reclassified to the extent provided in the column titled “Modified Claim” on the **Schedule 2** attached hereto; *provided* that this Order does not Allow the Corrected Reclassified Claims identified on **Schedule 2**.

3. Each Duplicate Claim identified on **Schedule 3** attached to this Order is disallowed in its entirety and replaced by the applicable “Remaining Claim” identified on **Schedule 3**; *provided* that nothing herein affects the Remaining Duplicate Claim identified on **Schedule 3**.

4. Each Partially Satisfied Claim identified on **Schedule 4** attached to this Order is reduced to reflect the amount set forth in the column titled “Modified Claim” to the extent set forth on **Schedule 4** attached hereto; *provided* that this Order does not Allow the Corrected Partially Satisfied Claims.

5. Nothing in this Order affects the Wind-Down Debtor’s and/or GUC Trustee’s rights to object to any Surviving Claim on any applicable grounds.

6. Verita Global, as claims, noticing, and solicitation agent, is authorized and directed to update the claims register maintained in these chapter 11 cases to reflect the relief granted in this Order.

7. To the extent a response is filed regarding any Objected Claim, each such Objected Claim, and the Objection as it pertains to such Objected Claim, will constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order will be deemed a separate order with respect to each Objected Claim.

8. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any claim, including the Surviving Claims, against a Debtor entity; (b) a waiver of the Wind-Down Debtor's right to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Objection or any order granting the relief requested by this Objection; (e) a request or authorization to assume any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; or (f) a waiver of the Wind-Down Debtor's rights under the Bankruptcy Code or any other applicable law.

9. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall prejudice to the rights of the Wind-Down Debtor or the GUC Trustee, as defined in the Plan, to object to any claim, including the Surviving Claims, on any grounds whatsoever. The Wind-Down Debtor specifically and expressly reserves for all purposes the GUC Trustee's right and ability to object to any and all general unsecured claims notwithstanding the relief granted in this Order, whether such claims are reclassified or otherwise modified under this Order, and this Order does not in any manner whatsoever inhibit, modify or otherwise limit the GUC Trustee's right to object to any general unsecured claim for any reason

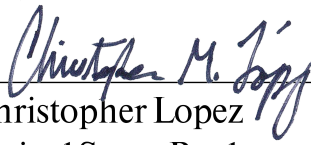
whatsoever, including without limitation to hereafter object to a general unsecured claim to the extent (i) such claim should properly be classified as an administrative claim pursuant to Section 503(b)(9) or otherwise and (ii) such claim is reclassified from a Section 503(b)(9) claim to a general unsecured claim pursuant to this Order. The Wind-Down Debtor's and/or Plan Agent's beliefs and allegations with respect to any claims affected by the Objection or this Order, whether general unsecured claims or otherwise, shall not be binding on or otherwise prejudice the Plan Agent in any respect, irrespective of whether the GUC Trustee challenged those beliefs or allegations as set forth in the Objection.

