

ENTERED

October 20, 2021

Nathan Ochsner, Clerk

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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

**TENTH STIPULATION AND ORDER EXTENDING DEADLINE TO FILE
OBJECTION TO TARGA PIPELINE MID-CONTINENT WESTTEX LLC'S PROOF OF
CLAIM** (Docket No. 992)

Michael D. Warner (the "**Liquidation Trustee**"), 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 Targa Pipeline Mid-Continent Westtex LLC's ("**Targa**") (together, the Liquidation Trustee and Targa are referred to herein as the "**Parties**") respectfully submit this proposed stipulation and agreed order ("**Stipulation and Order**") extending the deadline by which the Liquidation Trustee must file any objection to Targa's Proof of Claim Number 84.

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 P-575.

³ *Id.*

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 Texas (the “*Court*”).⁴

WHEREAS, KP Engineering, LP was assigned Case Number 19-34698 and KP Engineering, LLC was assigned Case Number 19-34699.⁵

WHEREAS, the two bankruptcy cases were subsequently consolidated for procedural purposes only and have since been jointly administered under Case Number 19-34698 (the “*Bankruptcy Case*”).⁶

WHEREAS, since the Petition Date, the Debtors operated their businesses and managed their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

WHEREAS, also pending before the Court is Adversary Proceeding Number 19-03707 (the “*Johnson Adversary*”), which relates to debtor KP Engineering, LP’s design and construction of a 200MM cf/day gas cryogenic plant for Targa (the “*Johnson Project*”).

WHEREAS, within the Johnson Adversary, Targa has interpleaded approximately \$10 million in retainage that Targa contends should be distributed among some or all of more than thirty subcontractor third-party defendants who filed lien claims.

WHEREAS, pursuant to the Court’s August 26, 2019 Order, the Debtors employed and retained Omni Agent Solutions (“*Omni*”) as claims and noticing agent.⁷ In furtherance of its

⁴ Case Number 19-34698, P-1; Case Number 19-34699, P-1.

⁵ *Id.*

⁶ P-39.

⁷ Case Number 19-34698, P-40.

duties, Omni has (1) performed noticing services and received, maintained, recorded, and otherwise administered the proofs of claim filed in the Bankruptcy Case, and all related tasks; (2) served as the custodian of court records and been designated as the authorized repository for all proofs of claim filed in the Bankruptcy Case and both directed and maintained the official claims registers for each of the Debtors; and (3) provided an electronic interface for filing proofs of claim and established an address for the receipt of proofs of claim.

WHEREAS, on January 13, 2020 Targa filed Proof of Claim No. 84, according to Omni's records, (Claim No. 59 according to the Claims Registry) as to debtor KP Engineering, LP (the "*Targa Claim*") related to the Johnson Project.

WHEREAS, the above-referenced subcontractors from the Johnson Project collectively bring claims against the Debtors seeking more than \$30 million.

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 Plan⁹ and the Trust Agreement approved by the Confirmation Order, the Liquidation Trustee was appointed to act as trustee of the Trust.

WHEREAS, on June 23, 2020, the Plan became effective (the "*Effective Date*"). The Liquidation Trustee has since retained Omni's continued services.

WHEREAS, pursuant to the Plan, the Liquidation Trustee is authorized to, *inter alia*, "with respect to all Claims in Class 3 [Allowed Other Secured Claims], 4 [Allowed Johnson Creditor Claims – exclusive standing], 5 [Allowed Channelview Creditor Claims – exclusive standing], 6

⁸ Case Number 19-34698, P-575.

⁹ Case Number 19-34698, P-530, 568-1

[Allowed Geismar VI Creditor Claims – exclusive standing], and 7 [Allowed General Unsecured Claims – exclusive standing]], . . . file, withdraw, or litigate to judgment, objections to Proofs of Claims.”¹⁰

WHEREAS, pursuant to Article VII(D) of the Plan, the deadline to file objections to Claims is “on or before the later of: (i) one hundred twenty (120) days after the Effective Date [i.e., October 21, 2020] (the “**Initial Claims Deadline**”), or (ii) such other period of limitation as may be specifically fixed by a Final Order of the Bankruptcy Court for objecting to such Claims.”

WHEREAS, on October 20, 2020, the Court entered that certain *Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtexas LLC’s Proof of Claim (Docket No. 654)* [Doc. No. 665], therein extending the Initial Claims Deadline as to the Targa Claim through January 19, 2021 (the “**Second Claims Deadline**”).

WHEREAS, on December 18, 2020, the Court entered that certain *Second Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtexas LLC’s Proof of Claim (Docket No. 684)* [Doc. No. 685], therein extending the Second Claims Deadline as to the Targa Claim through February 18, 2021 (the “**Third Claims Deadline**”).

WHEREAS, on March 5, 2021, the Court entered that certain *Third Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtexas LLC’s Proof of Claim (Docket No. 707)* [Doc. No. 717], therein extending the Third Claims Deadline as to the Targa Claim through March 22, 2021 (the “**Fourth Claims Deadline**”).

