

ENTERED

October 15, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:**KP ENGINEERING, LP, et al¹****Debtor.****CHAPTER 11****CASE NO. 19-34698 (DRJ)****(Jointly Administered)**

JOINT STIPULATION AND ORDER EXTENDING DEADLINE FOR ARCOSA TANK, LLC F/K/A TRINITY CONTAINER TO RESPOND TO THE LIQUIDATION TRUSTEE'S OBJECTION TO CLAIM PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE, RULE 3007 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE AND THE TERMS OF THE PLAN SEEKING TO DISALLOW AND EXPUNGE CLAIM NUMBER 87 FILED BY ARCOSA TANK, LLC F/K/A TRINITY CONTAINER (Docket No. 991)

Michael D. Warner (the “**Liquidation Trustee**”), solely in his capacity as liquidation trustee for the KP Engineering Liquidation Trust (the “**Trust**”) and pursuant to the *Third Amended Joint Chapter 11 Plan of Reorganization of KP Engineering, LP and KP Engineering, LLC*² (the “**Plan**”), confirmed by the Court’s *Order Confirming Third Amended Joint Chapter 11 Plan of Reorganization of KP Engineering, LP and KP Engineering, LLC*³ (the “**Confirmation Order**”), and that certain *Liquidation Trust Agreement* dated June 22, 2020 (the “**Trust Agreement**”), and Arcosa Tank, LLC f/k/a Trinity Container (“**Arcosa**”) (together the Liquidation Trustee and Arcosa are referred to herein as the “**Parties**”) respectfully submit this proposed stipulation and agreed order (the “**Stipulation and Order**”) extending Arcosa’s deadline to respond to the *Liquidation Trustee’s Objection to Claim Pursuant to Section 502(b) of the Bankruptcy Code, Rule 3007 of the Federal Rules of Bankruptcy Procedure and the Terms of the Plan Seeking to Disallow*

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are KP Engineering, LP (7785) and KP Engineering, LLC (0294). The location of the Debtors’ corporate headquarters and the Debtors’ service address is: 5555 Old Jacksonville Hwy., Tyler, TX 75703.

² Dkt. No. 575.

³ *Id.*

and Expunge Claim Number 87 Filed by Arcosa Tank, LLC f/k/a Trinity Container⁴ (the “**Claim Objection**”) for an additional thirty-one(31) days, up to and including November 11, 2021.

RECITALS

WHEREAS, on August 23, 2019 (the “**Petition Date**”), KP Engineering, LP and KP Engineering, LLC (together, the “**Debtors**”) filed voluntary petitions for relief under the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas⁵ (the “**Court**”).

WHEREAS, KP Engineering, LP was assigned Case Number 19-34698 and KP Engineering, LLC was assigned Case Number 19-34699.⁶

WHEREAS, the Debtors’ bankruptcy cases were subsequently consolidated for procedural purposes only and have since been jointly administered under Case Number 19-34698⁷ (the “**Bankruptcy Case**”).

WHEREAS, on January 13, 2020, Arcosa filed Proof of Claim No. 87 (the “**Arcosa Claim**”).

WHEREAS, on June 12, 2020, the Court entered the Confirmation Order.⁸

WHEREAS, pursuant to Article IV(F) of the Plan, the Trust was created and effective on the Effective Date.

WHEREAS, pursuant to the Confirmation Order, the Plan, and the Trust Agreement approved by the Confirmation Order, the Liquidation Trustee was appointed to act as trustee of the Trust.

⁴ Dkt. No. 971.

⁵ Case Number 19-34698, Dkt. No. 1; Case Number 19-34699, Dkt. No. 1.

⁶ *Id.*

⁷ Dkt. No. 39.

⁸ Dkt. No. 575.

WHEREAS, on June 23, 2020, the Plan became effective (the “**Effective Date**”).⁹

WHEREAS, Liquidation Trustee filed the Claim Objection on August 27, 2021, therein lodging his objections to the Arcosa Claim.