10. The Wind-Down Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Objection.

11. This Order is immediately effective and enforceable upon its entry.

12. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: May 23, 2025



Christopher Lopez
United States Bankruptcy Judge

Schedule 1

Amended Claims

Admin: \$ -

Auto Plus Auto Sales LLC

7th Omnibus Objection - Amended Claims

Basis for Objection: See Paragraph 17

Name	Date Filed	Case Number / Debtor	Claim #	Claimed Amounts	
Claim to be Disallowed					
City of Fredericksburg, Virginia	2/27/2023	IEH Auto Parts Holding LLC 23-90054	71	Secured:	\$ -
				Admin:	\$ -
PO Box 267				Priority:	\$ 168.76
Fredericksburg, VA 22404				Unsecured:	15.46
				Total:	\$ 184.22
Remaining Claim					
City of Fredericksburg, Virginia	6/20/2023	IEH Auto Parts Holding LLC 23-90054	652	Secured:	\$ -
				Admin:	\$ -
PO Box 267				Priority:	\$ 1,273.10
Fredericksburg, VA 22404				Unsecured:	\$ -
				Total:	\$ 1,273.10
Claim to be Disallowed					
Department of Treasury - Internal Revenue Service	3/9/2023	IEH Auto Parts LLC 23-90057	111	Secured:	-
				Admin:	-
P.O. Box 7346				Priority:	140,760.95
Philadelphia, PA 19101-7346				Unsecured:	-
				Total:	\$ 140,760.95
Remaining Claim					
Department of Treasury - Internal Revenue Service	9/24/2024	IEH Auto Parts LLC 23-90057	767	Secured:	\$ -
				Admin:	\$ -
P.O. Box 7346				Priority:	\$ 22,000.00
Philadelphia, PA 19101-7346				Unsecured:	\$ -
				Total:	\$ 22,000.00
Claim to be Disallowed					
Massachusetts Department of Revenue	6/15/2023	IEH Auto Parts LLC 23-90057	663	Secured:	\$ -
				Admin:	\$ -
P.O. Box 7090				Priority:	607,394.21
Boston, MA 02204-7090				Unsecured:	121,478.84
				Total:	\$ 728,873.05
Remaining Claim					
Massachusetts Department of Revenue	7/17/2023	IEH Auto Parts LLC 23-90057	692	Secured:	\$ -
				Admin:	\$ -
P.O. Box 7090				Priority:	\$ 1,491,578.45
Boston, MA 02204-7090				Unsecured:	\$ -
				Total:	\$ 1,491,578.45
Claim to be Disallowed					
Massachusetts Department of Revenue	7/17/2023	IEH Auto Parts LLC 23-90057	692	Secured:	-
				Admin:	-
P.O. Box 7090				Priority:	1,491,578.45
Boston, MA 02204-7090				Unsecured:	264,650.33
				Total:	\$ 1,756,228.78
Claim to be Disallowed					
Massachusetts Department of Revenue	11/28/2023	IEH Auto Parts LLC 23-90057	750	Secured:	\$ -
				Admin:	\$ -
P.O. Box 7090				Priority:	\$ 1,340,762.47
Boston, MA 02204-7090				Unsecured:	\$ 248,942.86
				Total:	\$ 1,589,705.33
Remaining Claim					
Massachusetts Department of Revenue	6/6/2024	IEH Auto Parts LLC 23-90057	765	Secured:	\$ -
				Admin:	\$ -
P.O. Box 7090				Priority:	\$ 1,005,326.37
Boston, MA 02204-7090				Unsecured:	\$ 174,204.29
				Total:	\$ 1,179,530.66
Claim to be Disallowed					
New York State Department of Taxation & Finance	2/21/2023	IEH BA LLC 23-90059	50	Secured:	-
				Admin:	-
PO Box 5300				Priority:	824.57
Albany, NY 12205				Unsecured:	7,000.00
				Total:	\$ 7,824.57

