

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:)
)
DANIEL WEBSTER COLLEGE, INC.,) Case No. 16-07209-JMC-7A
)
Debtor.)

**TRUSTEE’S 1ST OMNIBUS OBJECTION TO CLAIMS PURSUANT TO
BANKRUPTCY RULE 3007(d)(1) 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)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). Pursuant to Bankruptcy Rule 3007(d)(1), the Trustee respectfully objects to those claims listed on **Exhibit 1** attached hereto on the grounds that the claims are duplicative of other claims. **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 **May 13, 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
Indianapolis, IN 46204

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).

- 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 **May 19, 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: April 13, 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 April 13, 2021, a copy of the foregoing *Trustee's 1st Omnibus Objection to Claims Pursuant to Bankruptcy Rule 3007(d)(1) 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 44], 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 ustregion10.in.ecf@usdoj.gov

I further certify that on April 13, 2021, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Trustee's 1st Omnibus Objection to Claims Pursuant to Bankruptcy Rule 3007(d)(1) 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 Eglan at teglan@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 April 13, 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 1st Omnibus Objection to Claims Pursuant to Bankruptcy Rule 3007(d)(1) 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 1 ST OMNIBUS OBJECTION TO CLAIMS | | | | | | |
|---|---|---------|---|---|---|--------------------|
| No. | Claimant's Name | Claim # | Debtor/Case # | Applicable Bankruptcy Rule for Basis of Objection | Trustee's Objection | Proposed Treatment |
| 1 | DANIEL P. KISSEE | 532 | Daniel Webster College, Inc., Case No. 16-07209 | Duplicate Claim [Bankruptcy Rule 3007(d)(1)]: | Member of Student Claimant Class - Duplicative of Allowed Claim No. 424 | Disallow in full. |
| 2 | JEREMY MURPHY | 60 | Daniel Webster College, Inc., Case No. 16-07209 | Duplicate Claim [Bankruptcy Rule 3007(d)(1)]: | Claim asserted against the Debtor is duplicative to Claim No. 59 filed in the same case | Disallow in full. |
| 3 | NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION | 516 | Daniel Webster College, Inc., Case No. 16-07209 | Duplicate Claim [Bankruptcy Rule 3007(d)(1)]: | Claim asserted against the Debtor is identical to Claim No. 515 filed in the same case | Disallow in full. |

EXHIBIT 2

[Service List]

SERVICE LIST FOR TRUSTEE'S 1ST OMNIBUS OBJECTION TO CLAIMS

| NAME | ADDRESS 1 | ADDRESS 2 | ADDRESS 3 | ADDRESS 4 | MANNER OF SERVICE |
|--|------------------|----------------------|------------------------|-----------|---------------------|
| DANIEL P. KISSEE | [REDACTED] | [REDACTED] | [REDACTED] | | 1st Class U.S. Mail |
| JEREMY MURPHY | 1 EASTMEADOW WAY | MANCHESTER, NH 03109 | | | 1st Class U.S. Mail |
| NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION | LEGAL BUREAU | PO BOX 457 | CONCORD, NH 03302-0457 | | 1st Class U.S. Mail |