

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

In re:)	
)	Chapter 11
)	
ZACHRY HOLDINGS, INC., <i>et al.</i> ¹)	Case No. 24-90377 (MI)
)	
Debtors.)	(Jointly Administered)
)	

DEBTORS' OBJECTION
TO PROOF OF CLAIM NO. 1104

This is an objection to your claim. This objection asks the Court to disallow the claim that you filed in this bankruptcy case. If you do not file a response within 30 days after the objection was served on you, your claim may be disallowed without a hearing.

The above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) file this objection (the “**Objection**”) to Claim No. 1104 (the “**Claim**”) by Adriana K. Levine (the “**Claimant**”). In support of this Objection, the Debtors submit the Declaration of Oscar Coronado, attached hereto as **Exhibit A**. In further support of this Objection, the Debtors respectfully state as follows:

Preliminary Statement Regarding Employment Claims

1. The Claim is one of a group of claims filed by Debtors’ current and former employees on employment-related grounds, such as unpaid paid time off (“PTO”), missing overtime payments, unpaid benefits, etc. The Debtors have reviewed each of these claims, including the Claim filed by the Claimant, and determined that these claims are invalid and

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



unenforceable based on the Debtors' policies. Where possible, Debtors have attempted to contact the claimants, including the Claimant, to discuss their claims.

Relief Requested

2. By this Objection, the Debtors seek entry of an order, substantially in the form attached hereto (the "**Proposed Order**") (i) disallowing and expunging the Claim in its entirety and (ii) granting such other and further relief as the Court deems just and proper.

Jurisdiction, Venue, and Predicates for Relief

3. The United States Bankruptcy Court for the Southern District of Texas (the "**Court**") has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(B) and the Court has constitutional authority to enter a final order because the matter involves allowance or disallowance of claims against the estate.

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The predicates for the relief requested herein are sections 105(a) and 502(b) of title 11 of the United States Code (the "**Bankruptcy Code**"), rule 3007 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**"), and rule 3007-1 of the Bankruptcy Local Rules for the Southern District of Texas (the "**Bankruptcy Local Rules**").

Background

A. The Chapter 11 Cases

6. On May 21, 2024 (the "**Petition Date**"), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code commencing the above-captioned chapter 11 cases. The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. These chapter 11 cases are being jointly administered pursuant to Bankruptcy Rule 1015(b). No party has requested the appointment of a trustee or examiner in these chapter 11 cases. On June 4, 2024, the Office of

the United States Trustee for the Southern District of Texas (the “**U.S. Trustee**”) appointed an official committee of unsecured creditors pursuant to section 1102 of the Bankruptcy Code (the “**Committee**”) [Docket No. 176].

7. A detailed description of the Debtors and their businesses, including the facts and circumstances giving rise to these chapter 11 cases, is set forth in the *Declaration of Mohsin Y. Meghji in Support of Debtors’ Petitions and Requests for First Day Relief* [Docket No. 7].

8. On July 16, 2024, the Debtors filed their Schedules of Assets and Liabilities and Statements of Financial Affairs (collectively, the “**Schedules and Statements**”) [Docket Nos. 510–531]. On August 30, 2024 and December 2, 2024, several of the Debtors filed amendments to their Schedules and Statements. *See* Docket Nos. 855-865, 1564.

9. On July 26, 2024, the Court entered the *Order (I) Setting Bar Dates for Filing Proofs of Claim, Including Requests for Payment Under Section 503(b)(9), (II) Establishing Amended Schedules Bar Date and Rejection Damages Bar Date, (III) Approving the Form and Manner for Filing Proofs of Claim, Including Section 503(b)(9) Requests, (IV) Approving Notice of Bar Dates, and (V) Granting Related Relief* [Docket No. 636] (the “**Bar Date Order**”). The Bar Date Order established September 16, 2024, at 5:00 p.m. (prevailing Central Time) as the deadline for all non-governmental entities holding or wishing to assert a “claim” (as defined in section 101(5) of the Bankruptcy Code) against any of the Debtors that arose before the Petition Date to file proof of such claim (the “**General Bar Date**”). The bar date for claims related to the amended Schedules and Statements was October 4, 2024, at 5:00 p.m. (prevailing Central Time), and for filing proofs of claim related to the second amended Schedules and Statements is January 2, 2025, at 5:00 p.m. (prevailing Central Time). The deadline for all governmental entities holding or wishing to assert a claim against any of the Debtors that arose prior to the Petition Date to file

proof of such claim was November 18, 2024, at 5:00 p.m. (prevailing Central Time) (the “**Governmental Bar Date**”).