WHEREAS, Arcosa’s answer/response deadline to the Claim Objection was initially September 26, 2021 (the “**Response Deadline**”).

WHEREAS, on September 27, 2021, the Court entered that certain *Joint Stipulation and Order Extending Deadline for Arcosa Tank, LLC f/k/a Trinity Container to Respond to the Liquidation Trustee’s Objection to Claim Pursuant to Section 502(b) of the Bankruptcy Code, Rule 3007 of the Federal Rules of Bankruptcy Procedure and the Terms of the Plan Seeking to Disallow and Expunge Claim Number 87 Filed by Arcosa Tank, LLC f/k/a Trinity Container* [Doc. No. 976], therein extending the Response Deadline through October 11, 2021 (the “**First Extended Response Deadline**”).

WHEREAS, the Parties have agreed to an additional 31-day extension of the First Extended Response Deadline, up to and including November 11, 2021.

WHEREAS, by this Stipulation and Order, the Parties hereby agree to the terms set forth herein.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AND UPON APPROVAL BY THE COURT OF THIS STIPULATION, THE FOLLOWING IS SO ORDERED:

1. Arcosa’s deadline to respond to the Claim Objection is November 11, 2021.
2. Notwithstanding closure of the Bankruptcy Case, whether one or both cases of record are closed, the Court shall maintain sole and exclusive jurisdiction and authority to interpret

⁹ Dkt. No. 588.

and enforce this Stipulation and Order, and to resolve any and all disputes related to this Stipulation and Order.

3. The Stipulation and Order represents the Parties' mutual understandings with regard to the First Extended Response Deadline and supersedes all prior agreements regarding such, whether in oral or written form.

4. Nothing herein should be construed so as to affect, by limitation, exclusion or otherwise, either of the Parties' legal arguments. Instead, this Stipulation and Order shall be construed only so as to extend the First Extended Response Deadline.

5. This Stipulation and Order shall be effective and enforceable immediately upon entry.

IN WITNESS WHEREOF, and in agreement herewith, the Parties have executed and delivered this Stipulation and Order as of the date first set forth below.

Signed: October 14, 2021.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Dated: October 11, 2021

STIPULATED AND AGREED:

/s/ Frances A. Smith

Judith W. Ross, State Bar No. 21010670
Frances A. Smith, State Bar No. 24033084
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Counsel for Arcosa Tank, LLC

/s/ Brooke W. Altazan

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Telephone: (225) 231-9998
Facsimile: (225) 709-9467

***Attorneys for Michael D. Warner,
Liquidation Trustee***

United States Bankruptcy Court
Southern District of Texas

In re:
KP Engineering, LP
Official Committee Of Unsecured Creditor
Debtors

Case No. 19-34698-drj
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: Oct 15, 2021

User: ADIuser
Form ID: pdf002

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Total Noticed: 37

The following symbols are used throughout this certificate:

Symbol Definition

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 17, 2021:

