

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

In re:	§	Chapter 11
	§	
	§	Case No. 20-43597-399
BRIGGS & STRATTON CORPORATION, et al.,	§	
	§	(Jointly Administered)
	§	
Debtors.	§	Related Docket No. 16

**ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULES 1015(c), 2002 and 9007 ESTABLISHING CERTAIN
NOTICE, CASE MANAGEMENT AND ADMINISTRATIVE PROCEDURES**

Upon the motion (the “**Motion**”)¹ of Briggs & Stratton Corporation and its affiliated debtors and debtors in possession (each a “**Debtor**” and, collectively, the “**Debtors**”) for the entry of an order (this “**Order**”) pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rules 1015(c), 2002 and 9007 authorizing the Debtors to establish certain notice, case management and administrative procedures; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the Debtors having represented that adequate and proper notice of the Motion has been given and that no other or further notice need be given; and this Court having reviewed the Motion; and this Court having held a hearing to consider the relief requested in the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of the Debtors and their respective estates and creditors; and upon

¹ Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.



all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor, **it is hereby ORDERED that the Motion is GRANTED in that:**

1. The Procedures set forth herein are approved and shall govern all aspects of the Chapter 11 Cases, except as otherwise ordered by the Court.

2. To the extent the Procedures conflict with the Bankruptcy Rules or the Local Rules of the Bankruptcy Court for the Eastern District of Missouri (the “**Local Rules**”), the Procedures govern and supersede such rules and shall apply to the Chapter 11 Cases.

I. Filing Court Documents

3. In accordance with Local Rule 5005-A, all motions, applications and other matters requiring notice and/or a hearing (collectively, the “**Motions**”), all objections and responses to Motions (the “**Objections**”), all replies to Objections (the “**Replies**”) and all other documents filed with the Court (together with the Motions, the Objections and the Replies, the “**Court Documents**”) by parties represented by an attorney shall be filed electronically with the Court by registered users of the Court’s Electronic Case Files system (the “**ECF System**”).²

II. Service of Court Documents

4. A party filing a Court Document is responsible for proper service of that Court Document and filing a certificate of service. Service of a Court Document shall include: (a) counsel to the Debtors, Weil, Gotshal & Manges LLP (b) local counsel to the Debtors, Carmody MacDonald P.C., (c) the Office of the United States Trustee for the Eastern District of Missouri (the “U.S. Trustee”), (d) counsel to any official committee of unsecured creditors then appointed in these cases (the “Committee”), (e) the Debtors’ authorized claims and noticing agent, Kurtzman Carson Consultants LLC, (f) Latham & Watkins LLP (Attn: Peter P. Knight,

² Information on the ECF System, including how to obtain a login and password, can be obtained at <https://www.moeb.uscourts.gov/cmecf-nextgen-information>.

Esq. and Jonathan Gordon, Esq.), as counsel to JPMorgan Chase Bank, N.A., as the administrative agent and collateral agent under the ABL Credit Facility and DIP Facility; (g) Pryor Cashman LLP (Attn: Seth H. Lieberman, Esq. and David W. Smith, Esq.), as counsel to Wilmington Trust, N.A., as successor indenture trustee under the Senior Notes; and (h) the holders of the thirty (30) largest unsecured claims against the Debtors, on a consolidated basis.

III. Scheduling of Hearings and Deadlines for Filing Court Documents

5. The Debtors shall be authorized to schedule, in cooperation with the Court, periodic omnibus hearings (“**Omnibus Hearings**”) at which Motions and other requests for relief shall be heard. At least two business days before any Omnibus Hearing, the Debtors shall file with the Court an agenda setting forth each matter to be heard at such hearing, which may be updated or amended from time to time thereafter to the extent necessary. The matters listed on the agenda shall not include administrative filings, such as notices of appearance and Proofs of Service.

6. Unless otherwise ordered by the Court, the following guidelines shall apply to all Omnibus Hearings:

- (a) Motions may not be considered by the Court unless filed and served in accordance with these Procedures at least 14 days before the next available Omnibus Hearing.
- (b) Hearings in connection with claims objections and pre-trial conferences and trials related to adversary proceedings may be scheduled for dates other than the regular Omnibus Hearing dates.
- (c) If a Court Document purports to set a hearing date that is inconsistent with the Procedures, the hearing shall be scheduled, without the necessity of Court order, for the next available Omnibus Hearing in accordance with these Procedures, and the Debtors shall provide the movant with notice of these Procedures.

7. The three-day extension for additional time after service by mail as set forth in Bankruptcy Rule 9006(f) shall not apply to parties duly served by e-mail, the ECF System or other electronic transmission.