Auto Plus Auto Sales LLC

7th Omnibus Objection - Amended Claims

Basis for Objection: See Paragraph 17

Name	Date Filed	Case Number / Debtor	Claim #	Claimed Amounts	
Remaining Claim					
New York State Department of Taxation & Finance	4/3/2023	Acquisition Company New York L 23-90056	283	Secured:	\$ -
				Admin:	\$ -
PO Box 5300				Priority:	\$ 43,365.49
Albany, NY 12205				Unsecured:	\$ 10,360.20
				Total:	\$ 53,725.69
Claim to be Disallowed					
State of New Jersey Division of Taxation Bankruptcy Section	4/26/2023	IEH Auto Parts Holding LLC 23-90054	457	Secured:	-
				Admin:	-
3 John Fitch Way				Priority:	27,117.99
Trenton, NJ 08695-0245				Unsecured:	-
				Total:	\$ 27,117.99
Claim to be Disallowed					
State of New Jersey Division of Taxation Bankruptcy Section	7/19/2023	IEH Auto Parts Holding LLC 23-90054	695	Secured:	-
				Admin:	-
3 John Fitch Way				Priority:	25,000.00
Trenton, NJ 08695-0245				Unsecured:	-
				Total:	\$ 25,000.00
Remaining Claim					
State of New Jersey Division of Taxation Bankruptcy Section	3/28/2024	IEH Auto Parts Holding LLC 23-90054	760	Secured:	\$ -
				Admin:	\$ -
3 John Fitch Way				Priority:	\$ 6,620.00
Trenton, NJ 08695-0245				Unsecured:	\$ -
				Total:	\$ 6,620.00
Claim to be Disallowed					
State of New Jersey Division of Taxation Bankruptcy Section	4/26/2023	IEH Auto Parts LLC 23-90057	460	Secured:	-
				Admin:	-
3 John Fitch Way				Priority:	68,330.14
Trenton, NJ 08695-0245				Unsecured:	-
				Total:	\$ 68,330.14
Remaining Claim					
State of New Jersey Division of Taxation	5/16/2024	IEH Auto Parts LLC 23-90057	764	Secured:	\$ -
				Admin:	\$ -
3 John Fitch Way				Priority:	\$ 18,186.83
Trenton, NJ 08695-0245				Unsecured:	\$ -
				Total:	\$ 18,186.83

Schedule 2

Reclassified Claims

Auto Plus Auto Sales LLC
7th Omnibus Objection - Reclassified Claims
Basis for Objection: See Paragraphs 18-25

Name	Date Filed	Case Number / Debtor	Claim #	Claim As Filed		Modified Claim		Reason for Modification
Allegiance Staffing 5726 Root Rd Spring, TX 77389	2/16/2023	IEH Auto Parts LLC 23-90057	29	Secured: \$ - Admin: - Priority: 44,862.89 Unsecured: 11,797.96 Total: \$ 56,660.85	Secured: \$ - Admin: - Priority: - Unsecured: 56,660.85 Total: \$ 56,660.85	Claim asserts an administrative priority for \$41,138.47 under 11 U.S.C. § 507(a)(4) (which grants priority for certain wages and benefits earned by an individual employee or independent contractor of the debtor) and \$3,724.42 under 11 U.S.C. § 507(a)(8) (which grants priority for claims of governmental units for certain taxes). However, the claim is for services of a staffing agency and the claimant is not an individual nor a government unit. Therefore, the claim is not eligible for priority treatment under either § 507(a)(4) or § 507(a)(8) and should be reclassified to a General Unsecured Claim.		