Recip ID	Recipient Name and Address
db/db	+ KP Engineering, LP, KP Engineering LLC, 5555 Old Jacksonville Highway, Tyler, TX 75703-3379
at	+ Cody J Waagner, Breazeale, Sachse & Wilson LLP, One American Place, 23rd Floor, 301 Main St. Baton Rouge, LA 70801-0027
at	+ Eric Pezoid, Snell & Wilmer LLP, 600 Anton Blvd, Suite 1400, Costa Mesa, CA 92626-7689
at	+ Foley Gardere/Foley & Lardner LLP, Foley Gardere/Foley Lardner LLP, 1000 Louisiana, Suite 2000, Houston, TX 77002-5018
at	John T. Andrishok, Breazeale, Sachse & Wilson, LLP, 23rd Floor, One American Place, Baton Rouge, LA 70801
at	+ Logan C Threadgill, Chambliss, Bahner & Stophel, P C, 605 Chestnut Street, Suite 1700, Chattanooga, TN 37450-0019
at	+ Okin Adams LLP, Okin Adams LLP, 1113 Vine St, Suite 240, Houston, TX 77002 UNITED STATES 77002-1044
at	+ Timothy M Gibbons, Chambliss, Bahner, & Stophel, P.C., 605 Chestnut St Ste 1700, Chattanooga, TN 37450-0019
cr	+ American Express National Bank, c/o Zwicker & Asso, P.O. Box 9043, 80 Minuteman Road, Andover, MA 01810-1008
cr	Apache Industrial Services, Inc., c/o William R. Sudela, Crady Jewett McCulley & Houren LLP, 2727 Allen Parkway, Suite 1700, Houston, TX 77019-2125
cr	+ Arcosa Tank, LLC, Attention: Justin E. Allen, 500 N. Akard St., Suite 400, Dallas, TX 75201-3332
cr	+ BWFS Industries, LLC, c/o Jason M. Medley, Clark Hill Strasburger, 909 Fannin, Suite 2300, Houston, TX 77010-1036
cr	Dealers Electrical Supply Company, P O Box 2676, Waco, Tx 76702-2676
cr	+ Globe, LLC, c/o Kilpatrick Townsend, 700 Louisiana, 43rd Floor, Houston, TX 77002-2700
cr	+ Innovative Industrial Fabricators, LLC, P. O.Box 621, Keithville, LA 71047, UNITED STATES 71047-0621
intp	+ Jackson Walker LLP, c/o Matthew Cavanaugh, 1401 McKinney St, Suite 1900, Houston, TX 77010-1900
intp	+ Navigators Insurance Company, Wilson, Elser, Moskowitz, Edelman &, 901 Main Street, # 4800, Dallas, TX 75202, US 75202-3758
cr	+ Office of UCTS, Dept. of Labor and Industry, Commo, Collections Support Unit, c/o Deb Secrest, 651 Boas Street, Room 925 Harrisburg, PA 17121-0751
cr	+ Parker Hannifin Corporation, c/o Darrell Corzine, PO Box 1311, Odessa, TX 79760-1311
cr	+ Saulsbury Industries, Inc., c/o Bradley Arant Boulton Cummings, LLP, Attn: N. Chris Glenos, One Federal Place, 1819 5th Avenue North Birmingham, AL 35203-2120
cr	+ Smith County, Linebarger Goggan Blair & Sampson, LLP, c/o Elizabeth Weller, 2777 N Stemmons Frwy Ste 1000, Dallas, TX 75207-2328
intp	+ Texas Capital Bank, National Association, c/o Russell W. Mills, Bell Nunnally & Martin LLP, 2323 Ross Avenue, Suite 1900, Dallas, TX 75201-2721
cr	Texas Comptroller of Public Accounts, E. Stuart Phillips, P.O. Box 12548, Austin, TX 78711-2548
cr	Texas Comptroller of Public Accounts, c/o Office of the Attorney General, Bankruptcy - Collections Division MC-008, PO Box 12548, Austin, tx 78711-2548
cr	+ The Reynolds Company, Attn LaVonda Harrison, Credit Director, 12900 Senlac Drive, Farmers Branch, TX 75234-9232
cr	Tyler Independent School District, c/o Tab Beall, Perdue Brandon Fielder Collins & Mott, PO Box 2007, Tyler, TX 75710-2007
cr	+ Vessel Technology, P. O. Box 6570, Longview, TX 75608, UNITED STATES 75608-6570

TOTAL: 27

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: beanland@mssattorneys.com	Oct 15 2021 19:42:00	Consolidated Electrical Distributors, Inc., c/o Misti L. Beanland, Matthews, Shiels, Knott, LLP, 8131 LBJ Freeway, Suite 700, Dallas, TX 75251-1352
cr	+ Email/Text: amberjames@wtlaw.com	Oct 15 2021 19:42:00	Crume Sales, Inc., c/o Amber James, AmberJames, PLLC, 1316 5th Avenue, Fort Worth, TX 76104-4318
cr	Email/PDF: resurgentbknofications@resurgent.com	Oct 15 2021 19:52:09	Dell Financial Services LLC, c/o Resurgent Capital Services, PO Box 10390, Greenville, SC 29603-0390

