Docket #0037 Date Filed: 8/1/2024
United States Bankruptcy Court
Southern District of Texas
ENTERED
July 30, 2024
Nathan Ochsner, Clerk

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

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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

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

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District for the Parish of Ascension (the "**State Court**"); and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 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. Omitted.

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 retains jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Signed: July 30, 2024

Marvin Isgur
United States Bankruptcy Judge

United States Bankruptcy Court
Southern District of Texas

Zachry Holdings, Inc.,
Plaintiff

Adv. Proc. No. 24-03146-mi

Brignac,
Defendant

# CERTIFICATE OF NOTICE

District/off: 0541-4 User: ADIuser 
Date Rcvd: Jul 30, 2024 Form ID: pdf111 Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|---|---|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 01, 2024:**

| Recip ID | | Recipient Name and Address |
|---|---|---|
| pla | + | Zachry Holdings, Inc., 527 Logwood Avenue, San Antonio, TX 78221-1738 |

TOTAL: 1

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

# BYPASSED RECIPIENTS

**The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.**

| Recip ID | Bypass Reason | Name and Address |
|---|---|---|
| ip | | Clean Harbors Industrial Services, Inc. |
| ip | | Clean Harbors, Inc. |
| ip | | HPC Industrial Services, LLC |
| dft | | Shonda Brignac |
| dft | | Timmy Brignac |

TOTAL: 5 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

# NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 01, 2024 Signature: /s/Gustava Winters

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# CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 30, 2024 at the address(es) listed below:**

| Name | Email Address |
|---|---|
| Charles R. Koster | on behalf of Plaintiff Zachry Holdings Inc. ckoster@whitecase.com, mco@whitecase.com |
| Donald Goodwin Cassels, III | on behalf of Intervenor-Plaintiff Clean Harbors Industrial Services Inc. donald.cassels@wilsonelser.com |
| Donald Goodwin Cassels, III | |

on behalf of Intervenor-Plaintiff Clean Harbors Inc. donald.cassels@wilsonelser.com

Donald Goodwin Cassels, III
on behalf of Intervenor-Plaintiff HPC Industrial Services LLC donald.cassels@wilsonelser.com

Evan Gershbein
on behalf of Other Prof. Kurtzman Carson Consultants LLC dba Verita Global ECFpleadings@kccllc.com, ecfpleadings@kccllc.com

Kent M Adams
on behalf of Intervenor-Plaintiff Clean Harbors Industrial Services Inc. Kent.Adams@wilsonelser.com, Niki.Fischer@wilsonelser.com

Kent M Adams
on behalf of Intervenor-Plaintiff HPC Industrial Services LLC Kent.Adams@wilsonelser.com, Niki.Fischer@wilsonelser.com

Kent M Adams
on behalf of Intervenor-Plaintiff Clean Harbors Inc. Kent.Adams@wilsonelser.com, Niki.Fischer@wilsonelser.com

TOTAL: 8