Docket #0009 Date Filed: 7/22/2024

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

In re: ZACHRY HOLDINGS, INC., et al1 Debtor.	Chapter 11 Case No. 24-90377
ZACHRY HOLDINGS, INC., Plaintiff, v. TIMMY BRIGNAC AND SHONDA BRIGNAC, Defendants.	Adv. Pro. No. 24-03146

CLEAN HARBORS' EMERGENCY MOTION FOR LEAVE TO FILE ADVERSARY COMPLAINT IN INTERVENTION FOR DECLARATORY AND INJUNCTIVE RELIEF

Emergency relief has been requested. Relief is requested not later than 4:00 p.m. (prevailing Central Time) on July 24, 2024.

If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the court may treat the pleading as unopposed and grant the relief requested.

NOW INTO COURT, through undersigned counsel, come Clean Harbors, Inc., Clean Harbors Industrial Services, Inc., and HPC Industrial Services, LLC (collectively, "Clean Harbors"), who bring this emergency motion seeking leave to file an adversary complaint (the "Complaint") for the purpose of obtaining (a) a declaration that the automatic stay under § 362 of title 11 of the United States Code (the "Bankruptcy Code") applies and extends to prohibit the

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continued prosecution of *Brignac v. 3M Company, Shell Catalysts & Technologies LP; Cat Tech, LLC; Turner Industries Group, LLC; Brock Services, LLC; Anco Insulations, Inc.*, 127-046 (La. 10/15/2019) (the "*Brignac* Suit") against Clean Harbors and, additionally or in the alternative, (b) granting a temporary restraining order and preliminary injunctive relief pursuant to Bankruptcy Code § 105 halting the continued prosecution of or expansion of the *Brignac* Suit against Clean Harbors during the pendency of the Debtors' Chapter 11 cases, and respectfully state as follows:

I. BACKGROUND

On May 21, 2024, Zachry Holdings, Inc. and its debtor affiliates (collectively, the "Debtors") filed voluntary petitions for bankruptcy under Chapter 11.[1] On July 20, 2024, the Debtors filed an adversary complaint and associated motion seeking to have this Court declare that the automatic stay extends to an affiliated non-debtor, JVIC Catalyst Services, LLC ("JVIC") and, additionally or alternatively, for injunctive relief.[2]

The relief sought by JVIC is a stay of the *Brignac* Suit—a tort suit brought by Timmy Brignac and his wife, Shonda Brignac (the "*Brignac* Plaintiffs"), currently pending in Louisiana's 23rd Judicial District Court for the Parish of Ascension. The *Brignac* Plaintiffs allege that, during Mr. Brignac's employment at the Shell Chemical Plant in Geismar, Louisiana (the "Plant") between 1987 and 2019, he was exposed to various toxic substances and contend that, as a result of such exposure, he has developed pneumoconiosis.[3]

As of this filing, only three defendants remain in the *Brignac* Suit—JVIC, Clean Harbors, and Brock Services, LLC ("Brock"). Although the *Brignac* Plaintiffs' claims (including the

[1] Case No. 24-90377, Doc. 1.
2 Adv. Pro. No. 24-03146, Docs. 1, 4.
[3] Despite naming numerous defendants, the Brignacs did not initially name either JVIC Catalyst or Clean Harbors as defendants. Eventually, on April 5, 2021, Plaintiffs amended their pleadings to name JVIC Catalyst as a defendant. Finally, on December 28, 2023, Plaintiffs added Clean Harbors as a defendant.

precise nature of Mr. Brignac's alleged illness) have evolved over time, the *Brignac* Plaintiffs currently allege that, during "catalyst turnarounds" in the Plant, the operations of JVIC, Clean Harbors, Brock, and their predecessors-in-interest exposed Mr. Brignac to hazardous levels of respirable silica and that, as a result of such exposure, Mr. Brignac has developed silicosis (a form of pneumoconiosis).

Importantly here, the *Brignac* Plaintiffs advance two theories of liability against JVIC—direct negligence for its own actions and successor liability for the actions of corporate entities alleged to be the predecessors-in-interest of JVIC. Among those predecessors-in-interest is Clean Harbors, which sold the entirety of its U.S.-based catalyst operations to JVIC in 2016.

