Docket #0074 Date Filed: 12/16/2024

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

In re:	Chapter 11
ZACHRY HOLDINGS, INC., *et al.*[1]	Case No. 24-90377 (MI)
Debtors.	(Jointly Administered)
FLNG LIQUEFACTION, LLC; FLNG LIQUEFACTION 2, LLC; and FLNG LIQUEFACTION 3, LLC,	Adv. Pro. No. 24-03189 (MI)
Plaintiffs,	
v.	
ZACHRY INDUSTRIAL, INC.; ZACHRY INDUSTRIES, INC.; JVIC DEMERGER FABRICATION, INC.; ZACHRY ENTERPRISE SOLUTIONS DEMERGER, INC.; CB&I LLC n/k/a; MCDERMOTT INTERNATIONAL LTD.; CHIYODA INTERNATIONAL CORPORATION; and PSRG, INC.,	
Defendants.	

[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' claims and noticing agent at 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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ALLIANZ GLOBAL RISKS US INSURANCE CO.; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO POLICY NO. B0180ME2219036; GREAT LAKES INSURANCE SE; GUIDEONE NATIONAL INSURANCE COMPANY; and TOKIO MARINE AMERICA INSURANCE COMPANY, as subrogees of FLNG Policy Procurement LLC; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; and FLNG Liquefaction 3, LLC Plaintiffs, v. ZACHRY INDUSTRIAL, INC.; ZACHRY INDUSTRIES, INC.; JVIC DEMERGER FABRICATION, INC.; ZACHRY ENTERPRISE SOLUTIONS DEMERGER, INC.; CB&I LLC n/k/a; MCDERMOTT INTERNATIONAL LTD.; CHIYODA INTERNATIONAL CORPORATION; and PSRG, INC., Defendants.	Adv. Pro. No. 24-03190 (MI)

STATEMENT OF ISSUES ON APPEAL

Appellants FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; FLNG Liquefaction 3, LLC, Allianz Global Risks US Insurance Co.; Certain Underwriters at Lloyd's of London Subscribing to Policy No. B0180ME2219036; Great Lakes Insurance SE; Guideone National Insurance Company; and Tokio Marine America Insurance Company, as subrogees of FLNG Policy Procurement LLC; FLNG Liquefaction, LLC; FLNG Liquefaction 2, LLC; and FLNG Liquefaction 3, LLC (collectively the "Appellants"), by and through their undersigned counsel;

pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, hereby submit their statement of issues to be presented on appeal of the Order on (I) Motions to Dismiss the Subrogation Actions and (II) Related Claim Objection [Bankruptcy Case Docket No. 1469; Adv. Pro. No. 24-03189 Docket No. 65; and Adv. Pro. No. 24-03190 Docket No. 58].

Statement of Issues to Be Presented on Appeal

1. Whether the bankruptcy court erred in dismissing Appellants' claims in Adversary Proceeding No. 24-03189 and Adversary Proceeding No. 24-03190 by finding that Appellants lacked standing based on a limited waiver of subrogation contained in Attachment O, ¶2.A.4 of each of (i) the Fixed Price Separated Turnkey Agreement for the Engineering, Procurement and Construction of the Freeport Train 1 Liquefaction Project by and between FLNG Liquefaction, LLC as Owner and Zachry Industrial, Inc. and CB&I Inc. as Contractor, dated as of December 10, 2013; (ii) the Fixed Price Separated Turnkey Agreement for the Engineering, Procurement and Construction of the Freeport Train 2 Liquefaction Project by and between FLNG Liquefaction 2, LLC as Owner and Zachry Industrial, Inc. and CB&I Inc. as Contractor, dated as of December 10, 2013.; and (iii) the Fixed Price Separated Turnkey Agreement for the Engineering, Procurement and Construction of the Freeport Train 3 Liquefaction Project by and between FLNG Liquefaction 3, LLC as Owner and Zachry Industrial, Inc., CB&I Inc., and Chiyoda International Corporation as Contractor, dated as of March 24, 2015 (collectively, (i), (ii), and (iii) are the "EPC Contract").

2. Whether the bankruptcy court erred in disallowing Proof of Claim Numbers 1562, 1564, and 1579 by finding that Appellants lacked standing based on a limited waiver of subrogation contained in Attachment O, ¶2.A.4 of the EPC Contract.

Dated: December 16, 2024
Houston, Texas

Respectfully submitted,

/s/ Ken Green

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2024, I caused a copy of the foregoing document to be served by electronic mail via the Court's ECF system to all parties authorized to receive electronic notice in this case.

/s/ Ken Green
Ken Green