

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

**PROPOSED AGENDA OF MATTERS SCHEDULED  
FOR OMNIBUS HEARING ON DECEMBER 15, 2021 AT 1:30 P.M.**

Deborah J. Caruso, the chapter 7 trustee in this case (the “Trustee”), by counsel, pursuant to the *Notice, Case Management and Administrative Procedures* (the “Case Management Procedures”) approved by the Court on October 4, 2016 [Doc 220], submits this proposed agenda for the matters scheduled for the omnibus hearing on December 15, 2021 at 1:30 p.m. (prevailing Eastern time) (the “Hearing”). The Trustee anticipates the matters before the Court for the Hearing will take approximately fifteen (15) minutes.

**I. DIAL-IN INFORMATION**

The dial-in telephone number for interested parties to participate in the Hearing by conference call is 1-888-273-3658; passcode 6349352#. Interested parties planning on participating in the Hearing by conference call shall notify the Court before the Hearing by contacting Heather Butler (heather\_butler@insb.uscourts.gov or 317-229-3833) or Suzette Bewley (suzette\_bewley@insb.uscourts.gov or 317-229-3862).

**II. MATTERS SCHEDULED TO BE HEARD AT HEARING**

**Lead Bankruptcy Case (Case No. 16-07207)**

1. *Notice of Invoice for BGBC Partners, LLP’s Fees and Expenses for the Period of October 1, 2021 through October 31, 2021 [Doc 4512]*, filed by BGBC Partners, LLP.

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<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].

- **Status:** No objections filed by the November 19, 2021 objection deadline. As such, pursuant to the Court's April 20, 2017 Order [**Doc 1569**], the Trustee has paid 80% of the requested fees and 100% of the requested expenses. Not going forward at the Hearing.
2. *Trustee's Agreed Motion to Set Off a Portion of Cigna Health and Life Insurance Company's Prepetition Claim Against Funds Held in ITT's Plan Account* [**Doc 4526**], filed by the Trustee.
    - **Status:** No objections filed by the December 8, 2021 objection deadline. Going forward at the Hearing.
  3. *Fifth Interim Application of Robins Kaplan LLP for Reimbursement of Expenses Incurred as Litigation Co-Counsel for the Trustee for the Period July 1, 2021 through October 31, 2021* [**Doc 4527**], filed by the Robins Kaplan LLP.
    - **Status:** No objections filed by the December 8, 2021 objection deadline. Going forward at the Hearing.
  4. *Seventh Interim Fee Application of BGBC Partners, LLP for Compensation for Services Rendered and Reimbursement of Expenses Incurred as Accountants and Financial Advisors for the Trustee for the Period November 1, 2020 through October 31, 2021* [**Doc 4514**], filed by BGBC Partners, LLP.
    - **Status:** No objections filed by the December 8, 2021 objection deadline. Going forward at the Hearing.
  5. Continued hearing on *Motion to Confirm Absence of Stay and for Reconsideration* [**Doc 356**], filed by the Commonwealth of Massachusetts and the State of New Mexico.
    - *Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration* [**Doc 504**], filed by the Trustee.
    - *Response to Trustee's Objection to Motion to Confirm Absence of Stay and for Reconsideration* [**Doc 543**], filed by the Commonwealth of Massachusetts and the State of New Mexico.
    - **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual basis to March 31, 2022. The Trustee will request on the record that this matter be continued to the omnibus hearing on March 16, 2022 at 1:30 p.m. If granted, not going forward at the Hearing.

**Caruso v. Consumer Financial Protection Bureau, et al. (AP No. 16-50318)**

1. Continued final hearing on the *Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 3]*, filed by the Trustee.
  - *Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 19]*, filed by the Attorney General for the Commonwealth of Massachusetts and the State of New Mexico.
  - *Consumer Financial Protection Bureau's Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 21]*, filed by the Consumer Financial Protection Bureau.
  - *Opposition of Securities and Exchange Commission to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 22]*, filed by the United States Securities and Exchange Commission.
  - *Trustee's Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 23]*, filed by the Trustee.
  - *Consumer Financial Protection Bureau's Supplemental Objection to Trustee's Motion to Stay [Doc 76]*, filed by the Consumer Financial Protection Bureau.
  - *Supplemental Objection to Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 84]*, filed by the Attorney General for the Commonwealth of Massachusetts.
  - *Trustee's Supplement to Reply in Support of Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors [Doc 87]* filed by the Trustee.
  - *Agreed Entry Resolving Trustee's Motion to Stay, or in the Alternative, for Injunctive Relief Enjoining, Prosecution of Pending Litigation Against Debtors with Respect to Consumer Financial Protection Bureau [Doc 98]*, filed by the Trustee and the Consumer Financial Protection Bureau.
  - **Status:** The Trustee will provide an update to the Court at the Hearing regarding the proposed continuation of the stay on a consensual basis to March 31, 2022. The Trustee will request on the

record that this matter be continued to the omnibus hearing on March 16, 2022 at 1:30 p.m. If granted, not going forward at the Hearing.

### III. NOTICE

Pursuant to the Case Management Procedures, the Trustee will serve this proposed hearing agenda on the Core Group (as defined in the Case Management Procedures) and each entity who has filed and served a court filing set to be heard at the Hearing.

Respectfully submitted,

RUBIN & LEVIN, P.C.

By: /s/ Meredith R. Theisen

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### CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2021, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on December 15, 2021 at 1:30 p.m.* was filed electronically. Pursuant to Section IV.C.3(a) of the Case Management Procedures, 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 December 14, 2021, pursuant to Section IV.C.3(c) of the Case Management Procedures, a copy of the foregoing *Proposed Agenda of Matters Scheduled for Omnibus Hearing on December 15, 2021 at 1:30 p.m.* was emailed to the following:

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 challenging@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@pbfc.com  
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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

*/s/ Meredith R. Theisen*

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Meredith R. Theisen

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