In support of the Debtors' motion to extend the stay and/or for injunctive relief, the Debtors contend the *Brignac* Suit should be stayed because the Debtors are legally responsible for the liabilities of JVIC and, thus, an adverse judgment would impinge on the Debtors' bankruptcy estates. For the reasons that follow, Clean Harbors seeks to intervene in these proceedings to advise the Court that additional bases exist to grant the relief sought by JVIC and, further, to extend that relief to Clean Harbors.

II. LAW AND ARGUMENT

Under Federal Rule of Bankruptcy Procedure 7024, intervention in an adversary proceeding is governed by Federal Rule of Civil Procedure 24, which provides, in relevant part, that "the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." FED. R. CIV. PROC. 24(b)(1)(B).

Here, the Debtors contend the *Brignac* Suit should be stayed because any judgment against JVIC would be, in effect, a judgment against the Debtors. Similarly, Clean Harbors contends that, because Clean Harbors transferred all its liabilities to JVIC in 2016, any judgment against Clean

Harbors would be, in effect, a judgment against JVIC and, through it, the Debtors. Moreover, Clean Harbors contends, for the reasons set forth in Clean Harbors' emergency motion to extend the automatic stay and/or for injunctive relief (filed contemporaneously with this motion), that extension of the stay to JVIC, but not to Clean Harbors, increases the likelihood of such a result.

III. CONCLUSION

For the foregoing reasons, Clean Harbors respectfully requests this motion be granted and that it be permitted to intervene in this adversary proceeding.

RESPECTFULLY SUBMITTED this 22nd day of July, 2024, in Houston, Texas.

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

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CERTIFICATE OF SERVICE

I certify that the foregoing pleading has been served through the Court's CM/ECF system on all counsel of record this 22nd day of July 2024.

/s/ Kent M. Adams
Kent M. Adams

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

In re: ZACHRY HOLDINGS, INC., et al Debtor.	Chapter 11 Case No. 24-90377
ZACHRY HOLDINGS, INC., Plaintiff, v. TIMMY BRIGNAC AND SHONDA BRIGNAC, Defendants.	Adv. Pro. No. 24-03146

CLEAN HARBORS' ADVERSARY COMPLAINT IN INTERVENTION FOR DECLARATORY AND INJUNCTIVE RELIEF

NOW INTO COURT, though undersigned counsel, come Clean Harbors, Inc., Clean Harbors Industrial Services, Inc., and HPC Industrial Services, LLC (collectively, "Clean Harbors"), who bring this complaint (the "Complaint") seeking intervention in this adversary proceeding for the purpose of obtaining: (a) a declaration that the automatic stay pursuant to § 362, Title 11 of the United States Code (the "Bankruptcy Code") applies and extends to prohibit further prosecution of *Brignac v. 3M Company, Shell Catalysts & Technologies LP; Cat Tech, LLC; Turner Industries Group, LLC; Brock Services, LLC; Anco Insulations, Inc.*, 127-046 (La. 10/15/2019) (the "*Brignac* Suit") against Clean Harbors, and or in the alternative, (b) a temporary restraining order and/or preliminary injunction pursuant to Bankruptcy Code § 105, and who respectfully states as follows:

NATURE OF THE REQUESTED RELIEF

1. Zachry Holdings, Inc. ("ZHI") and its debtor affiliates (collectively, the "Debtors") commenced this adversary proceeding pursuant to Rules 7001(7), 7001(9), and 7065 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and of Bankruptcy Code §§ 105(a) and 362(a), seeking: (a) an order declaring the automatic stay applies and extends to prohibit the continued prosecution of the *Brignac* Suit against JVIC Catalyst Services, LLC ("JVIC") until further Order of this Court; additionally or the alternative, (b) an injunction pursuant to Bankruptcy Code § 105 enjoining the continued prosecution or expansion of the *Brignac* Suit against JVIC until further Order of this Court; and (c) a temporary restraining order enjoining the continued prosecution or expansion of the *Brignac* Suit against JVIC, until further Order of this Court.[1]

