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

In re:	Chapter 11
ZACHRY HOLDINGS, INC., *et al*[1]	
Debtor.	Case No. 24-90377
ZACHRY HOLDINGS, INC.,	
Plaintiff,	
v.	Adv. Pro. No. 24-03146
TIMMY BRIGNAC AND SHONDA BRIGNAC,	
Defendants.	

CERTIFICATE OF COUNSEL REGARDING DEBTORS' EMERGENCY MOTION FOR AN ORDER (A) DECLARING THAT THE AUTOMATIC STAY EXTENDS TO APPLY TO AFFILIATED NON-DEBTOR DEFENDANT *BRIGNAC V. 3M COMPANY ET AL.*, 127-046 (L.A. 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

Pursuant to the *Procedures for Complex Cases in the Southern District of Texas*, counsel to the above-captioned debtors and debtors in possession (collectively, the "**Debtors**") certifies as follows:

[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 https://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

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1. On July 19, 2024, the Debtors filed the *Debtors' Emergency Motion for an Order (a) Declaring That the Automatic Stay Extends to Apply to Affiliated Non-Debtor Defendant Brignac V. 3M Company et al., 127-046 (L.A. 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* [Adv. Docket No. 4] (the "**Motion**"). The Motion attached a proposed form of order [Adv. Docket No. 4-1] (the "**Proposed Order**").

2. The deadline for parties to file objections and responses to entry of a final order on the Motion was no later than 5:00 p.m. (prevailing Central Time) on July 24, 2024 (the "**Objection Deadline**").

3. A hearing on the Motion was held on July 24, 2024, at 4:00 p.m. (prevailing Central Time). No objections or responses to the Initial Proposed Order were filed on the docket on or before the Objection Deadline.

4. Debtors' counsel conferred with Defendants' counsel and counsel to Intervenors Clean Harbors, Inc., Clean Harbors Industrial Services, Inc., and HPC Industrial Services, LLC (collectively, "**Clean Harbors**"), and agree on the form of the revised proposed order (the "**Revised Proposed Order**"). The Revised Proposed Order attached hereto incorporates the comments from Defendants.

5. A redline reflecting the changes between the Proposed Order and the Revised Proposed Order is attached hereto as **Exhibit A**.

6. The Debtors request that the Court enter the Revised Proposed Order.

Dated: July 29, 2024
Houston, Texas

/s/ *Charles R. Koster*

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Counsel to the Debtors and
Debtors in Possession

Certificate of Service

I certify that on July 29, 2024, 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/ Charles R. Koster
Charles R. Koster

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
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In re:	)	Chapter 11
ZACHRY HOLDINGS, INC., *et al*[1]	)	
Debtor.	)	Case No. 24-90377
ZACHRY HOLDINGS, INC.,	)	
Plaintiff,	)	
v.	)	Adv. Pro. No. 24-03146
TIMMY BRIGNAC AND SHONDA BRIGNAC,	)	
Defendants.	)	

ORDER TEMPORARILY ENJOINING THE CONTINUED PROSECUTION OR EXPANSION OF *BRIGNAC V. 3M COMPANY ET AL.*, 127-046 (LA. 10/15/2019) AGAINST THE NON-DEBTOR DEFENDANT

Upon the emergency motion (the "**Motion**")[2] of Zachry Holdings, Inc. ("**ZHI**") and its debtor affiliates (collectively, the "**Debtors**"), for entry a temporary restraining order (the "**TRO**") temporarily enjoining the continued prosecution of or expansion 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* Matter**") against the Non-Debtor Defendant, JVIC Catalyst Services, LLC in Louisiana state court for the 23rd Judicial

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[2] Capitalized terms used but not otherwise defined herein have the meaning ascribed to them in the Motion.

District for the Parish of Ascension (the "**State Court**"); and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and that this Court 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 Motion 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 Motion is in the best interest of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court, if any (the "**Hearing**"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing, if any, establish just cause for the relief granted herein; and upon all of the proceedings had before this Court, and after due deliberation and sufficient case appearing therefore, it is HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. The continued prosecution (including, for the avoidance of doubt, as it relates to any discovery or other pretrial motion practice or court proceedings/hearings) or the expansion of the *Brignac* Matter is enjoined as to all defendants through and until October 22, 2024, ninety (90) days from the Hearing (July 24, 2024 through October 22, 2024, the "**Stay Period**"), which shall not be further extended absent agreement of all parties to the *Brignac* Matter; *provided that*, the parties agree to coordinate with the Court in the *Brignac* Matter for the limited purpose of resetting the trial, which shall be no earlier than ninety (90) days from expiration of the Stay Period.

3. If the *Brignac* Matter is not resolved during the Stay Period, then, after the expiration of the Stay Period, the *Brignac* Matter may proceed and the parties in the *Brignac* Matter

may seek to hold a status conference with the State Court, at which time a new trial date for the *Brignac* Matter may be set.

