

**ENTERED**

October 15, 2021

Nathan Ochsner, Clerk

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

<b>IN RE:</b>	*	<b>CHAPTER 11</b>
	*	
<b>KP ENGINEERING, LP, et al<sup>1</sup></b>	*	<b>CASE NO. 19-34698 (DRJ)</b>
	*	
<b>Debtors</b>	*	<b>(Jointly Administered)</b>
	*	

**ORDER GRANTING LIQUIDATION TRUSTEE’S MOTION FOR ORDER (I) CONFIRMING THAT THERE NO LONGER EXIST ANY CLAIMS CLASSIFIED BY THE PLAN AS CLASS 4 ALLOWED JOHNSON CREDITOR CLAIMS; (II) CONFIRMING THAT EACH HOLDER OF THE PREVIOUSLY CLASSIFIED CLASS 4 ALLOWED JOHNSON CREDITOR CLAIMS, TO THE EXTENT SUCH CLAIMS REMAIN UNSATISFIED, IS NOW A LIQUIDATION TRUST BENEFICIARY OF THE LIQUIDATION TRUST AND ENTITLED TO A CLASS 7 GENERAL UNSECURED CLAIM IN THE AMOUNT OF THE DEFICIENCY, ALL SUBJECT TO THE LIQUIDATION TRUSTEE’S RIGHT TO OBJECT TO SUCH CLAIMS; (III) AUTHORIZING THE TRUST’S CLAIMS AND NOTICING AGENT TO MODIFY THE OFFICIAL CLAIMS REGISTRY TO REFLECT SAME; AND (IV) RELATED RELIEF**

**(RELATED DOC. 973)**

*Upon the Liquidation Trustee’s Motion for Order (I) Confirming That There No Longer Exist Any Claims Classified By the Plan As Class 4 Allowed Johnson Creditor Claims; (II) Confirming That Each Holder of the Previously Classified Class 4 Allowed Johnson Creditor Claims, to the Extent Such Claims Remain Unsatisfied, Is Now a Liquidation Trust Beneficiary of the Liquidation Trust and Entitled to a Class 7 General Unsecured Claim in the Amount of the Deficiency, All Subject to the Liquidation Trustee’s Right to Object to Such Claims; (III)*

<sup>1</sup> 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.

*Authorizing the Trust's Claims and Noticing Agent to Modify the Official Claims Registry to Reflect Same; and (IV) Related Relief*[Doc. No. 973] (the "**Motion**")<sup>2</sup> filed by Michael D. Warner, solely in his capacity as liquidation trustee for the KP Engineering Liquidation Trust (the "**Trust**"), (the "**Liquidation Trustee**"), no objections having been filed, and after due deliberation

**IT IS HEREBY ORDERED THAT:**

1. The Motion is granted as set forth herein.
2. Pursuant to the terms of the Plan and that certain *Order Disbursing Funds* (the "**Distribution Order**") entered by this Court on January 27, 2021 in Adversary Proceeding Number 19-3707 [Doc. No. 261] (the "**Johnson AP**"), there no longer exist any claims classified by the Plan as Class 4 Allowed Johnson Creditor Claims and no further payments or distributions are required on account of such claims from the Trust except as outlined herein and subject to the Liquidation Trustee's right to object to such claims as outlined herein;
3. Each Holder of the previously classified Class 4 Allowed Johnson Creditor Claims, with the exception of any such claims for which a stipulation, settlement, or order has at any time been entered into the record of the Bankruptcy Case, is now, to the extent such claims remain unsatisfied and subject to the Liquidation Trustee's right to object to such claims, a KP Engineering Liquidation Trust Beneficiary of the Liquidation Trust and entitled to a Class 7 General Unsecured Claim in the amount equal to the difference between their Filed and/or scheduled claim amount and that received from the Johnson Interpleaded Funds (the "**Claims**");
4. The Holders of the Claims shall, until the Trust has been terminated, notify the Liquidation Trustee within ten (10) business days of receipt of any amounts in partial or full satisfaction of the Claims from any source, which amount(s) so received shall reduce the Claims.

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<sup>2</sup> Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

After providing such notice and at the Liquidation Trustee's request, the Holders of the Claims shall file a joint Stipulation with the Court as soon as is reasonably practicable reducing the Claims in the amount(s) received.

5. In the event of any conflict or inconsistency between the provisions of this Order, on the one hand, and the provisions of any stipulation, settlement, or order addressing specific claims entered at any time into the record of the Bankruptcy Case, on the other hand, the provisions of such stipulation, settlement, or order shall govern and control as to claims specified and addressed therein.

6. Omni Agent Solutions ("*Omni*") is authorized and directed to modify the official claims register maintained in the Bankruptcy Case to reflect the relief granted in this Order.

7. All rights provided by the Plan and the Liquidation Trust Agreement to the Liquidation Trustee to object, on any basis, to the Claims or any other claims held by the Holders of the Claims are reserved and nothing herein should be construed so as to limit such rights or to limit further reduction of the Claims via successful objection or stipulation between the respective parties.

8. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any prepetition claim against the Debtors or such Debtors' estates; (b) a waiver of any right of the Trust to dispute any prepetition claims on any grounds; (c) a promise or requirement to pay any prepetition claim; (d) an implication or admission that any particular claim is of a type specified or defined in the Motion or this Order; (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to § 365 of the Bankruptcy Code; or (f) a waiver of any right

of the Trust under the Bankruptcy Code, any order of this Court, the underlying Trust Agreement and/or Plan, or any other applicable law.

9. The terms and conditions of this Order will be immediately effective and enforceable upon its entry.

10. The Liquidation Trustee, Omni and the Clerk of this Court are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

11. This Court retains exclusive jurisdiction to resolve any dispute arising from or related to this Order.

**Signed: October 14, 2021.**

  
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**DAVID R. JONES**  
**UNITED STATES BANKRUPTCY JUDGE**