2. Contemporaneous with the filing of the Debtors' Adversary Complaint, the Debtors filed an *Emergency Motion For An Order (a) Declaring the Automatic Stay Extends to Apply to Clean Harbors in Brignac v. 3M Company Shell Catalysts & Technologies LP; Cat Tech, LLC; Turner Industries Group, LLC; Brock Services, LLC; Anco Insulations, Inc., 127-046 (La. 10/15/2019) and, Additionally or In the Alternative, (b) Granting Preliminary Injunctive Relief and a Temporary Restraining Order Enjoining the Continued Prosecution of or Expansion of Same* (the "Debtors' Motion"), which requests the relief sought in the Debtors' Adversary Complaint on an expedited timeframe.[2]

3. Clean Harbors adopts and incorporates by reference the allegations and arguments made by the Debtors in support of the Debtors' Adversary Complaint and the Debtors' Motion.

4. Contemporaneous with the filing of this Complaint, Clean Harbors has filed its own *Emergency Motion For An Order (a) Declaring the Automatic Stay Extends to Apply to Clean Harbors*

[1] Case No. 24-90377, Doc. 590; Adv. Pro. No. 24-03146, Doc. 1 (the "Debtors' Adversary Complaint").
[2] Adv. Pro. No. 24-03146, Doc. 4 (the "Debtors' Motion").

in Brignac v. 3M Company, Shell Catalysts & Technologies LP; Cat Tech, LLC; Turner Industries Group, LLC; Brock Services, LLC; Anco Insulations, Inc., 127-046 (La. 10/15/2019) and, Additionally or In the Alternative, (b) Granting Preliminary Injunctive Relief and a Temporary Restraining Order Enjoining the Continued Prosecution of or Expansion of Same (the "Clean Harbors Motion"), which requests the relief sought in this Complaint on an expedited basis.

BASIS FOR RELIEF

5. The statutory bases for the relief requested herein are Bankruptcy Code §§ 362(a) and 105(a) and section 2201(a) of title 28 of the United States Code.

6. The Debtors have commenced this adversary proceeding pursuant to Bankruptcy Rules 7001(7), 7001(9), and 7065.

7. Clean Harbors seeks intervention herein pursuant to Bankruptcy Rule 7024 and F.R.C.P. Rule 24.

JURISDICTION AND VENUE

8. This adversary proceeding arises in and relates to the Debtors' cases pending before this Court under Chapter 11 of the Bankruptcy Code.

9. This Court has subject matter jurisdiction over this adversary proceeding and the Clean Harbors Motion pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157. Pursuant to Bankruptcy Rule 7008, Clean Harbors consents to the entry of final orders or a final judgment by this Court in this adversary proceeding.

10. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

11. The bases for the relief requested herein are Bankruptcy Code §§ 105 and 362, Federal Rules of Civil Procedure, Rule 65 (as applicable under Federal Rules of Bankruptcy Procedure, Rule 7065), Federal Rules of Civil Procedure, Rule 24 (as applicable under Federal

Rules of Bankruptcy Rule 7024), and Rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the "Bankruptcy Local Rules").

THE PARTIES

12. ZHI is a company organized under the laws of the state of Delaware. ZHI, together with its Debtor affiliates, are providers of engineering, construction, maintenance, turnaround, and fabrication services.

13. Timmy Brignac and Shonda Brignac are the plaintiffs in the *Brignac* Suit (the "*Brignac* Plaintiffs"), in which they seek damages related to alleged injuries allegedly incurred during Mr. Brignac's employment at the Geismar Chemical Plant in southern Louisiana (the "Plant"). The *Brignac* Plaintiffs are both residents of the state of Louisiana.

14. Clean Harbors, Inc. is organized under the laws of Massachusetts.

15. Clean Harbors Industrial Services, Inc. is a company formerly organized under the las of Delaware and subsequently merged into HPC Industrial Services, LLC.

16. HPC Industrial Services, LLC is a Delaware limited liability company.

FACTUAL BACKGROUND

I. BACKGROUND

A. OVERVIEW OF CHAPTER 11 CASES

17. On May 21, 2024 (the "Petition Date"), each Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code commencing the Chapter 11 cases. The Debtors continue to operate their businesses as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Chapter 11 cases are being jointly administered pursuant to Bankruptcy Rule 1015(b). On June 4, 2024, the United States Trustee for the Southern District of Texas (the "U.S. Trustee") appointed the Official Committee of Unsecured Creditors pursuant to

sections 1102(a)(1) and 1102(b)(1) of the Bankruptcy Code (the "Committee") [Case No. 24¬90377; Docket No. 176]. No trustee or examiner has been appointed in these Chapter 11 cases.