4. The Debtors shall not be permitted to file a voluntary petition for chapter 11 relief for JVIC Catalyst Services, LLC for the purpose of effectuating a further stay of the *Brignac* Matter.

5. For the avoidance of doubt, the relief ordered herein shall apply to all claims asserted in *Brignac*, regardless of whether the identified action has been removed, remanded, transferred, dismissed, and refiled under a different case number, or is on appeal.

6. This Order shall not affect the exceptions to the automatic stay contained in Bankruptcy Code § 362(b) or the right of any party in interest to seek relief from the automatic stay in accordance with Bankruptcy Code §§ 362(d) or 362(f).

7. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

8. Pursuant to Bankruptcy Rule 7065, the security requirements shall be waived.

9. Notwithstanding any provision to the contrary of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or the Bankruptcy Local Rules, this Order shall take immediate effect upon signature.

10. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Houston, Texas
Dated: _____, 2024

_____
UNITED STATES BANKRUPTCY JUDGE

Exhibit A

Redline

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

In re:	)	Chapter 11
ZACHRY HOLDINGS, INC., *et al*[1]	)	
Debtor.	)	Case No. 24-90377
ZACHRY HOLDINGS, INC.,	)	
Plaintiff,	)	
v.	)	Adv. Pro. No. ~~24-~~ 24-03146
TIMMY BRIGNAC AND SHONDA BRIGNAC,	)	
Defendants.	)	

~~TEMPORARY RESTRAINING~~ ORDER TEMPORARILY ENJOINING THE CONTINUED PROSECUTION OR EXPANSION OF *BRIGNAC V. 3M COMPANY ET AL.*, 127-046 (LA. 10/15/2019) AGAINST THE NON-DEBTOR DEFENDANT

Upon the emergency motion (the "**Motion**")[2] of Zachry Holdings, Inc. ("**ZHI**") and its debtor affiliates (collectively, the "**Debtors**"), for entry a temporary restraining order (the "**TRO**") temporarily enjoining the continued prosecution of or expansion 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* Matter**") against

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[2] Capitalized terms used but not otherwise defined herein have the meaning ascribed to them in the Motion.

the Non-Debtor Defendant, JVIC Catalyst Services, LLC in Louisiana state court for the 23rd Judicial District for the Parish of Ascension (the "**State Court**"); and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and that this Court 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 Motion 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 Motion is in the best interest of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court, if any (the "**Hearing**"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing, if any, establish just cause for the relief granted herein; and upon all of the proceedings had before this Court, and after due deliberation and sufficient case appearing therefore, it is HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. The continued prosecution (including, for the avoidance of doubt, as it relates to any discovery or other pretrial motion practice or court proceedings/hearings) ~~of~~ or the expansion of the *Brignac* ~~against JVIC Catalyst,~~Matter is enjoined as to all defendants through and until ~~(120 days from entry of this Order), which date may be extended for good cause or consent of the parties.~~October 22, 2024, ninety (90) days from the Hearing (July 24, 2024 through October 22, 2024, the "**Stay Period**"), which shall not be further extended absent agreement of all parties to the *Brignac* Matter; *provided that*, the parties agree to coordinate with

the Court in the *Brignac* Matter for the limited purpose of resetting the trial, which shall be no earlier than ninety (90) days from expiration of the Stay Period.

3. If the *Brignac* Matter is not resolved during the Stay Period, then, after the expiration of the Stay Period, the *Brignac* Matter may proceed and the parties in the *Brignac* Matter may seek to hold a status conference with the State Court, at which time a new trial date for the *Brignac* Matter may be set.

4. The Debtors shall not be permitted to file a voluntary petition for chapter 11 relief for JVIC Catalyst Services, LLC for the purpose of effectuating a further stay of the *Brignac* Matter.

5. ~~3.~~ For the avoidance of doubt, the relief ordered herein shall apply to all claims asserted in *Brignac*, regardless of whether the identified action has been removed, remanded, transferred, dismissed, and refiled under a different case number, or is on appeal.

6. ~~4.~~ This Order shall not affect the exceptions to the automatic stay contained in Bankruptcy Code § 362(b) or the right of any party in interest to seek relief from the automatic stay in accordance with Bankruptcy Code §§ 362(d) or 362(f).

7. ~~5.~~ The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

8. ~~6.~~ Pursuant to Bankruptcy Rule 7065, the security requirements shall be waived.

9. ~~7.~~ Notwithstanding any provision to the contrary of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or the Bankruptcy Local Rules, this Order shall take immediate effect upon signature.

10. ~~8.~~ The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Houston, Texas
Dated: _____, 2024

_____
UNITED STATES BANKRUPTCY JUDGE