B. The Claim

10. On September 5, 2024, the Claimant filed the Claim a claim against Zachry Industrial, Inc. (“**Zachry**”). A true and correct copy of the Claim is attached hereto as **Exhibit B**.

11. Claimant seeks \$475.54. The alleged basis for the Claim is: “Vacation time unpaid.” *Id.*

12. Claimant is not entitled to payment on the Claim under the relevant employment policy. *See **Exhibits A, C***. Claimant has not indicated whether he is an exempt (salaried) or non-exempt (hourly) employee. In either case, however, Claimant is not entitled to payment for unused Paid Time Off (PTO) under Zachry policies. Non-exempt employees who are terminated or separated from employment, regardless of the grounds for same, including a reduction of force or a voluntary separation, are not entitled to payment for unused PTO. **Exhibit C** at 3. Similarly, exempt employees laid off due to a reduction of force or who quit are not eligible to receive earned vacation pay upon termination. *Id.* at 10. As an employee who has been terminated or separated from employment, Claimant is not entitled to payment for vacation time.

13. The Debtors contacted Claimant via telephone on November 26, 2024 and advised her of Zachry’s policy that PTO was not paid out. Claimant stated that she understood. The Debtors contacted Claimant again via telephone on December 2, 2024, and Claimant stated she was at work and terminated the call.

14. The Debtors and their advisors, including financial advisors and counsel have been working diligently to review the Claim, including any supporting documentation.

15. Based on the Debtors' analysis to date, the Debtors believe that the Claim should be disallowed as set forth herein.

Objection

16. Section 502(a) of the Bankruptcy Code provides, in pertinent part, that “[a] claim or interest, proof of which is filed under section 501 of [the Bankruptcy Code], is deemed allowed, unless a party in interest . . . objects.” 11 U.S.C. § 502(a). Further, section 502(b)(1) of the Bankruptcy Code provides that a court “shall determine the amount of such claim . . . as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—such claim is unenforceable against the debtor and the property of the debtor, under any agreement or applicable law.” 11 U.S.C. § 502(b)(1). This statutory exception to the allowance of a claim is “generally complemented by § 558, which provides that ‘[t]he estate shall have the benefit of any defense available to the debtor as against any entity other than the estate, including statutes of limitation, statutes of fraud, usury, and other personal defenses.’” *In re W.R. Grace & Co.*, 626 B.R. 217, 235 (Bankr. D. Del. 2021) (quoting 11 U.S.C. § 558).

17. As set forth in Bankruptcy Rule 3001(f), a properly executed and filed proof of claim constitutes *prima facie* evidence of the validity and the amount of the claim under section 502(a) of the Bankruptcy Code. *See, e.g., In re Jack Kline Co., Inc.*, 440 B.R. 712, 742 (Bankr. S.D. Tex. 2010). However, a proof of claim loses the presumption of *prima facie* validity under Bankruptcy Rule 3001(f) if an objecting party refutes at least one of the allegations that is essential to the claim's legal sufficiency. *See In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988). Once such an allegation is refuted, the burden reverts to the claimant to prove the validity of its claim by a preponderance of the evidence. *See id.* Despite this shifting burden during the claim objection process, “the ultimate burden of proof always lies with the claimant.” *In re*

Armstrong, 347 B.R. 581, 583 (Bankr. N.D. Tex. 2006) (citing *Raleigh v. Ill. Dep't of Revenue*, 530 U.S. 15 (2000)).

18. To the extent that Claimant may have established a *prima facie* case for the Claim (which is denied), the presumption has been lost because the Debtors have refuted the allegations contained in the claim that are essential for the Claim's legal sufficiency. Specifically, Debtors have established that Zachry policy forecloses payment for vacation days under these facts. *See Exhibits A, C*. The burden of proof has shifted to the Claimant.

Reservation of Rights

This Objection is limited to the grounds identified therein. The Debtors expressly reserve all further substantive or procedural objections. Nothing contained herein or any actions taken pursuant to such relief requested is intended or shall be construed as: (a) an admission as to the amount of, basis for, or validity of any claim against a Debtor entity under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Debtors' or any other party in interest's rights 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 or a finding that any particular claim is an administrative expense claim or other priority claim; (e) a waiver of any claims or causes of action which may exist against any creditor or interest holder; (f) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (g) a waiver or limitation of the Debtors' or any other party in interest's rights under the Bankruptcy Code or any other applicable law; (h) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance of property of the Debtors' estates; or (i) a concession by the Debtors that any liens (contractual, common law,

statutory, or otherwise) that may be satisfied pursuant to the relief requested in this Objection are valid and the rights of all parties in interest are expressly reserved to contest the extent, validity, or perfection or seek avoidance of all such liens.

