

ENTERED

June 23, 2025

Nathan Ochsner, Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONZACHRY HOLDINGS, INC., *et al.*¹§
§
§
§

CASE NO. 24-90377 (MI)

DEBTORS

CHAPTER 11

(Jointly Administered)

**STIPULATION AND ORDER REGARDING CERTAIN SCHEDULING ISSUES
RELATED TO THE OBJECTION TO CLAIM OF COMMONWEALTH ELECTRIC
COMPANY OF THE MIDWEST**

[Relates to Docket 2336]

This stipulation and order (this “Stipulation and Order”) is made by and among Commonwealth Electric Company of the Midwest (“CECM”) and Zachry Holdings, Inc. and its affiliated debtors and debtors in possession (the “Reorganized Debtors”) (together, CECM and the Reorganized Debtors are referred to as the “Parties,” and each a “Party”). The Parties hereby stipulate and agree as follows:

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

WHEREAS, on August 27, 2024, CECM filed proof of claim no. 1003 in bankruptcy case 24-90385 for Zachry Industrial, Inc. for \$5,359,030.62 (the “CECM Bankruptcy Claim”).

WHEREAS, On August 23, 2024, CECM initiated a lawsuit in the United States Court for the District of Nebraska at Case No. 4:24-cv-03149 (the “Nebraska Litigation”) against Travelers Casualty and Surety Company of America (“Travelers”) and Pacific Indemnity Company (“Pacific”, collectively the “Sureties”), as co-sureties of the Bond for all amounts owed under the Bonds, plus statutory interest and attorneys’ fees as allowed by Nebraska law (the “Bond Claim”).

WHEREAS, on February 20, 2025, Debtors filed an Objection in the bankruptcy cases to the CECM Bankruptcy Claim [Doc. 2336] (“the Claim Objection”).

WHEREAS, on May 12, 2025, the Court held a status conference on the Claim Objection and scheduled trial to begin on September 10, 2025.

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



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WHEREAS, on May 12, 2025, CECM filed a Motion for Partial Summary Judgment in the Nebraska Litigation (the “Nebraska MSJ”).

WHEREAS, on May 23, 2025, CECM filed a Motion for Summary Judgment in the Claim Objection (the “Bankruptcy MSJ”).

WHEREAS, lead counsel for CECM is not available for trial on September 10, 2025, and one of CECM’s primary witnesses is expecting the birth of his child the month of September, 2025, and the Parties have agreed, subject to Bankruptcy Court approval of this Stipulation and Order, to reset the trial date to begin on October 14, 2025 at 9:00 a.m.

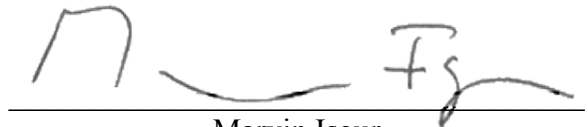
WHEREAS, the Parties have further agreed that to streamline the proceedings, CECM agrees to extend the Sureties deadline to file a response to the Nebraska MSJ to June 16, 2025 such that the Sureties response deadline will be no earlier than the Debtors’ deadline to file response to the Bankruptcy MSJ and the submission date for the Nebraska MSJ will be no sooner than 7 days after the Bankruptcy Court submission date on the .Bankruptcy MSJ.

WHEREAS, the Parties have further agreed that CECM will not seek a trial date in the Nebraska Litigation until after a trial on the merits on the Claim Objection and agrees to jointly seek a continuance if the District Court sets a trial date in the Nebraska Litigation prior to the trial on the merits on the Claim Objection.

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

1. Trial on the Claim Objection is reset to begin on October 14, 2025.
2. The Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation and Order

Signed: June 23, 2025


Marvin Isgur
United States Bankruptcy Judge

SO STIPULATED:

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