18. 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 in In Re: Zachry Holdings, Inc., et al. (Bankr. S.D. Tex. May 21, 2024) [Case No. 24-90377; Docket No. 7].

B. IMPACT OF THE *BRIGNAC* SUIT ON THE DEBTORS' RESOURCES

19. The *Brignac* Plaintiffs seek damages from JVIC and co-defendants Clean Harbors and Brock Services, LLC ("Brock"), related to injuries allegedly incurred during Mr. Brignac's employment at the Plant.[3] Mr. Brignac was an employee at the Plant from 1987 until 2019 in the Ethylene Oxide-Ethylene Glycols ("EO-EG") department, and alleges he participated in most, if not all, turnaround outages of EO-EG units. The *Brignac* Plaintiffs allege JVIC, Clean Harbors, Brock, and other contractors performed turnaround services and catalyst changes at the Plant. The *Brignac* Plaintiffs allege that the loading, unloading, cleaning, and sandblasting activities involved in these turnaround services and catalyst changes exposed Mr. Brignac to dangerous levels of respirable toxins and caused Mr. Brignac's eventual pneumoconiosis diagnosis. JVIC, Clean Harbors, and Brock deny any liability related to the *Brignac* Plaintiffs.

20. JVIC Catalyst is an indirect subsidiary of Debtor ZHI.[4]

21. On November 23, 2021, JVIC Catalyst, and certain other selling entities (the "Sellers"), entered into an asset purchase agreement (the "APA") to sell substantially all of their

[3] Although the Brignac Plaintiffs named additional defendants in the Brignac matter—(i) 3M Company, (ii) Shell Catalysts & Technologies LP, (iii) Saint-Gobain Norpro Corporation, (iv) Cat Tech, LLC, (v) Cat Tech Inc. (vi) Turner Industries Group, LLC, (iv) Brock Services LLC, and (v) Anco Insulations, Inc.—all defendants other than JVIC Catalyst, Clean Harbors, and Brock have settled with the Brignac Plaintiffs.

[4] Adv. Pro. No. 24-03146, Doc. 6, ¶ 4.

assets to certain purchasers (the "Buyers").[5] ZHI was covenantor to that agreement.[6] After completion of the sale contemplated in the APA in 2021, JVIC Catalyst ceased all operations.[7]

22. ZHI, as covenantor, is jointly and severally liable with JVIC for certain indemnification obligations (the "Indemnification Obligations") to the Buyers pursuant to the APA. ZHI's Indemnification Obligations include the claims asserted in the *Brignac* Suit. Specifically, pursuant to Section 8.1(d) of the APA, ZHI, as covenantor, is jointly and severally liable with the Sellers (including JVIC) to indemnify, defend, and hold harmless the Buyers (and their affiliates) for certain "Excluded Liabilities," which expressly include the *Brignac* Suit.[8]

23. Because JVIC sold substantially all of its assets and has had no operations since the close of the APA, and because ZHI is jointly and severally liable with JVIC for any liability and damages related to the *Brignac* matter, ZHI has borne the full cost of defending the matter and would bear the full cost of any damages awarded in the matter against JVIC. In effect, the *Brignac* matter being pursued against a non-operational subsidiary of the Debtors is an action against the Debtors.

24. Similarly, because Clean Harbors sold the entirety of its U.S.-based catalyst business to JVIC in 2016, JVIC and, though it, ZHI would bear the full cost of any damages awarded in the matter against Clean Harbors. In effect, the *Brignac* matter being pursued against Clean Harbors is an action against the Debtors.

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[5] Adv. Pro. No. 24-03146, Doc. 5, ¶ 3.
[6] Adv. Pro. No. 24-03146, Doc. 5, ¶ 3.
[7] Adv. Pro. No. 24-03146, Doc. 5, ¶ 4.
[8] Adv. Pro. No. 24-03146, Doc. 5, ¶ 6-8. Pursuant to Section 1.4 of the APA, Sellers are required to (and ZHI, as Covenantor, shall cause the Sellers to) pay and satisfy certain excluded liabilities ("Excluded Liabilities"), including but not limited to "any Liabilities in respect of any pending or threatened Action arising out of, relating to or otherwise in respect of the operation of the Business or the Purchased Assets . . . including the Seller Actions set forth on Schedule 2.9." In turn, Schedule 2.9 of the APA lists legal proceedings and potential claims, including the *Brignac* Suit. The *Brignac* Suit, therefore, is an Excluded Liability for which ZHI, as covenantor, is required to pay and satisfy.