District/off: 0541-4

User: ADIuser

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Form ID: pdf002

Total Noticed: 37

cr	+ Email/Text: houston_bankruptcy@LGBS.com	Oct 15 2021 19:42:00	Harris County, Linebarger Goggan Blair & Sampson LLP, c/o Tara L. Grundemeier, P.O. Box 3064, Houston, TX 77253-3064
cr	+ Email/Text: ipfscollectionsreferrals@ipfs.com	Oct 15 2021 19:42:00	IPFS Corporation, 30 Montgomery Street, Suite 501, Jersey City, NJ 07302-3821
cr	+ Email/Text: amberjames@wtlaw.com	Oct 15 2021 19:42:00	LCM Industries, Inc., c/o Amber James, AmberJames, PLLC, 1316 5th Avenue, Fort Worth, TX 76104, UNITED STATES 76104-4318
cr	Email/Text: LDRBankruptcy.EBN@la.gov	Oct 15 2021 19:42:00	Louisiana Department of Revenue, Bankruptcy Section, P. O. Box 66658, Baton Rouge, LA 70896-6658
cr	+ Email/Text: rachel@morseelectricinc.com	Oct 15 2021 19:42:00	Morse Electric, Inc., P.O. Box 611, Muskogee, OK 74402-0611
cr	Email/Text: lwickham@smithandloveless.com	Oct 15 2021 19:42:00	Smith & Loveless, Inc., 14040 Santa Fe Trail, Lenexa, KS 66215
intp	+ Email/Text: ddeems@theclarogroup.com	Oct 15 2021 19:42:00	The Claro Group, LLC, c/o Douglas J. Brickley, 711 Louisiana Street, Suite 2100, Houston, TX 77002-2746

TOTAL: 10

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
aty		Foley & Lardner LLP
tr		Michael D. Warner
fa		Alvarez & Marsal North America, LLC
cr		BTS Enterprises, Inc.
cr		Bounds Construction II, LLC
cr		Bowman Specialized Services
intp		Brandon Steele
cr		CPC Pumps International, Inc.
cr		Cajun Constructors, Inc.
cr		CalTech Software Systems, Inc.
cr		Canon Financial Services Inc, Amar A Agrawal
cr		Crawford Electric Supply Company, Inc.
intp		Doug Schnittker
cr		Euler Hermes agent for DNOW, LP
cr		Flowservice US Inc.
cr		Genesis Technical Staffing, Inc.
cr		Gregg Industrial Insulators, Inc.
cr		Hancock Mechanical, LLC d/b/a Hancock Mechanical W
cr		Heatec, Inc
cr		ISC Constructors, L.L.C.
blank		Instrumentation Commissioning Group, LLC
blank		Ken Baxter
intp		Kyle McCoy
cr		MarkWest Ohio Fractionation Company LLC
cr		Official Committee Of Unsecured Creditors
cr		Ohio Department of Taxation
cr		Pierce Construction and Maintenance Co., Inc.
cr		ROWC Energy Services
blank		Ric Steele
cr		S&S Services, LLC
cr		Sefton Steel, LP
cr		Smith County
cr		TII Logistics, Inc.
intp		Targa Channelview LLC

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intp	Targa Pipeline Mid-Continent WestTex LLC
cr	The Dow Chemical Company
intp	Tony Freeman
cr	United States of America
intp	William Preston
cr	Zeeco, Inc., c/o Munsch Hardt Kopf & Harr, P.C., 700 Milam St., Suite 2700, Houston

TOTAL: 40 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 17, 2021

Signature: /s/Joseph Speetjens