Edward Stolarcyk, Mike Stolarcyk PO Box 736 Whitney Point, NY 12862	4/25/2023	IEH Auto Parts Holding LLC 23-90054	430	Secured: Admin: Priority: UNLIQUIDATED Unsecured: - Total: \$ -	Secured: \$ - Admin: - Priority: - Unsecured: UNLIQUIDATED Total: \$ -	Claim asserts an unliquidated administrative priority under 11 U.S.C. § 507(a)(7) (which grants priority for deposits toward purchase, lease, or rental of property or services for personal, family, or household use). However, the claim is related to a commercial lease and therefore does not qualify for priority under § 507(a)(7). Thus, this claim should be reclassified to a General Unsecured Claim.		
J AND J BAUMHARDT AGGREGATES INC W3998 HWY 45 EDEN, WI 53019	3/22/2023	IEH Auto Parts LLC 23-90057	170	Secured: \$ - Admin: - Priority: 2,000.00 Unsecured: - Total: \$ 2,000.00	Secured: \$ - Admin: - Priority: - Unsecured: 2,000.00 Total: \$ 2,000.00	Claim asserts an administrative priority for \$2,000 under 11 U.S.C. § 507(a)(7) (which grants priority for deposits toward purchase, lease, or rental of property or services for personal, family, or household use). However, the claim is for snow plowing services provided by claimant in 2021-2022, which is not a deposit and does not qualify for priority under § 507(a)(7). Thus, this claim should be reclassified to a General Unsecured Claim.		
Peerless Chain Company 1416 East Sanborn St. Winona, MN 55987	4/25/2023	IEH Auto Parts LLC 23-90057	442	Secured: \$ - Admin: 8,137.58 Priority: - Unsecured: 140,388.69 Total: \$ 148,526.27	Secured: \$ - Admin: - Priority: - Unsecured: 148,526.27 Total: \$ 148,526.27	Claim asserts an administrative priority for \$8,137.58 under 11 U.S.C. § 507(a)(2) (which grants priority for administrative expense claims allowed under 11 U.S.C. § 503(b)). The invoices attached to the proof of claim are for goods that were received more than 20 days prior to the Petition Date and therefore not allowed as an administrative claim under 503(b)(9). The Wind-Down Debtor does not believe this claim qualifies under any other subsection of 503(b), as the invoices are all prepetition and relate to goods sold to the Debtors. Therefore, the claim is not eligible for administrative priority under § 507(a)(2).		
Town and Country Building Services PO Box 7067 Lees Summit, MO 64064	3/15/2023	IEH Auto Parts Holding LLC 23-90054	122	Secured: \$ - Admin: \$ - Priority: \$ 950.00 Unsecured: - Total: \$ 950.00	Secured: \$ - Admin: - Priority: - Unsecured: 950.00 Total: \$ 950.00	Claim asserts an administrative priority for \$950 under 11 U.S.C. § 507(a)(4) (which grants priority for certain wages and benefits earned by an individual employee or independent contractor of the debtor). However, the claim is for janitorial services rendered by a third party. Therefore, the claim is not eligible for priority treatment under § 507(a)(4) and should be reclassified to a General Unsecured Claim.		