25. On June 12, 2024, the *Brignac* Plaintiffs' counsel informed the parties' counsel that the *Brignac* Plaintiffs are unwilling to stay the matter.[9] On July 11, 2024, the court overseeing the *Brignac* Suit informed the Debtors that it would not stay the matter absent an order from the Bankruptcy Court.[10]

26. Trial in the *Brignac* Suit is imminent, with a scheduled start date of August 5, 2024.[11] The Brignac Plaintiffs have indicated that they intend to seek up to $5 million in damages from JVIC and Clean Harbors at trial.

27. If the *Brignac* Suit continues, the Debtors will suffer irreparable harm because the Debtors will continue to incur litigation costs and may be cast in judgment for damages owed to the *Brignac* Plaintiffs. Additionally, if the stay is not extended to Clean Harbors there will be an increased risk of an adverse judgment against Clean Harbors, which would, in effect, be a judgment against JVIC and, through it, the Debtors. Moreover, if the stay is extended to JVIC but not to Clean Harbors, factual issues dispositive of JVIC's cross-claim for defense and indemnity will be resolved in JVIC's absence.

28. Accordingly, the Louisiana state court action should be stated in its entirety, pending further order of this Court.

FIRST CLAIM FOR RELIEF
(Section 362 – Declaratory Judgment)

29. Clean Harbors repeats and re-alleges Paragraphs 1 through 28 of this Complaint as if fully set forth herein.

[9] Adv. Pro. No. 24-03146, Doc. 6, ¶ 4.
[10] Adv. Pro. No. 24-03146, Doc. 6, ¶ 5.
[11] Adv. Pro. No. 24-03146, Doc. 6, ¶ 7.

30. Clean Harbors seeks an order staying the prosecution of the *Brignac* Suit as to JVIC and Clean Harbors until further order of this Court, pursuant to sections 362(a)(1) and 362(a)(3) of the Bankruptcy Code.

31. Section 362(a)(3) of the Bankruptcy Code operates as a stay, "applicable to all entities," of "any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate."

32. Section 541 of the Bankruptcy Code provides that the filing of a Chapter 11 petition "creates an estate . . . comprised of . . . all legal or equitable interests of the debtor in property as of the commencement of the case." 11 U.S.C. § 541(a).

33. The requested relief is appropriate here because, absent the stay as to JVIC and Clean Harbors, the Debtors will be deprived of the purpose, benefits, and protections of the Bankruptcy Code § 362.

34. Further, Debtors will be exposed to an adverse judgment in a proceeding in which they were not a participant. In order to avoid injuries to Debtors if the *Brignac* Suit continues, Clean Harbors respectfully seeks an order declaring that the automatic stay applies and extends to prohibit the continued prosecution of the *Brignac* Suit against JVIC and Clean Harbors during the pendency of these Chapter 11 cases.

SECOND CLAIM FOR RELIEF
(Section 105 – Injunctive Relief)

35. Clean Harbors repeats and re-alleges Paragraphs 1 through 34 of this Complaint as if fully set forth herein.

36. Clean Harbors seeks an order pursuant to section 105(a) of the Bankruptcy Code, in furtherance of section 362 of the Bankruptcy Code, enjoining the *Brignac* Suit as against JVIC and Clean Harbors for the pendency of these chapter 11 cases, subject to extension by the Court.

37. Section 105(a) of the Bankruptcy Code authorizes and empowers this Court to issue any orders that will further the purposes and goals of the Bankruptcy Code, assist in the orderly and effective administration of the chapter 11 cases, aid in the preservation of the assets of the Debtors' estates, and aid in the formulation and confirmation of a chapter 11 plan that maximizes recovery to all of the Debtors' creditors.

