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COUNSEL TO GLASSRATNER ADVISORY & CAPITAL GROUP, LLC
TRUSTEE OF THE 4 WEST DISTRIBUTION TRUST

**THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re: § Chapter 11
4 WEST HOLDINGS, INC., *et al.*, § Case No. 18-30777 (HDH)
REORGANIZED DEBTORS. § (Jointly Administered)

**DISTRIBUTION TRUSTEE'S SECOND OMNIBUS OBJECTION TO
SATISFIED CLAIMS PURSUANT TO THE DEBTORS BOOKS AND RECORDS
AND/OR PAID BY THE TRUST**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A
WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED
STATES BANKRUPTCY COURT AT 1100 COMMERCE ST., RM. 1254,
DALLAS, TX 75242-1496 BEFORE CLOSE OF BUSINESS ON
NOVEMBER 12, 2019, WHICH IS AT LEAST 40 DAYS FROM THE DATE
OF SERVICE HEREOF.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE
CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE
MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH
HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD
WITH NOTICE ONLY TO THE OBJECTING PARTY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY
REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO
BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER
GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY
BE TAKEN.**

GlassRatner Advisory & Capital Group, LLC, as Trustee for the 4 West Distribution Trust (the "**Trustee**" of the "**Distribution Trust**") files this *Second Omnibus Objection to Satisfied Claims Pursuant to the Debtors Books and Records and/or Paid by the Trust* (the "**Objection**"). Through this Objection, the Trustee of the Distribution Trust seeks to disallow the claims of certain claimants (the "**Claimants**") whose claims have been satisfied in full. In support hereof, the Trustee asserts the following:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue before this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

PROCEDURAL POSITION

2. On March 6, 2018 (the "**Petition Date**"), each of the Debtors filed a voluntary petition for bankruptcy relief under Chapter 11 of Title 11 of the United States Code (the "**Bankruptcy Code**").

3. On June 22, 2018, the Debtors filed their Third Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code (the "**Plan**") [Dkt. No. 615]. On June 29, 2018, Debtors filed their Notice of Filing of Plan Supplement [Dkt. No. 661].

4. On October 9, 2018, the Debtors filed the Debtors' Motion to Approve Plan Modifications Under Bankruptcy Rule 3019 [Dkt. No. 1055] to make certain modifications to the Plan as reflected in Docket Nos. 1053 and 1120. The Court approved the modifications on November 27, 2018, through its Order Granting Debtors' Motion to Approve Plan Modifications Under Bankruptcy Rule 3019 [Dkt. No. 1214]. On December 31, 2018, the Debtors filed a

conformed version of the Plan, which incorporated the revisions contained in Docket Nos. 1053 and 1120 [Dkt. No. 1314].

5. On January 14, 2019, the Bankruptcy Court entered its Findings of Fact, Conclusions of Law, and Order Confirming Debtors' Modified Third Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code (the "**Confirmation Order**") [Dkt. No. 1361], whereby the Court confirmed the Plan in its final form, as included as Exhibit B to the Confirmation Order.

6. Paragraph EE of the Confirmation Order, which is consistent with Article IV.A of the Plan, provides that the Plan serves as, and is deemed to be, a motion for entry of an order substantively consolidating the Chapter 11 Cases as set forth in the Plan, effective *nunc pro tunc* as of the Petition Date.

7. On February 13, 2019, Debtors filed their Notice of (I) Entry of Order Confirming the Debtors' Modified Third Amended Joint Plan of Reorganization Under Chapter 11 of the Bankruptcy Code, and (II) Effective Date [Dkt. No. 1386], providing that the plan has become effective as of February 13, 2019 (the "**Effective Date**").

8. The Plan and Confirmation Order provided for the establishment of the Distribution Trust, which was settled pursuant to the Distribution Trust Agreement made on February 13, 2019 between the Debtors (as settlors), the Trustee and OHI Asset RO, LLC and its affiliates (the "**Distribution Trust Agreement**") [Dkt. No. 1390]. The Distribution Trust Agreement, in conjunction with the Plan and Confirmation Order, provides for the Trustee's administration of various administrative, priority, and secured claims incurred by the Debtors. The Trustee therefore has standing and authority to file this Objection in order to appropriately administer the Distribution Trust.

9. While administering the Distribution Trust, the Trustee analyzed the Debtors' books and records and coordinated with the Debtors to determine which claims had been previously

satisfied. In addition, the Trustee reviewed certain Claimants' websites and contacted certain Claimants to determine whether their claims were paid in full. According to the Trustee's research, the Debtors have paid each of the Claimants' claims identified in the table attached hereto as Exhibit A (the "**Claims**").

CLAIM OBJECTIONS

10. Bankruptcy Rule 3007(d)(5) provides that an objection to "more than one claim may be joined in an omnibus objection if ...they have been satisfied or released during the case..." Fed. R. Bankr. P. 3007(d)(5). Bankruptcy Rule 3007(f) provides that "[t]he finality of any order regarding a claim objection included in an omnibus objection shall be determined as though the claim had been subject to an individual objection. Fed. R. Bankr. P. 3007(f).