8. Notwithstanding any Local Rule, unless otherwise ordered by the Court, the deadline for any party to file an Objection (the “**Objection Deadline**”) to any Motion, other than a Motion seeking relief from the automatic stay filed by a party other than the Debtors, shall be the date that is seven days before the date of the hearing held pursuant to a non-expedited setting. The Objection Deadline may be extended with the consent of the movant or applicant, with notice to the Court of such agreed extension. All parties filing Objections shall follow Local Rule 9011 and include their telephone number and e-mail address in the signature block on the last page of the Objections.

9. If an Objection is filed, then unless otherwise ordered by the Court, any Reply shall be filed with the Court and served in accordance with these Procedures no later than two business days before the date of the applicable hearing (the “**Reply Deadline**”).

10. If a Motion to extend the time for the Debtors to take any action is filed consistent with any order granting this Motion before the expiration of the period prescribed by the Bankruptcy Code, the Bankruptcy Rules, the Local Rules or the provisions of any order entered by this Court, such period shall be extended by the filing of such motion pending the Court’s ruling on such motion.

11. Unless otherwise ordered by the Court, the Procedures shall not supersede the requirements for notice of the proceedings described in Bankruptcy Rules 2002(a)(1), (a)(4)-(a)(5) and (a)(7)-(a)(8), 2002(b), 2002(d) and 2002(f).

IV. Motions for Relief from the Automatic Stay

12. In accordance with Local Rule 4001-1(B), notwithstanding anything contained herein, unless otherwise ordered by the Court, a motion for relief from the automatic stay (a “**Stay Relief Motion**”) filed by any party other than the Debtors pursuant to section 362 of the Bankruptcy Code shall ordinarily be set for an Omnibus Hearing giving a minimum of 21 days’ notice, and the Objection Deadline for such Motion shall be seven days before the scheduled hearing.

13. Notwithstanding section 362(e) of the Bankruptcy Code, if a scheduled Stay Relief Motion with respect to a request for relief by a party other than the Debtors under section 362(d) of the Bankruptcy Code is set for a hearing to take place on a date that is more than 30 days from the date of such Stay Relief Motion, or if such Stay Relief Motion is adjourned upon the consent of the Debtors and the moving party to a date that is more than 30 days from the date of such Stay Relief Motion, the moving party shall be deemed to have consented to the continuation of the automatic stay in effect pending the conclusion of, or as a result of, a final hearing and determination under section 362(d) of the Bankruptcy Code and shall be deemed to have waived its right to assert the termination of the automatic stay under section 362(e) of the Bankruptcy Code, unless the moving party expressly does not so consent; *provided, however*, to the extent there is any inconsistency between this Order and the terms of the Court’s order approving the Debtors’ entry into a postpetition financing agreement and use of cash collateral (the “**DIP Order**”), the terms of the DIP Order shall control.

V. Form of Court Documents

14. Notwithstanding section 342(c) of the Bankruptcy Code and Bankruptcy Rule 2002(n), notices given by the Debtors shall not be required to contain the address and taxpayer identification numbers of the Debtors.

VI. Proposed Orders

15. A proposed order relating to any Court Document (a “**Proposed Order**”) may be e-mailed to BriggsInfo@kccllc.com immediately after the filing of the applicable Court Document for posting on the Debtors’ Claims Agent Website. The e-mail shall attach the Proposed Order and the as-filed Court Document in PDF format, and the subject line of the e-mail message shall include the title and ECF docket number of the applicable Court Document. The applicable Court Document that seeks entry of such Proposed Order shall include the following statement: “Copies of the Proposed Order will made available on the Debtors’ case information website at <http://www.kccllc.net/Briggs>.” Proposed Orders that have been properly submitted in accordance herewith will be posted on the Debtors’ Claims Agent Website at <http://www.kccllc.net/Briggs>.

16. Proposed orders shall not be filed on the Court’s docket but parties shall e-mail a final version of the proposed order to the Court at SchermerOrders@moeb.uscourts.gov as provided in the Court’s Procedures Manual. The title of any Proposed Order shall describe the Court Document to which it relates by title and shall indicate whether the order grants or denies the requested relief. The text of the Proposed Order shall (i) be sufficiently descriptive to clearly state the relief granted, including a description of any property subject to the order; and (ii) contain the name and address of the person who prepared the order.

VII. Telephonic Appearances

17. If you wish to appear by telephone you may do so by following the procedures on the Court's website at:

<https://www.moeb.uscourts.gov/sites/moeb/files/CourtSolutions%20Information.pdf>

VIII. Noticing Agent and Claims Agent Site

18. The Debtors, in cooperation with Kurtzman Carson Consultants LLC (the "**Noticing Agent**"), are hereby authorized to create and maintain an independent Claims Agent Website for the posting of certain information regarding the Chapter 11 Cases, including, in the Debtors' sole discretion, certain orders, decisions or other Court Documents filed in the Chapter 11 Cases. The Court's website, www.moeb.uscourts.gov, may include a link to the Claims Agent Website.

