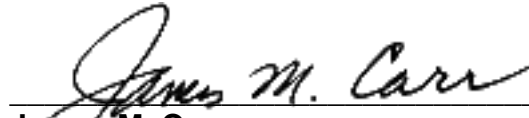


SO ORDERED: April 25, 2022.



  
James M. Carr  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In re:	)	Chapter 7
	)	
ITT EDUCATIONAL SERVICES, INC., <sup>1</sup>	)	Case No. 16-07207-JMC-7A
	)	
Debtors.	)	Jointly Administered

**ORDER SUSTAINING TRUSTEE'S OBJECTION (DOCKET NO. 4615)  
TO CLAIM NO. 1965 (DELIA QUINTANILLA)**

This matter is before the Court on the *Trustee's Objection to Claim No. 1965, Filed by Delia Quintanilla, and Notice of Response Deadline* [Docket No. 4615] (the "Objection") filed by Deborah J. Caruso, the chapter 7 trustee in this case (the "Trustee"). In the Objection, the Trustee requests that the Claim<sup>2</sup> be disallowed in full because, based on ITT's records, the Claimant does not have a valid claim for amounts due under the Severance Plan because the Claimant's entitlement to benefits under the Severance Plan had not vested prior to the prepetition termination of the Severance Plan.

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<sup>1</sup> The Debtors are ITT Educational Services, Inc. (16-07207), ESI Service Corp. (16-07208), and Daniel Webster College, Inc. (16-07209).

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Objection.

The Claimant filed her response to the Objection [Docket Nos. 4657, 4665] (the “Response”) on March 22, 2022, and the Trustee filed her Reply [Docket No. 4660] (the “Reply”) in support of the Objection on March 22, 2022.

The Court, having reviewed the Objection, the Response, and the Reply, having convened a hearing and heard evidence on March 23, 2022, and being otherwise sufficiently advised, determines that, based on the evidence, the Objection should be, and hereby is, SUSTAINED. Accordingly,

THE COURT HEREBY FINDS AND ORDERS THAT:

1. The Objection is SUSTAINED.
2. As of September 9, 2016, the Severance Plan was terminated by the Board pursuant to Section H of the Severance Plan and no further benefits are payable under the Severance Plan with respect to any participants, irrespective of the date on which they were terminated from employment with ITT or its subsidiaries.
3. ITT retained the right to terminate the Severance Plan at any time, and by its termination, properly cut off any plan participant’s right to benefits under the Severance Plan that had not vested. The Claimant did not have a vested benefit under the Severance Plan at the time of its termination, and therefore, any benefits the Claimant had under the Severance Plan were eliminated as a result of the termination.
4. Accordingly, the Claim is disallowed in full.
5. The Trustee is authorized to update the claims register accordingly.
6. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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