Schedule 3

Duplicate Claim

Auto Plus Auto Sales LLC
7th Omnibus Objection - Duplicate Claim
Basis for Objection: See Paragraphs 26-28

Name	Date Filed	Case Number / Debtor	Disallowed	Remaining Claim	
			Claim #	Claim As Filed	Remaining Claim
Stacy Heins [REDACTED] [REDACTED]	3/17/2023	IEH Auto Parts Holding LLC 23-90054	140	Secured: -	Secured: -
				Admin: -	Admin: -
				Priority: 1,258.71	Priority: 1,258.71
				Unsecured: -	Unsecured: -
				Total: \$ 1,258.71	Total: \$ 1,258.71

Schedule 4

Partially Satisfied Claims

Auto Plus Auto Sales LLC

Omnibus 7 - Partially Satisfied Claims

Basis for Objection: See Paragraphs 29-31

Name	Date Filed	Case Number / Debtor	Claim #	Claim As Filed		Modified Claim		Reason for Modification
Charles Rigby [REDACTED] [REDACTED]	2/27/2023	IEH Auto Parts Holding LLC 23-90054	68	Secured:	\$ -	Secured:	\$ -	Clamant was terminated prepetition and was entitled to \$72,133.00 of severance, of which \$15,150 was entitled to priority. The claimant previously received a payment on account of their severance in the amount of \$5,961.54. The the Wind-Down Debtor is paying the the difference of \$9,188.46 contemporaneously with the filing of this objection satisfying the priority amount of this claim. The Wind-Down Debtor requests that the priority amount be reduced to \$0.
				Admin:	-	Admin:	-	
				Priority:	15,150.00	Priority:	-	
				Unsecured:	<u>56,983.00</u>	Unsecured:	<u>56,983.00</u>	
				Total:	\$ 72,133.00	Total:	\$ 56,983.00	
Garrison, Ephraim S [REDACTED] [REDACTED]	5/2/2023	Auto Plus Auto Sales LLC 23-90055	608	Secured:	\$ -	Secured:	\$ -	Claimant was terminated postpetiton and was entitled to \$70,092.60 in severance payments. The claimant previously received a payment on account of their severance in the amount of \$64,370.75. The the Wind-Down Debtor is paying the the difference of \$5,721.85 contemporaneously with the filing of this objection satisfying the priority amount of this claim. The Wind-Down Debtor requests that the priority amount be reduced to \$0.
				Admin:	-	Admin:	-	
				Priority:	15,150.00	Priority:	-	
				Unsecured:	<u>57,879.00</u>	Unsecured:	<u>57,879.00</u>	
				Total:	\$ 73,029.00	Total:	\$ 57,879.00	
Insight Global, LLC PO Box 11569 Atlanta, GA 30355	3/27/2023	Auto Plus Auto Sales LLC 23-90055	249	Secured:	\$ -	Secured:	\$ -	The Debtors paid \$9,564.41 via ACH to claimant on April 6, 2023 in the ordinary course of business. As such, the Wind-Down Debtor believes the administrative priority amount should be reduced to reflect such payment.
				Admin:	-	Admin:	-	
				Priority:	13,470.75	Priority:	3,906.34	
				Unsecured:	<u>52,776.79</u>	Unsecured:	<u>52,776.79</u>	
				Total:	\$ 66,247.54	Total:	\$ 56,683.13	
Jason R. Warner [REDACTED] [REDACTED]	5/5/2023	IEH Auto Parts Holding LLC 23-90054	616	Secured:	\$ -	Secured:	\$ -	Claimant was terminated postpetiton and was entitled to \$30,060.00 in severance payments. The claimant previously received a payment on account of their severance in the amount of \$26,052.00. The the Wind-Down Debtor is paying the the difference of \$4,008.00 contemporaneously with the filing of this objection satisfying the priority amount of this claim. The Wind-Down Debtor requests that the priority amount be reduced to \$0.
				Admin:	-	Admin:	-	
				Priority:	15,150.00	Priority:	-	
				Unsecured:	<u>1,785.41</u>	Unsecured:	<u>1,785.41</u>	
				Total:	\$ 16,935.41	Total:	\$ 1,785.41	
Life Insurance Company of North America 51 Madison Avenue New York, NY 10010	4/26/2023	IEH Auto Parts LLC 23-90057	471	Secured:	\$ -	Secured:	\$ -	This proof of claim has been satisfied through various payments in 2023 and 2024, with final payment being made in March of 2024. The Reviewing Parties reached out to claimant's counsel who confirmed all administrative and priority claims have been paid.
				Admin:	196,272.35	Admin:	-	
				Priority:	111,644.00	Priority:	-	
				Unsecured:	<u>123,120.60</u>	Unsecured:	<u>123,120.60</u>	
				Total:	\$ 431,036.95	Total:	\$ 123,120.60	
Rhode Island Division of Taxation 1 Capitol Hill Providence, RI 02908	7/3/2023	IEH Auto Parts LLC 23-90057	673	Secured:	\$ -	Secured:	\$ -	The filed claim is an estimated amount. The actual tax liability is \$3,796 based on correspondence with the taxing authority. The actual tax liability was paid prior to the Petition Date. As such, the priority amount should be reduced to \$0.
				Admin:	-	Admin:	-	
				Priority:	3,119.35	Priority:	-	
				Unsecured:	<u>700.00</u>	Unsecured:	<u>700.00</u>	
				Total:	\$ 3,819.35	Total:	\$ 700.00	
State of Florida - Department of Revenue PO Box 6668 Tallahassee, FL 32314	2/21/2023	IEH Auto Parts LLC 23-90057	34	Secured:	\$ -	Secured:	\$ -	The filed claim is an estimated amount. The actual tax liability is \$1,207,061.74 based on correspondence with the taxing authority. The Debtors paid \$1,207,061.74 on 3/30/2023 in accordance with the Tax Order. As such, the priority amount should be reduced to \$0.
				Admin:	-	Admin:	-	
				Priority:	3,433,049.37	Priority:	-	
				Unsecured:	<u>631,482.00</u>	Unsecured:	<u>631,482.00</u>	
				Total:	\$ 4,064,531.37	Total:	\$ 631,482.00	