38. Relief under section 105(a) of the Bankruptcy Code is proper in a chapter 11 case when necessary to protect a debtor's ability to effectively reorganize and to preserve property of the debtor's estate.

39. Injunctive relief is appropriate here because each of the four factors required to obtain it is satisfied: (a) a substantial likelihood of irreparable injury to the Debtors absent an injunction; (b) a substantial likelihood that the Debtors and Clean Harbors will succeed in this adversary proceeding on the merits; (c) a balancing of the equities favors the Debtors and Clean Harbors; and (d) the injunction would serve the public interest.

40. First, if the *Brignac* Suit is allowed to continue, there is a substantial likelihood of irreparable injury to the Debtors because the Debtors will be obligated to bear the practical and financial burdens of litigating during the pendency of their chapter 11 proceedings at a time when the Debtors' resources are limited. Additionally, there is a substantial likelihood of an adverse judgment against JVIC. That likelihood is increased if the case is stayed as to JVIC but not Clean Harbors because a judgment against Clean Harbors is, in effect, a judgment against the Debtors. If the *Brignac* Suit proceeds to trial, JVIC will not be present to participate in the defense of claims that may affect the Debtors' estates or to participate in the resolution of factual issues that may be dispositive of JVIC's cross-claim for defense and indemnity.

41. Second, the Debtors and Clean Harbors have a substantial likelihood of success on the merits of this adversary proceeding because this Court is authorized to grant the requested relief and, moreover, the Debtors will suffer irreparable harm absent a stay extension and injunction.

42. Third, the irreparable harm to the Debtors outweighs any risk of harm to the *Brignac* Plaintiffs. The Debtors will suffer irreparable harm if the *Brignac* Suit is not enjoined. The Brignac Plaintiffs, on the other hand, will suffer limited harm from pausing their litigation for a limited period of time while the chapter 11 cases proceed. Any documents or information required by the *Brignac* Suit will be preserved during this waiting period, and none of the *Brignac* Plaintiffs' rights will be negatively affected in a material way because they will be free to prosecute their claims at a later date. Accordingly, the risk of harm to the *Brignac* Plaintiffs, if any, is small.

43. Fourth, enjoining the *Brignac* Suit serves the public interest by facilitating an efficient and expedient resolution to the chapter 11 cases, which is a benefit to all interested parties.

44. Accordingly, the injunctive relief sought by Clean Harbors in this Complaint is appropriate. Clean Harbors respectfully requests that the Court enjoin the continued prosecution or expansion of the *Brignac* Suit during the pendency of the Debtors' chapter 11 cases.

PRAYER FOR RELIEF

45. WHEREFORE, Clean Harbors respectfully demands judgment against the Defendants (the *Brignac* Plaintiffs) in this adversary proceeding, and requests relief as follows:

a. Entry of a declaratory judgment pursuant to Section 362 of the Bankruptcy Code and Bankruptcy Rule 7001(9) that the automatic stay in the *Brignac* Suit is extended to JVIC and Clean Harbors until further order of this Court, or in the alternative,

b. Entry of an injunction pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rule 7001(7) enjoining and prohibiting continuation of the *Brignac* Suit against JVIC and Clean Harbors during the pendency of the Chapter 11 cases; and

c. All such other relief as the Court may find just and proper.

RESPECTFULLY SUBMITTED this 22nd day of July 2024, in Houston, Texas.

WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

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CERTIFICATE OF SERVICE

I certify that the foregoing pleading has been served through the Court's CM/ECF system on all counsel of record this 22nd day of July 2024.

/s/ Kent M. Adams
Kent M. Adams

IN THE UNITED STATES BANKRUPTCY COURT
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HOUSTON DIVISION

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ZACHRY HOLDINGS, INC., Plaintiff, v. TIMMY BRIGNAC AND SHONDA BRIGNAC, Defendants.	Adv. Pro. No. 24-03146

ORDER

CONSIDERING the Emergency Motion for Leave to File Adversary Complaint in Intervention for Declaratory and Injunctive Relief, filed by Clean Harbors, Inc., Clean Harbors Industrial Services, Inc., and HPC Industrial Services, LLC:

IT IS ORDERED that the motion is granted.

Houston, Texas

Dated: _____, 2024

_____
UNITED STATES BANKRUPTCY JUDGE