

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 Nos. 44

**ORDER (I) CONFIRMING THE INAPPLICABILITY OF SECTION 1114 OF THE
BANKRUPTCY CODE TO THE DEBTORS’ PREPETITION TERMINATION OF
RETIREE BENEFITS; AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)¹ of Briggs & Stratton Corporation and its affiliated debtors in the above-captioned chapter 11 cases, as debtors and debtors in possession (collectively, the “**Debtors**”), for entry of an order (i) confirming the inapplicability of section 1114 of the Bankruptcy Code to the Debtors’ unilateral prepetition termination of retiree benefits, (ii) in the alternative finding that the Debtors’ prepetition termination of retiree benefits satisfies section 1114(l) of the Bankruptcy Code, and (iii) granting related relief, all as more fully set forth in the Motion; and upon consideration of the Ficks Declaration [Docket No. 51], the Lehr Declaration [Docket No. 44-1], and the Lehr Supplemental Declaration [Docket No. 440]; 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 this Court having held a hearing to consider the

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



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 all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor; and upon careful consideration of the Motion and based on the findings and conclusions as set forth on the record at the hearing held on August 18, 2020, it is hereby **ORDERED** that the Motion is **GRANTED** in that:

1. Section 1114 of the Bankruptcy Code does not apply to the Debtors' prepetition termination of the Retiree Group Insurance Plan.

2. The relief granted in the Motion does not apply to those retirees who were covered during their employment by a collective bargaining agreement between the Debtors and the United Steelworkers or its predecessor unions (the "**United Steelworkers Retirees**"). The termination of the Retiree Health and Welfare Benefits relating to the United Steelworkers Retirees shall be governed by the Stipulation and Agreed Order Resolving the Objection of the United Steelworkers to the Retiree Benefits Motion.

3. The relief granted in the Motion does not apply to James Wier and Don Schoonenberg. The termination of the Retiree Health and Welfare Benefits relating to Wier and Schoonenberg shall be governed by the Stipulation and Agreed Order Resolving the Limited Objection of James Wier and Don Schoonenberg to the Retiree Benefits Motion.

4. Nothing contained in the Motion or this Order or any payment made pursuant to the authority granted by this Order is intended to be or shall be deemed as (i) an admission as to the validity of any claim against the Debtors, (ii) a waiver of the Debtors' or any party in interest's rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver


of the Debtors' rights under the Bankruptcy Code or any other applicable nonbankruptcy law, (iv) an agreement or obligation to pay any claims, (v) a waiver of any claims or causes of action which may exist against any creditor or interest holder, or (vi) an approval, assumption, adoption, or rejection of any agreement, contract, lease, program, or policy under section 365 of the Bankruptcy Code.

5. The Debtors are authorized to take all actions necessary or appropriate to carry out the relief granted in this Order.

6. Not 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: August 24, 2020
St. Louis, Missouri

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Barry S. Schermer
United States Bankruptcy Judge