

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
ITT EDUCATIONAL SERVICES, INC., *et al.*¹) Case No. 16-07207-JMC-7A
)
Debtors.) Jointly Administered

**TRUSTEE’S OBJECTION TO CLAIM NO. 20, FILED BY
DAN PICARD, AND NOTICE OF RESPONSE DEADLINE**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), files this objection pursuant to Rule 3007(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) as to claimant Dan Picard, Claim No. 20 filed in Case No. 16-07209 (the “Dan Picard Claim”). Picard asserts that his \$350.00 claim is entitled to priority treatment under 11 U.S.C. § 507(a)(7). The Trustee requests the priority claim be disallowed in full for the reason that the claimant is not entitled to a priority claim pursuant to 11 U.S.C. § 507(a)(4) because Dan Picard was not an employee of the Debtors. Therefore, the Trustee requests that the Dan Picard Claim be allowed as a general unsecured claim in the amount of \$350.00.

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, then by no later than **4:00 p.m.** (prevailing Eastern time) on **March 11, 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 20-0012², 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
Indianapolis, IN 46204

¹ The debtors in these cases, along with the last four digits of their respective federal tax identification numbers are ITT Educational Services, Inc. [1311]; ESI Service Corp. [2117]; and Daniel Webster College, Inc. [5980].

² 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).

- 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 in this objection.

NOTICE: A hearing on this objection and any responses filed thereto will be conducted telephonically on **April 21, 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 Dan Picard Claim, and requests entry of an order: (i) disallowing the priority claim in full; (ii) allowing the Dan Picard Claim in the amount of \$350.00 as a general unsecured claim; (iii) authorizing the Trustee to update the claims register(s) accordingly, and (iv) granting the Trustee all other just and proper relief.

Date: February 9, 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 February 9, 2021, a copy of the foregoing *Trustee's Objection to Claim No. 20, filed by Dan Picard 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 220], 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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I further certify that on February 9, 2021, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Trustee's Objection to Claim No. 20, filed by Dan Picard 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
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Taxing Authority for Harris County, Texas: John P. Dillman at houston_bankruptcy@lgbs.com
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Clear Creek Independent School District: Carl O. Sandin at csandin@pbfcm.com
Synchrony Bank: Recovery Management Systems Corporation at claims@recoverycorp.com
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SWRE Deal V Building, LLC: Nancy K. Swift at nswift@buchalter.com
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Oklahoma County Treasurer: Tammy Jones at tammy.jones@oklahomacounty.org
JM Partners LLC: John Marshall at jmarshall@jmpartnersllc.com

I further certify that on February 9, 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 Objection to Claim No. 20, filed by Dan Picard and Notice of Response Deadline* was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

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P.O. Box 130251
Boston, MA 02113

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