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)
Debtor.	§	(Jointly Administered)
ZACHRY HOLDINGS, INC.,	§	
Plaintiff,	§	Adversary No.: 25-03025 (MI)
v.	§	
OMAHA PUBLIC POWER DISTRICT,	§	
Defendant.	§	

OMAHA PUBLIC POWER DISTRICT'S RESPONSE TO
PLAINTIFF'S EMERGENCY MOTION FOR STATUS CONFERENCE
[Related Docket No. 88]

Omaha Public Power District ("OPPD") respectfully submits this response to Plaintiff's Emergency Motion for Status Conference [Docket No. 88] ("Motion").[2]

1. There is no emergency to justify the Motion.

2. Under the Stipulation and Agreed Order filed at Docket Number 84 ("Stipulation"), the parties agreed to report to the Court prior to October 31, 2025, if:

a) The parties made subsequent progress to resolve this Adversary Proceeding; or

[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.

[2] Unless otherwise defined, capitalized terms and phrases bear the meanings assigned in the Motion.

24903772510230000000000001

b) There is basis to seek further extension of the Court's ruling on the Motion to Transfer Venue.

3. Neither of these contingencies is applicable. The Motion fails to explain any existing emergency.

4. The Motion exceeds the permissible scope of what content may be shared with the Court arising from mediation. It is inappropriate to disclose the interactions of the parties or the topics of their communications during and related to mediation.

5. OPPD mediated in good faith on August 27, 2025.

6. OPPD engaged in good faith settlement negotiations with Zachry and the mediator following August 27, 2025.

7. The parties were unable to reach an agreement settling this Adversary Proceeding.

8. OPPD disagrees with Zachry's mischaracterization of the parties' interactions and communications arising from mediation. It is neither constructive nor appropriate to expand further into the specific details.

9. OPPD objects under Fed. R. Evid. 408 to Zachry's attempt to inject settlement communications at mediation into this proceeding.

10. Although OPPD remains open to good faith settlement discussions, further mediation at this point would not be fruitful.

11. The parties are at an impasse.

12. OPPD requests the Court issue its ruling on the Motion to Transfer Venue.

[*signature page follows*]

Dated: October 23, 2025

Respectfully submitted by:

/s/ Thomas C. Scannell

Thomas C. Scannell (TX 24070559)
Robert T. Slovak (TX 24013523)
J. Michael Thomas (TX 24066812)
Zachary C. Zahn (TX 24137675)
FOLEY & LARDNER LLP
2021 McKinney Avenue, Ste. 1600
Dallas, Texas 75201
Telephone: (214) 999.3000
Facsimile: (214) 999.4667
tscannell@foley.com
rslovak@foley.com
jmthomas@foley.com
zzahn@foley.com

ATTORNEYS FOR OMAHA PUBLIC POWER DISTRICT

CERTIFICATE OF SERVICE

I certify that I caused the foregoing document to be filed on October 23, 2025, using the Court's CM/ECF System, which caused it to be served upon those parties registered in the system to receive such service.

/s/ Zachary C. Zahn
Zachary C. Zahn