Notice

The Debtors will provide notice of this Motion to: (a) the United States Trustee for the Southern District of Texas; (b) counsel for the Committee; (c) the Prepetition Agent; (d) the United States Attorney's Office for the Southern District of Texas; (e) the state attorneys general for the states in which the Debtors operate; (f) the Internal Revenue Service; (g) the Claimant, and (h) any party that has requested notice pursuant to Bankruptcy Rule 2002 and Bankruptcy Local Rule 9013-1(d). In light of the nature of the relief requested, no other or further notice need be provided.

Conclusion

For the foregoing reasons, the Debtors respectfully request that the Court enter the Proposed Order (i) disallowing the Claim, and (ii) granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ D. Ryan Cordell, Jr.

John B. Thomas (Attorney-in-Charge)

Texas Bar No. 19856150

S.D. Tex. ID No. 10675

jthomas@hicks-thomas.com

D. Ryan Cordell, Jr.

Texas Bar No. 24109754

S.D. Tex. ID No. 3455818

rcordell@hicks-thomas.com

Mariana L. Jantz

Texas Bar No. 24139241

S.D. Tex. ID No. 3862084

Hicks Thomas LLP

700 Louisiana Street, Suite 2300

Houston, Texas 77002

Telephone: (713) 547-9100

Facsimile: (713) 547-9150

Counsel for Debtors

Certificate of Service

I certify that on February 17, 2025, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ D. Ryan Cordell, Jr.

D. Ryan Cordell, Jr

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

In re:)	
)	Chapter 11
ZACHRY HOLDINGS, INC., <i>et al.</i> ¹)	
)	Case No. 24-90377 (MI)
Debtors.)	(Jointly Administered)
)	

**DECLARATION OF OSCAR CORONADO
IN SUPPORT OF DEBTORS' OBJECTION TO
PROOF OF CLAIM NO. 1104**

I, Oscar Coronado, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am the Director of Employee Connections, Employee Assistance and Dispute Resolution, at Zachry Enterprise Solutions, LLC ("**Zachry**") which is among the above-captioned debtors and debtors in possession (the "**Debtors**"). I have worked for Zachry for over 28 years. As a result of my experience at Zachry and its affiliated entities, including in my current director role, I have extensive experience and familiarity with Zachry's employment policies.

2. Contemporaneously with the filing of this Declaration, the Debtors filed the *Objection to Proof of Claim No. 1104*. (the "**Objection**").²

3. The facts set forth in this Declaration are based upon my personal knowledge, personal conversations I have had with the Debtors' management, or upon my review of records kept in the ordinary course of the Debtors' business that were, as appropriate, reviewed by me or others under my supervision and direction, including the "Time Off For Exempt Employees" and

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

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

EXHIBIT

A

“Vacation” policies, attached to the Objection as **Exhibit C**, which is a true and accurate copy of the applicable policies. Further, I or others under my supervision and direction have reviewed and analyzed, to the extent possible, the proofs of claim filed by claimants. If called and sworn as a witness, I could and would testify competently to the matters set forth herein.

Objection to Proof of Claim No. 1104

4. I have read the Objection and, to the best of my knowledge, information, and belief, the assertions made in the Objection are accurate. The Debtors and their advisors have determined that the Claim is unenforceable because it conflicts with the terms of the Debtors’ “Time Off For Exempt Employees” and “Vacation” policies.

5. As such, I believe that the failure to disallow and expunge the Claim could result in the applicable claimant receiving an unwarranted recovery against the Debtors’ estates to the detriment of creditors with valid claims. As such, I believe that the disallowance of the Claim is appropriate.

Dated: February 17, 2025

By: /s/ Oscar Coronado

Oscar Coronado

Zachry Group

Fill in this information to identify the case:

Debtor Zachry Industrial, Inc.

