

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 OBJECTION TO CLAIM NO. 211, FILED BY  
PENNICHUCK WATER, 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 Pennichuck Water, Claim No. 211 filed in 16-07209 (the “Pennichuck Claim”). The Pennichuck Claim asserts that its’ 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 Pennichuck Water, the basis of the claim was for “water services provided prior to file date”<sup>1</sup>—not a claim for “the value of any goods received by the debtor 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>2</sup> Pennichuck Water has not requested payment of an administrative expense pursuant to 11 U.S.C. § 503. Therefore, the Trustee requests that the Pennichuck Claim be allowed as a general unsecured claim in the amount of \$14,134.39.

**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 **May 17, 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>3</sup>, 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

<sup>1</sup> Pennichuck Claim, Part 2, no. 8.

<sup>2</sup> See Official Form 410, *Proof of Claim*.

<sup>3</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).

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 **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 Pennichuck Claim, and requests entry of an order: (i) disallowing the administrative expense claim in full; (ii) allowing the Pennichuck Claim in the amount of \$14,134.39 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: April 15, 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 15, 2021, a copy of the foregoing *Trustee's Objection to Claim No. 211, filed by Pennichuck Water, 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 ustpregion10.in.ecf@usdoj.gov

I further certify that on April 15, 2021, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Trustee's Objection to Claim No. 211, filed by Pennichuck Water, 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 April 15, 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. 211, filed by Pennichuck Water, and Notice of Response Deadline* was mailed by first-class U.S. Mail, postage prepaid, and properly addressed to the following:

Pennichuck Water  
Attn: Tara King  
P.O. Box 1947  
Merrimack, NH 03054

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