11. The Trustee hereby objects to each of the Claims identified in the table attached hereto as **Exhibit A**, because based on the Trustee's investigations, the Claims have been paid in full.

12. By this Objection, the Trustee hereby requests that the Court enter an order disallowing the Claims as satisfied, and expunging them from the Trust's claims registry.

13. The Trustee of the Distribution Trust reserves all rights to amend this Objection to assert additional objections to the Claims. Nothing in this Objection or the relief requested herein in any way affects the GUC Trust or GUC Trustee's right to object to Claimants' unsecured claim (if any), whether as filed or modified by any order granting the relief requested in this Objection.

PRAYER

WHEREFORE, the Trustee of the Distribution Trust hereby requests that the Court enter an order (a) sustaining the Objection, (b) disallowing the Claims in their entirety, and (c) granting the Trustee such other and further relief as the Court deems appropriate.

DATED: September 30, 2019

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ John J. Kane
Joseph M. Coleman
State Bar No. 04566100
John J. Kane
State Bar No. 24066794
S. Kyle Woodard
State Bar No. 24102661

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**COUNSEL TO GLASSRATNER ADVISORY & CAPITAL
GROUP, LLC TRUSTEE OF THE 4 WEST
DISTRIBUTION TRUST**

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2019, a true and correct copy of the foregoing Objection was served via the Court's Electronic Case Filing system, and via First-class mail, postage pre-paid on the parties listed below.

/s/ John J. Kane

John J. Kane

Creditor	Address
ABC Party Rentals	c/o Scott Weiner, 286 Rocky Creek Road, Greenville, SC 29615
Charlottesville Orthopedic Center, PLC	Attn: Denise Minor, 183 Sportage Rd, Suite C, Charlottesville, VA 22911
Clinical Laboratory Services	Attn: Jean Evans, 189 W Athens St, Winder, GA 30680
Corrugated Containers, Inc	c/o Chris Connelly, PO Box 2807, Spartanburg, SC 29304
Oregon Department of Revenue	Attn: Kimberly Lively, Bankruptcy Unit, 955 Center St. NE, Salem, OR 97301-2555
The Greenville Clinic	Attn: Lisa A. Dobbins, 1502 S. Colorado St., Greenville, MS 38703
Wytheville Community College	Attn: Gayle Johnston, 1000 E. Main St, Wytheville, VA 24382

EXHIBIT A

Claim No.	Debtor Reference	Claimant	Date Filed	Claim Amount	Relief Requested
C260	18-30777	ABC Party Rentals	07/09/2018	\$111.83	Disallow – Satisfied
C232	18-30777	Charlottesville Orthopedic Center, PLC	06/25/2018	\$86.92	Disallow – Satisfied
C369	18-30777	Clinical Laboratory Services	06/06/2019	\$1,188.75	Disallow – Satisfied
C7	18-30890	Corrugated Containers, Inc.	04/11/2018	\$99.26	Disallow – Satisfied
C240	18-30785	Oregon Department of Revenue	03/11/2019	\$152.13	Disallow – Satisfied
C241	18-30785	Oregon Department of Revenue	03/11/2019	\$152.13	Disallow – Satisfied
C230	18-30777	The Greenville Clinic	06/25/2018	\$28.11	Disallow – Satisfied
C340	18-30777	Wytheville College	05/06/2019	\$110.00	Disallow - Satisfied

THE UNITED STATES BANKRUPTCY COURT
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In re: § Chapter 11
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4 WEST HOLDINGS, INC., *et al.*, § Case No. 18-30777-HDH
§
REORGANIZED DEBTORS. § (Jointly Administered)

ORDER SUSTAINING DISTRIBUTION TRUSTEE'S SECOND OMNIBUS
OBJECTION TO SATISFIED CLAIMS PURSUANT TO THE DEBTORS BOOKS
AND RECORDS AND/OR PAID BY THE TRUST

ON THIS DATE the Court considered *The Distribution Trustee's Second Omnibus Objection to Satisfied Claims Pursuant to the Debtors Books and Records and/or Paid By the Trust* [Docket No. ____] (the "**Objection**") filed by GlassRatner Advisory & Capital Group, LLC, as Trustee for the 4 West Distribution Trust (the "**Trustee**" of the "**Distribution Trust**") in the above-captioned case. The Court finds that the Objection contains proof sufficient to overcome the presumption of validity imposed by Fed. R. Bankr. P. 3001(f) as to the priority claims identified on the attached **Exhibit A** (the "**Claims**"), and was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure. The Court finds that just cause exists to grant the relief requested in the Objection.

IT IS THEREFORE ORDERED that the Objection is **SUSTAINED** and that the Claims are disallowed as satisfied in full and may be stricken from the claims registry.

###END OF ORDER###

ORDER PREPARED AND SUBMITTED BY:

/s/John J. Kane
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John J. Kane (State Bar No. 24066794)
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