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

Case number 24-90385

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>Adriana K Levine</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? Adriana K Levine 3901 HWY 73 #1823 Port Arthur, TX 76542, United States Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) Contact phone <u>3377874074</u> Contact email <u>dreelevine@yahoo.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

EXHIBIT
B

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

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

☒ No☐ Yes. Check all that apply:☐ 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).☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).☐ 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.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* 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 09/05/2024

MM / DD / YYYY

/s/Adriana K Levine

Signature

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

Name

Adriana K Levine

First name

Middle name

Last name

Title

Company

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

Address

Contact phone

Email



For phone assistance: Domestic (866) 479-8211 | International (781) 575-2037

Debtor: 24-90385 - Zachry Industrial, Inc. District: Southern District of Texas, Houston Division		
Creditor: Adriana K Levine 3901 HWY 73 #1823 Port Arthur, TX, 76542 United States Phone: 3377874074 Phone 2: Fax: Email: dreelevine@yahoo.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party:	
	Other Names Used with Debtor:	
Amends Claim: No Acquired Claim: No		
Basis of Claim: Vacation time unpaid	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 475.54	Includes Interest or Charges: No	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: No Amount of 503(b)(9): No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	
Submitted By: Adriana K Levine on 05-Sep-2024 2:53:50 p.m. Eastern Time Title: Company:		

welcome: LEVINE ... |  Log Out

Pay Details

Name: **LEVINE , ADRIANA** Company: **HB01** Employee Id: **0086166481** Job #: **112280**

Accrual Balances

Accrual Type	Accrual Amount
VACATION HOURS ACCRUED	18.29
VACATION ACCRUAL PER WEEK	0.77
VACATION HOURS ACCRUAL LIMIT	80.00

ation is displayed in
f you wish to view
on, please select the
list below:

4 - 1 check(s):

- 1 check(s):

- 1 check(s):

- 1 check(s):

- 1 check(s):

- 1 check(s):

- 1 check(s):

- 1 check(s):

EXHIBIT C

(Filed Under Seal)

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

In re:)	
)	Chapter 11
)	
ZACHRY HOLDINGS, INC., <i>et al.</i> ¹)	Case No. 24-90377 (MI)
)	
Debtors.)	(Jointly Administered)
)	Re: Docket No. ____

**ORDER SUSTAINING
DEBTORS' OBJECTION
TO CLAIM NO. 1104**

Upon the objection (the “**Objection**”)² of the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) for entry of an order (this “**Order**”) disallowing the Claim, 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 that 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 the Objection in this district is proper 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 Debtors’ estates, their creditors, and other parties in interest; and this Court having found that the Debtors’ notice of the Objection and opportunity for a hearing on the Objection were appropriate and no other notice need be provided; and this Court having reviewed the Objection and having heard the statements in support of the relief requested therein at a hearing before this Court, if any

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

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

(the “**Hearing**”); and this Court having determined that the legal and factual bases set forth in the Objection and at the Hearing, if applicable, 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. The Proof of Claim is hereby disallowed in its entirety.
2. Kurtzman Carson Consultants, LLC (doing business as 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.
3. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order or the Objection shall be deemed: (a) an admission as to the amount of, basis for, or validity of any claim against a Debtor entity under the Bankruptcy Code or other applicable nonbankruptcy law; (b) a waiver of the Debtors’ or any other party in interest’s rights 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 or a finding that any particular claim is an administrative expense claim or other priority claim; (e) a waiver of any claims or causes of action which may exist against any creditor or interest holder; (f) a request or authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; (g) a waiver or limitation of the Debtors’ or any other party in interest’s rights under the Bankruptcy Code or any other applicable law; (h) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance of property of the Debtors’ estates; or (i) a concession by the Debtors that any liens (contractual, common law, statutory, or otherwise) that may be satisfied pursuant to the relief requested in this Objection are

valid and the rights of all parties in interest are expressly reserved to contest the extent, validity, or perfection or seek avoidance of all such liens.

4. The Debtors are authorized, but not directed, to execute and deliver such documents and to take and perform all actions necessary to implement and effectuate the relief granted in this Order.

5. Notice of the Objection as provided therein shall be deemed good and sufficient notice of such Objection and the requirements of the Bankruptcy Rules and the Bankruptcy Local Rules are satisfied by such notice.

6. The terms and conditions of this Order are immediately effective and enforceable upon its entry.

7. This Court retains jurisdiction with respect to all matters arising from or related to the enforcement of this Order.

Houston, Texas

Dated: _____, 2025

THE HON. MARVIN P. ISGUR
UNITED STATES BANKRUPTCY JUDGE