

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> ,)	Case No. 24-90377 (MI)
)	
Debtors.)	(Jointly Administered)
_____)	

ENCINA DEVELOPMENT GROUP LLC'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES
ON APPEAL

COMES NOW Encina Development Group, LLC ("**Encina**"), Appellant, and pursuant to Federal Rule of Bankruptcy Procedure 8009(a)(1) hereby designates the following items for inclusion in the record on appeal in Case No. 4:25-cv-05980 in the United States District Court for the Southern District of Texas, Houston Division. Such designations include all exhibits attached or referred to in the pleadings or matters of record (other than the case docket sheets):

DESIGNATION OF RECORD IN CHAPTER 11 CASE NO. 24-90377:

Filing Date	#	Docket Text
		Docket sheet for Case No. 24-90377 in the U.S. Bankruptcy Court for the Southern District of Texas, Houston Division
05/21/24	1	Chapter 11 Voluntary Petition



07/16/24	513	Schedules A/B, D, E/F, H, and H, and Declaration About Individual Debtor's Schedules
07/16/24	534	Statement of Financial Affairs
07/26/24	636	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 Proof of Claim, Including Section 503(B)(9) Requests, (IV) Approving Notice of Bar Dates, and (V) Granting Related Relief
07/28/24	643	BNC Certificate of Mailing
08/30/24	859	Amended Schedule E/F
11/18/24	1446	Certificate of Service (Supplemental) re: Documents Served on November 7, 2024
11/26/24	1528	Certificate of Service (Supplemental) re: 1) Notice of Deadlines for the Filing of Proofs of Claim, Including Requests for Payment Pursuant to Section 503(B)(9) of the Bankruptcy Code; and 2) Modified Official Form 410 Proof of Claim
12/20/24	1773	Amended Schedule E/F: Creditors Who Have Unsecured Claims for Non-Individual
12/30/24	1806	Certificate of Service re: Documents Served on or Before December 21, 2024
02/11/25	2120	Emergency Motion to Permit Filing Proof of Claim After Bar Date Filed by Creditor Encina Development Group, LLC
02/21/25	2348	Debtors' Objection to Encina Development Group, LLC's Emergency Motion to Permit the Filing of a Late Proof of Claim
02/27/25	2431	Findings of Fact, Conclusions of Law, and Order (I) Approving the Debtors' Disclosure Statement on a Final Basis and (II) Confirming the Further Modified First Amended Joint Chapter 11 Plan of Reorganization of Zachary Holdings, Inc. and its Debtor Affiliates

11/17/25	3277	Courtroom Minutes
11/17/25	3278	PDF with attached Audio File
11/24/25	3279	Order and Memorandum Opinion
12/08/25	3281	Notice of Appeal
12/10/25	3284	Election to Appeal to District Court

DESIGNATION OF RECORD IN CHAPTER 11 CASE NO. 24-90391:

Filing Date	#	Docket Text
		Docket sheet for Case No. 24-90391 in the U.S. Bankruptcy Court for the Southern District of Texas, Houston Division
11/12/25	322	Witness List, Exhibit List (Filed by Encina Development Group, LLC) (with attachments)
11/13/25	323	Witness List, Exhibit List (Filed by Computer Simulation & Analysis, Inc.) (with attachments)

DESIGNATION OF TRANSCRIPT OF HEARING HELD IN CASE NO. 24-90377:

Encina designates the testimony of Kathryn Skagerberg given on November 17, 2025, and is submitting a transcript order form contemporaneously with this designation.

STATEMENT OF ISSUES ON APPEAL

1. Whether the bankruptcy court erred in denying Encina's motion on due process grounds.
2. Whether the bankruptcy court erred in disallowing Encina's late-filed proof of claim pursuant to Bankruptcy Local Rule 3003-1.
3. Whether the bankruptcy court erred in finding that Encina's late-filed proof of claim was not due to excusable neglect and thus denying Encina's motion brought pursuant to Bankruptcy Rule 9006.

Dated: December 22, 2025

Respectfully submitted,

By: /s/ Kathryn Skagerberg

Kathryn Skagerberg

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CERTIFICATE OF SERVICE

I certify that on December 22, 2025, a true and correct copy of the above and foregoing document has been served via email pursuant to the Court's ECF system upon counsel of record to all parties registered to receive such service.

s/ Kathryn Skagerberg

Kathryn Skagerberg