

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ESI SERVICE CORP.,) Case No. 16-07208-JMC-7A
)
Debtor.)

**TRUSTEE’S 2ND OMNIBUS OBJECTION TO CLAIMS PURSUANT TO
BANKRUPTCY RULE 3007(d)(5) AND NOTICE OF RESPONSE DEADLINE**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), files this omnibus objection to claims pursuant to Rule 3007(d)(5) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). Pursuant to Bankruptcy Rule 3007(d)(5), the Trustee respectfully objects to those claims listed on **Exhibit 1** attached hereto on the grounds that the claims have been satisfied or released during the case in accordance with the Bankruptcy Code, applicable rules, or a court order. **Claimants receiving this objection should locate their names and claim number(s) on Exhibit 1 attached hereto.** All inquiries regarding the Trustee’s proposed treatment of a claim should be submitted electronically at ittchapter7@rubin-levin.net.

The Trustee expressly reserves all rights related to this objection, including, without limitation, the right to amend, modify, or supplement this objection and/or raise any additional objections or arguments, prior to or during any hearing(s) regarding the claims listed on **Exhibit 1**. The Trustee also reserves the right to object to the claims listed on **Exhibit 1** on any additional grounds permitted under applicable law. All such rights are expressly reserved and preserved.

NOTICE: Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you disagree with the Trustee’s proposed treatment of your claim, as listed on **Exhibit 1**, then by no later than **4:00 p.m.** (prevailing Eastern time) on **June 3, 2021** (30 days from the date of service), you or your attorney must file a written response to this objection explaining your position. Any written response should list or otherwise indicate the title of this objection.

Pursuant to General Order 20-0012¹, parties not represented by an attorney may deliver any written response to this objection as follows:

a. by U.S. Mail at:

Clerk, United States Bankruptcy Court
Re: *In re ITT Educational Services, Inc., et al.*
116 U.S. Courthouse
46 East Ohio Street

¹ The filing procedures for parties not represented by an attorney as set forth in S.D. Ind. B-5005-4, have been temporarily amended pursuant to General Order 20-0012 in response to Coronavirus Disease (COVID-19).

Indianapolis, IN 46204

- b. by publicly accessible drop box available at the Indianapolis Division located at the New York Street and Pennsylvania Street entrance; or
- c. e-mail to bankruptcy@insb.uscourts.gov.

If you mail your response to the Court, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also send a copy of your response to:

Deborah J. Caruso, Trustee
135 N. Pennsylvania Street, Suite 1400
Indianapolis, IN 46204
Email: ittchapter7@rubin-levin.net

If you or your attorney do not take these steps, the Court may decide you do not oppose the Trustee's proposed treatment of your claim and enter an order affecting your claim as proposed on **Exhibit 1**.

NOTICE: A hearing on this objection and any responses filed thereto will be conducted telephonically on **June 23, 2021** at **1:30 p.m.** (prevailing Eastern time). Interested parties may participate at the hearing by conference call by calling 1-888-273-3658, passcode 6349352#.

WHEREFORE, the Trustee respectfully objects to the claims listed on **Exhibit 1** and requests entry of an order: (i) granting the Trustee's proposed treatment of the claims as listed on **Exhibit 1**; (ii) authorizing the Trustee to update the claims register(s) accordingly, and (iii) granting the Trustee all other just and proper relief.

Date: May 4, 2021

/s/ Deborah J. Caruso
Deborah J. Caruso, Trustee
135 N. Pennsylvania Street, Suite 1400
Indianapolis, IN 46204

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2021, a copy of the foregoing *Trustee's 2nd Omnibus Objection to Claims Pursuant to Bankruptcy Rule 3007(d)(5) and Notice of Response Deadline* was filed electronically. Pursuant to Section IV.C.3(a) of the *Notice, Case Management and Administrative Procedures* (the "Case Management Procedures") approved by the Court on October 4, 2016 [Doc 41], Bankruptcy Rule 3007(a)(2)(B) and S.D.Ind. B-3007-1(a), notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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U.S. Trustee ustpreion10.in.ecf@usdoj.gov

I further certify that on May 4, 2021, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Trustee's 2nd Omnibus Objection to Claims Pursuant to Bankruptcy Rule 3007(d)(5) and Notice of Response Deadline* was emailed to the following:

Arlington ISD/Richardson ISD: Eboney Cobb at ecobb@pbfcm.com
CEC Red Run, LLC: Alan M. Grochal at agrochal@tydingslaw.com
SWRE Deal V Building, LLC: Paul Weiser at pweiser@buchalter.com
Tarrant County/Dallas County: Elizabeth Weller at dallas.bankruptcy@publicans.com
Northwest Natural Gas Company: Ashlee Minty at Ashlee.Minty@nwnatural.com
Solar Drive Business, LLC: Chris W. Halling at challing@hallingmeza.com
Market-Turk Company: Jordan A. Lavinsky at jlavinsky@hansonbridgett.com
Taxing Authority for Harris County, Texas: John P. Dillman at houston_bankruptcy@lgbs.com
Texas Comptroller of Public Accounts: Rachel Obaldo at rachel.obaldo@oag.texas.gov
Clear Creek Independent School District: Carl O. Sandin at csandin@pbfcm.com
Synchrony Bank: Recovery Management Systems Corporation at claims@recoverycorp.com

