UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS (HOUSTON)

IN RE:	Case No. 24-90377
	Chapter 11
ZACHRY HOLDINGS, INC., et al.,	
Debtors.	
	Adv. No. 24-03122
AVIS LAMOTTE,	
Plaintiff,	
v.	515 Rusk Street
	Houston, TX 77002
ZACHRY INDUSTRIAL, INC.,	
	Monday, September 9, 2024
Defendant.	10:59 a.m.

TRANSCRIPT OF PRETRIAL CONFERENCE
BEFORE THE HONORABLE MARVIN ISGUR
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

For Zachry Industrial, Inc.:	Ogletree Deakins By: CHRISTOPHER A. MOORE, ESQ. 4660 La Jolla Village Drive Suite 900 San Diego, CA 92122 (858) 652-3100

TELEPHONIC APPEARANCES CONTINUED.

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TELEPHONIC APPEARANCES (Continued):

For Avis Lamotte:	Stranch Jennings & Garvey, PLLC By: MICHAEL C. IADEVAIA, ESQ. JAMES GERARD STRANCH, IV, ESQ. 223 Rosa L. Parks Avenue, Suite 200 Nashville, TN 37203 (615) 254-8801
For Zachry Industrial, Inc.:	White & Case By: CHARLES R. KOSTER, ESQ. 609 Main Street, Suite 2900 Houston, TX 77002 (832) 786-6118

(Proceedings commence at 10:59 a.m.)

THE COURT: All right. Good morning. We're here on two separate adversary proceedings involving the Zachry case. First one we're going to call is 24-3122, which is the Lamotte v. Zachry adversary proceeding. If you're here on Lamotte, please press "five star" on your phone.

From (631) 766-9609, who do we have on the phone?

MR. IADEVAIA: This is Michael Iadevaia for Avis Lamotte.

THE COURT: Could you spell your last name for me, please?

MR. IADEVAIA: Yes, sir. I-A, D as in David, E, V as in Victor, A-I-A.

THE COURT: Thank you. Good morning.

MR. IADEVAIA: Good morning.

THE COURT: Mr. Koster. Mr. Koster, good morning.

MR. KOSTER: Good morning, Your Honor. Charles Koster, White & Case, for the debtors.

THE COURT: And from (615) 496-8849, who do we have?

MR. STRANCH: Good morning, Your Honor. This is Gerard Stranch on behalf of the plaintiffs.

THE COURT: Good morning.

So I received the notice of settlement of the case, and y'all tell me how y'all want me to proceed at this point.

Yes, sir. I'm sorry. I'm sorry. Hold --

MR. STRANCH: Your Honor, this is Gerard Stranch on behalf --

THE COURT: Hold on one second.

Yes, sir. Go ahead.

MR. MOORE: I'm just here for Zachry. I represent them in this adversary proceeding, so Chris --

THE COURT: Why don't you come on forward and make your appearance so people can see you.

MR. MOORE: Yeah.

THE COURT: Good morning. Tell me your name, please.

MR. MOORE: Good morning. It's Chris Moore.

THE COURT: Good morning, Mr. Moore. And your client is Zachry?

MR. MOORE: Zachry, yes.

THE COURT: All right, thank you.

So how did y'all want me to proceed today?

MR. MOORE: Our preference -- and I just spoke with Mr. Stranch about this -- is just not to get a scheduling order entered in this case. We've resolved it. I have the settlement papers in my inbox. I will get them to Mr. Stranch today. And we don't think we're going to have any issues with hammering out the details of that. But it's our preference not to have a scheduling trial date and discovery and all that while we're basically done with the case and just waiting to get all the details ironed out.

THE COURT: Thank you.

Mr. Koster, will the settlement require 9019 approval?

MR. KOSTER: It will, Your Honor. We are currently working with the parties on a settlement agreement that will involve and need provisional certification of the class for settlement purposes on an interim basis, followed by final approval of the settlement at a later date.

THE COURT: So when will the next hearing need to be on this matter? I assume it'll be a main case hearing.

MR. KOSTER: That's right, Your Honor. And we are currently working on the timeline. We would expect final approval being toward the middle to end of October with an interim date for -- and likely toward the end of this month.

THE COURT: Do you want me to give you a date towards the end of this month that all the parties can target for that hearing?

MR. KOSTER: If there is a date around September 26th, I believe that would be exactly what we are targeting for the interim approval.

THE COURT: So I can't do it on the 26th. I'll be in an ABI conference. Let me see. Can y'all live with the 30th?

MR. KOSTER: I believe, Your Honor, the 30th, it's fine. We will likely have a motion for interim approval on by the end of next week. If that is sufficient shortened notice

for Your Honor, the 30th would be --

THE COURT: Mr. Stranch, does that work for you?

MR. STRANCH: That works for me, Your Honor.

THE COURT: All right. Does anyone have any opposition to me just entering a clerk's entry, minute entry, that we're going to abate this adversary proceeding completely. We will not issue a scheduling order. We're not going to issue anything. And in the main case, we're going to authorize the debtors to self-calendar for September 30th at two o'clock in the afternoon a 9019 motion for approval of the settlement on a preliminary basis. Final, I'll let you worry about those details.

Does that work for everyone?

MR. STRANCH: That works for the plaintiffs, Your Honor.

MR. MOORE: Likewise for Zachry.

THE COURT: Thank you.

You okay with that, Mr. Koster?

MR. KOSTER: Absolutely. Thank you, Your Honor.

THE COURT: All right. This adversary proceeding is abated by minute entry. We'll take no further action on it. All deadlines are cancelled. No more pleadings may be filed in the adversary proceeding. Everything's going to be filed in the main case under the 9019. If the 9019 fails for whatever reason, then the parties need to file a motion to reopen the

adversary -- or to reactivate the adversary proceeding. Thank you.

MR. MOORE: Thank you, Your Honor.

THE COURT: All right.

MR. KOSTER: Thank you, Your Honor.

THE COURT: Thank you.

(Proceedings concluded at 11:04 a.m.)

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C E R T I F I C A T I O N

I, Alicia Jarrett, court-approved transcriber, hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

Alicia J. Jarrett

_____

ALICIA JARRETT, AAERT NO. 428 DATE: September 22, 2024

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS

In Re: Zachry Holdings, Inc. and Statutory Unsecured Claimholders' Committee Debtor	Case No.: 24−90377 Chapter: 11

Avis Lamotte,
Plaintiff(s),
vs.
Zachry Industrial, Inc.,
Defendant(s).

Adversary No.: 24−03122

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Nathan Ochsner
Clerk of Court