

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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

**TRUSTEE’S OBJECTION TO CLAIM NO. 219, FILED BY  
GRANITE STATE STAMPS, 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 Granite State Stamps, Claim No. 219 filed in 16-07209 (the “Granite State Stamps Claim”). The Granite State Stamps Claim asserts that its’ \$21.20 claim is entitled to treatment under 11 U.S.C. § 503(b)(9). The Trustee requests the administrative expense claim be disallowed in full for the reason that the claimant is not entitled to treatment under 11 U.S.C. §§ 503(b)(9). According to the Granite State Stamps Claim, the ship date of the item listed on the invoice was August 24, 2016<sup>2</sup> —not “within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor’s business,” as required by 11 U.S.C. § 503(b)(9). Further, the proof of claim form specifically instructed a creditor as follows: “Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.”<sup>3</sup> Granite State Stamps has not requested payment of an administrative expense pursuant to 11 U.S.C. § 503. Therefore, the Trustee requests that the Granite State Stamps Claim be allowed as a general unsecured claim in the amount of \$21.20.

**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 20-0012<sup>4</sup>, parties not represented by an attorney may deliver any written response to this objection as follows:

<sup>1</sup> 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].

<sup>2</sup> Granite State Stamps Claim, p. 4.

<sup>3</sup> See Official Form 410, *Proof of Claim*.

<sup>4</sup> 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).

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

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](mailto: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](mailto: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 Granite State Stamps Claim, and requests entry of an order: (i) disallowing the administrative expense claim in full; (ii) allowing the Granite State Stamps Claim in the amount of \$21.20 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. 219, filed by Granite State Stamps 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. 219, filed by Granite State Stamps and Notice of Response Deadline* was emailed to the following:

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Last Second Media, Inc.: T. Todd Eglund 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 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. 219 and Notice of Response Deadline* was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

Granite State Stamps  
8025 South Willow Street, Unit 101  
Manchester, NH 03103

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