Bexar County: Don Stecker at sanantonio.bankruptcy@publicans.com
SWRE Deal V Building, LLC: Nancy K. Swift at nswift@buchalter.com
TN Dept. of Revenue: Michael Willey at michael.willey@ag.tn.gov
Florida Department of Education: Jason Borntreger at jason.borntreger@fldoe.org
Last Second Media, Inc.: T. Todd Egland at tegland@beldenblaine.com
Hung Duong: Kevin Schwin at kevin@schwinlaw.com
Travis County: Kay D. Brock at kay.brock@traviscountytexas.gov
Able Building Maintenance: Scott D. Fink at bronationalecf@weltman.com
Marathon Ventures, LLC: Daniel M. Karger at kargerlaw@gmail.com
Oklahoma County Treasurer: Tammy Jones at tammy.jones@oklahomacounty.org
JM Partners LLC: John Marshall at jmarshall@jmpartnersllc.com

I further certify that on May 4, 2021, pursuant to Section IV.C.3(b)(ii) of the Case Management Procedures, Bankruptcy Rule 3007(a)(2)(A) and S.D.Ind. B-3007-1(a), a copy of the foregoing *Trustee's 2nd Omnibus Objection to Claims Pursuant to Bankruptcy Rule 3007(d)(5) and Notice of Response Deadline* was mailed either by first-class U.S. Mail or certified mail (as indicated), postage prepaid, and properly addressed to those listed on the Service List attached hereto as **Exhibit 2**.

/s/ Deborah J. Caruso
Deborah J. Caruso, Trustee

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EXHIBIT 1

[Objections to Claims & Trustee's Proposed Treatment]

| TRUSTEE'S 2 ND OMNIBUS OBJECTION TO CLAIMS | | | | | | |
|---|-----------------|---------|--------------------------------------|---|--|--------------------|
| No. | Claimant's Name | Claim # | Debtor/Case # | Applicable Bankruptcy Rule for Basis of Objection | Trustee's Objection | Proposed Treatment |
| 1 | CAMILO PENSO | 335 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the 401(k) funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 2 | CATHY A BROCK | 127 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the 401(k) funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 3 | DEBORAH SMITH | 82 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the pension funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 4 | LIJUN LIU | 113 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the pension funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 5 | LISA D BROWN | 446 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the pension funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 6 | LIUBA TRNINIC | 166 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the 401(k) funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 7 | MAMDOUH BABI | 285 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the pension funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 8 | TRACEY BLACKMAN | 529 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the pension funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |
| 9 | YOLANDA LISTER | 343 | ESI Service Corp., Case No. 16-07208 | Claim Satisfied or Released [Bankruptcy Rule 3007(d)(5)]: | The claimant received a distribution of the 401(k) funds referenced in the proof of claim. As such, the claim has been satisfied. | Disallow in full. |

EXHIBIT 2

[Service List]

| <u>SERVICE LIST FOR TRUSTEE'S 2ND OMNIBUS OBJECTION TO CLAIMS</u> | | | | |
|--|----------------------------|--------------------------|-----------|---------------------|
| NAME | ADDRESS 1 | ADDRESS 2 | ADDRESS 3 | MANNER OF SERVICE |
| CAMILO PENSO | 9220 CLAREWOOD DR #1054 | HOUSTON, TX 77036 | | 1st Class U.S. Mail |
| CATHY A BROCK | 102 WOODSIDE CIRCLE UNIT A | GREENVILLE, SC 29609 | | 1st Class U.S. Mail |
| DEBORAH SMITH | 165 HIGH STREET | RANDOLPH, MA 02368 | | 1st Class U.S. Mail |
| LIJUN LIU | 1694 PLEASANT HILLS DR. | CHINO HILLS, CA 91709 | | 1st Class U.S. Mail |
| LISA D BROWN | 1839 OLD MADISONVILLE ROAD | HENDERSON, KY 42420 | | 1st Class U.S. Mail |
| LIJUBA TRNINIC | 1678 ROOSEVELT AVE | LAKESWOOD, OH 44107 | | 1st Class U.S. Mail |
| MAMDOUH BABI | P.O. BOX 14 | NORTH OLMS TED, OH 44070 | | 1st Class U.S. Mail |
| TRACEY BLACKMAN | 10834 BARKER GATE COURT | CYPRESS, TX 77433 | | 1st Class U.S. Mail |
| YOLANDA LISTER | 2815 OSLER DRIVE #3301 | GRAND PRAIRIE, TX 75051 | | 1st Class U.S. Mail |