19. The Claims Agent Website shall display a disclaimer substantially similar to the following:

Kurtzman Carson Consultants LLC ("**KCC**"), is serving as custodian pro tempore of the proofs of claim filed in the chapter 11 cases of Briggs & Stratton Corp. and certain of its subsidiaries (collectively the "**Debtors**"). In this capacity, KCC's website will display a duplicate claims register as maintained by KCC. The official claims registers in these cases are maintained by the Court, which can be accessed through the Court's website at www.moeb.uscourts.gov (a PACER login and password are needed to view the claims registers and can be obtained at <https://pacer.uscourts.gov>).

This website is created and maintained by KCC. The information contained on this website is provided for informational purposes only and should not be construed as legal, financial or other professional advice or, unless expressly stated, as the Debtors' or KCC's official position on any subject matter. Users of this website should not take or refrain from taking any action based upon content included in the website without seeking legal counsel on the particular facts and circumstances at issue from a licensed attorney.

The Debtors and KCC do not guarantee or warrant the accuracy, completeness or currency of the information that is provided herein, and shall not be liable to you for any loss or injury arising out of, or caused in whole or in part by, the acts, errors or omissions of the Debtors or KCC, whether negligent or otherwise, in procuring, compiling, collecting, interpreting, reporting, communicating or delivering the information contained on this website. The Debtors and KCC expressly do not undertake any obligation to update, modify, revise or re-categorize the information provided herein, or to notify you or any third party, should the information be updated, modified, revised or re-categorized. In no event shall the Debtors or KCC be liable to you or any third party for any direct, indirect, incidental, consequential or special damages (including, but not limited to, damages arising from the disallowance of a potential claim against the Debtors, or damages to business reputation, lost business or lost profits), whether foreseeable or not and however caused, even if the Debtors or KCC are advised of the possibility of such damages. This website should not be relied on as a substitute for financial, legal or other professional advice.

It is your sole obligation to maintain accurate records of the documents filed in the Chapter 11 Cases, based on the Court's dockets relating to the Chapter 11 Cases, which can be accessed through the Court's website at www.moeb.uscourts.gov (a PACER login and password are needed to view these documents and can be obtained at <https://pacer.uscourts.gov>). The Debtors' website is being made available merely as a convenience to interested parties and the public.

Electronic mail or other communications through this website, or otherwise, to the Debtors, their counsel, or KCC in connection with these, or other, matters will not be treated as privileged or confidential. Transmission and receipt of the information in this website and/or communication with the Debtors or Debtors' counsel via e-mail is not intended to solicit or create, and does not create, an attorney-client relationship between Debtors' counsel and any person or entity. The Debtors and KCC do not endorse or warrant, and are not responsible for, any third-party content that may be accessed from this website.

The Debtors and KCC make no claim to original U.S. Government works. None of the Debtors, or any of their respective directors, officers, employees, members, attorneys, consultants, advisors or agents (acting in such capacity), including KCC (collectively, the

“**Exculpated Parties**”), shall have or incur any liability to any entity, (all references to “entity” herein shall be as defined in section 101(15) of the Bankruptcy Code, “**Entity**”), for any act taken or omitted to be taken in connection with the preparation, dissemination or implementation of this website; *provided however*, that the foregoing shall not affect the liability of any Exculpated Party protected pursuant to this paragraph that otherwise would result from any such act or omission to the extent that such act or omission is determined in a final, non-appealable order to have constituted a breach of fiduciary duty, gross negligence or willful misconduct, including, without limitation, fraud and criminal misconduct, or the breach of any confidential agreement or order. Without limiting the foregoing, the exculpation provided in this paragraph shall be coextensive with any Exculpated Party’s qualified immunity under applicable law.

20. The Noticing Agent shall maintain a master list containing the name and address of each creditor of the Debtors (the “**Creditor Matrix**”). The Debtors shall file with the Court the Creditor Matrix and, on a periodic basis, any amendments thereto.

IX. Amendments and Notice of Order

21. The Debtors may seek to amend the Procedures occasionally throughout the Chapter 11 Cases and shall present such amendments to the Court by Motion in accordance with this Order.

22. The Debtors shall make this Order available on the Claims Agent Website.

X. Time


23. Any time period prescribed or allowed by these Procedures shall be computed in accordance with Bankruptcy Rule 9006.

24. Nothing in these Procedures shall prejudice the right of any party to move the Court to request an enlargement or reduction of any time period under Bankruptcy Rules 2002(m), 9006(b) and 9006(c).

25. No later than two (2) business days after the date of this Order, the Debtors shall serve a copy of the Order and shall file a certificate of service no later than twenty-four (24) hours after service.

DATED: July 24, 2020
St. Louis, Missouri

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Barry S. Schermer
Barry S. Schermer
United States Bankruptcy Judge

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