

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:

BRIGGS & STRATTON
CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 20-43597-399

(Jointly Administered)

Re: Docket No. 404

Hearing Date: August 18, 2020 at 10:00 am (CT)

MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS FOR THE ENTRY OF AN ORDER SCHEDULING AN EXPEDITED HEARING ON ITS MOTION FOR LEAVE TO REDACT CERTAIN CONFIDENTIAL INFORMATION IN ITS OBJECTION TO MOTION OF DEBTORS FOR INTERIM AND FINAL ORDERS (I) AUTHORIZING DEBTORS TO OBTAIN POSTPETITION FINANCING, (II) AUTHORIZING DEBTORS TO USE CASH COLLATERAL, (III) GRANTING LIENS AND SUPERPRIORITY CLAIMS, (IV) GRANTING ADEQUATE PROTECTION TO PREPETITION SECURED PARTIES, (V) MODIFYING AUTOMATIC STAY, (VI) SCHEDULING FINAL HEARING AND (VII) GRANTING RELATED RELIEF

The Official Committee of Unsecured Creditors (the “Committee”) appointed in the above-captioned Chapter 11 cases of Briggs & Stratton Corporation (with its affiliated debtors and debtors-in-possession, collectively, the “Debtors”), pursuant to section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9013-2(A) of the Local Rules of Bankruptcy Procedure for the United States Bankruptcy Court for the Eastern District of Missouri (the “Local Rules”), hereby moves this Court for an order scheduling an expedited hearing on its *Motion for Leave To Redact Certain Confidential Information in its Objection to*

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are: Briggs & Stratton Corporation (2330), Billy Goat Industries, Inc. (4442), Allmand Bros., Inc. (4710), Briggs & Stratton International, Inc. (9957), and Briggs & Stratton Tech, LLC (2102). The address of the Debtors’ corporate headquarters is 12301 West Wirth Street, Wauwatosa, Wisconsin 53222.



Motion of Debtors for Interim and Final Orders (i) Authorizing Debtors To Obtain Postpetition Financing, (ii) Authorizing Debtors To Use Cash Collateral, (iii) Granting Liens and Superpriority Claims, (iv) Granting Adequate Protection to Prepetition Secured Parties, (v) Modifying Automatic Stay, (vi) Scheduling Final Hearing [Docket No. 404] (the “Motion”), and respectfully states as follows:

Background

1. On July 20, 2020 (the “Petition Date”), each of the Debtors filed a voluntary petition under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. The Final Hearing on the Debtors’ *Motion of Debtors for Interim and Final Orders (i) Authorizing Debtors To Obtain Postpetition Financing, (ii) Authorizing Debtors To Use Cash Collateral, (iii) Granting Liens and Superpriority Claims, (iv) Granting Adequate Protection to Prepetition Secured Parties, (v) Modifying Automatic Stay, (vi) Scheduling Final Hearing [Docket No. 35] (the “DIP Motion”) is scheduled for August 18, 2020 at 10:00 am.*

3. In preparing its objection to the DIP Motion, the Committee filed the Motion to seek authorization to make redactions of certain material non-public information in its objection in order to maintain the confidential status of that information as requested by the Debtors.

Jurisdiction

4. This Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 57 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested Should Be Granted

5. Section 105(a) of the Bankruptcy Code authorizes this Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” Further, Bankruptcy Rule 9006(c) provides that the Court, for cause shown, may in its discretion reduce the notice period normally required for motions. Lastly, Local Bankruptcy Rule 9013-2(A) allows a hearing to be scheduled on an expedited basis “by written motion, setting forth the reason the matter should be considered on an expedited . . . basis.”

4. As further described in the Motion, the relief requested in the Motion is necessary to maintain the confidentiality, as asserted by the Debtors, of certain material non-public information contained within the Committee’s objection to the DIP Motion. Accordingly, the Committee believes that the Motion involves matters that require an expedited hearing and that cause exists to schedule an expedited hearing on August 18, 2020 at 10:00 am.

[End of Text]

WHEREFORE, the Committee respectfully requests that the Court: (i) enter an order granting the relief requested herein; and (ii) grant such other and further relief to the Debtors as the Court may deem just and proper.

Dated: August 13, 2020

Respectfully submitted,

Official Committee of Unsecured Creditors

By /s/ Alexander L. Moen

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed electronically using the Court's CM/ECF system and was served electronically on all parties on the Court's Electronic Mail Notice List on the date set forth above.

/s/ Alexander L. Moen