WHEREAS, on April 1, 2021, the Court entered that certain *Fourth Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtexas LLC’s Proof of*

¹⁰ *Id.* see the Plan, VII(A)(2).

Claim (Docket No. 731) [Doc. No. 747], therein extending the Fourth Claims Deadline as to the Targa Claim through April 21, 2021 (the “**Fifth Claims Deadline**”).

WHEREAS, on May 4, 2021, the Court entered that certain *Fifth Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtex LLC’s Proof of Claim (Docket No. 782)* [Doc. No. 825], therein extending the Fifth Claims Deadline as to the Targa Claim through June 21, 2021 (the “**Sixth Claims Deadline**”).

WHEREAS, on June 22, 2021, the Court entered that certain *Sixth Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtex LLC’s Proof of Claim (Docket No. 907)* [Doc. No. 915], therein extending the Sixth Claims Deadline as to the Targa Claim through July 21, 2021 (the “**Seventh Claims Deadline**”).

WHEREAS, on July 19, 2021, the Court entered that certain *Seventh Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtex LLC’s Proof of Claim (Docket No. 921)* [Doc. No. 929], therein extending the Seventh Claims Deadline as to the Targa Claim through August 20, 2021 (the “**Eighth Claims Deadline**”).

WHEREAS, on August 18, 2021, the Court entered that certain *Eighth Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtex LLC’s Proof of Claim (Docket No. 953)* [Doc. No. 957] (the “**Stipulation and Order**”), therein extending the Eighth Claims Deadline as to the Targa Claim through September 20, 2021 (the “**Ninth Claims Deadline**”).

WHEREAS, on September 2, 2021, that certain *Ninth Stipulation and Order Extending Deadline to File Objection to Targa Pipeline Mid-Continent Westtex LLC’s Proof of Claim* [Doc. No. 972], therein extending the Ninth Claims Deadline as to the Targa Claim through October 20, 2021 (the “**Claims Deadline**”), was filed into the Record of the Bankruptcy Case. The Stipulation

and Order expressly state that “[a] stipulation between the Parties further extending the [Ninth Claims Deadline] may be filed into the Record of the Bankruptcy Case in the future and is approved without further order from the Court.”

WHEREAS, the Parties continue efforts to resolve the Liquidation Trustee’s potential objection(s) to the Targa Claim, but do not believe that such resolution can be accomplished prior to the Claims Deadline.

WHEREAS, so as to minimize any unnecessary costs for the Trust and provide opportunity for resolution without costly litigation for both Parties, the Parties have agreed to an extension of the Claims Deadline as to the Targa Claim through November 30, 2021, i.e. a forty-one (41) day extension.

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. Notwithstanding any previously docketed notice or provision of the Plan or Confirmation Order to the contrary, the Liquidation Trustee shall have through November 30, 2021 (the “*Extended Objection Deadline*”) to object to the Targa Claim;
2. This relief is granted without prejudice to the Liquidation Trustee’s right to request further modifications of the Extended Objection Deadline.
3. 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

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

4. The Stipulation and Order represents the Parties' mutual understandings and supersedes all prior agreements whether in oral or written form.
5. A stipulation between the Parties further extending the Extended Objection Deadline may be filed into the Record of the Bankruptcy Case in the future and is approved without further order from the Court.
6. 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 20, 2021.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Dated: October 13, 2021

By: /s/ Paul Douglas Stewart, Jr.

**STEWART ROBBINS BROWN &
ALTAZAN, LLC**

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-AND-

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***Counsel for Targa Pipeline Mid-Continent
Westtex LLC***

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 20, 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 22, 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 20 2021 19:52:00	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 20 2021 19:52:00	Crume Sales, Inc., c/o Amber James, AmberJames, PLLC, 1316 5th Avenue, Fort Worth, TX 76104-4318
cr	Email/PDF: resurgentbknofications@resurgent.com	Oct 20 2021 19:55:46	Dell Financial Services LLC, c/o Resurgent Capital Services, PO Box 10390, Greenville, SC 29603-0390

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Date Rcvd: Oct 20, 2021

Form ID: pdf002

Total Noticed: 37

cr	+ Email/Text: houston_bankruptcy@LGBS.com	Oct 20 2021 19:52:00	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 20 2021 19:52:00	IPFS Corporation, 30 Montgomery Street, Suite 501, Jersey City, NJ 07302-3821
cr	+ Email/Text: amberjames@wtlaw.com	Oct 20 2021 19:52:00	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 20 2021 19:52:00	Louisiana Department of Revenue, Bankruptcy Section, P. O. Box 66658, Baton Rouge, LA 70896-6658
cr	+ Email/Text: rachel@morseelectricinc.com	Oct 20 2021 19:52:00	Morse Electric, Inc., P.O. Box 611, Muskogee, OK 74402-0611
cr	Email/Text: lwickham@smithandloveless.com	Oct 20 2021 19:52:00	Smith & Loveless, Inc., 14040 Santa Fe Trail, Lenexa, KS 66215
intp	+ Email/Text: ddeems@theclarogroup.com	Oct 20 2021 19:52:00	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 22, 2021

Signature: /s/Joseph Speetjens