

ENTERED

October 07, 2021

Nathan Ochsner, Clerk

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

| | | |
|--|--------------------------------------|---|
| In re: KP ENGINEERING, LP, <i>et al.</i> ¹ Debtors. | § § § § § § § § | Chapter 11 Case No. 19-34698 (DRJ) (Jointly Administered) (Docket No. 982) |
|--|--------------------------------------|---|

SEVENTH STIPULATION AND ORDER EXTENDING DEADLINE FOR MARKWEST OHIO FRACTIONATION COMPANY, LLC TO RESPOND TO THE LIQUIDATION TRUSTEE’S OBJECTION TO CLAIMS 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 NUMBERS 86 AND 102 FILED BY MARKWEST OHIO FRACTIONATION COMPANY, LLC

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 MarkWest Ohio Fractionation Company, LLC (“*MarkWest*”) (together, the Liquidation Trustee and MarkWest are referred to herein as the “*Parties*”) respectfully submit this proposed stipulation and agreed order (the “*Stipulation and Order*”) extending the deadline for MarkWest to respond to the *Liquidation Trustee’s Objection to Claims Pursuant to Section 502(b) of the Bankruptcy*

¹ The Debtors in these cases, along with the last four digits of each Debtors’ 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 Highway, Tyler, TX 75703.

² Dkt. No. 575.

³ *Id.*

*Code, Rule 3007 of the Federal Rules of Bankruptcy Procedure and the Terms of the Plan Seeking to Disallow and Expunge Claim Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC*⁴ (the “**Claims Objection**”) for an additional 62 days, up to and including December 4, 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, MarkWest filed Proof of Claim No. 86 as to Debtor KP Engineering, LP (“**Claim No. 86**”).

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

⁴ Dkt. No. 700.

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.

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*”).⁹

WHEREAS, on July 21, 2020, MarkWest filed Proof of Claim No. 102 as to Debtor KP Engineering, LP (“*Claim No. 102*”).

WHEREAS, on February 4, 2021, the Liquidation Trustee filed the Claims Objection, therein lodging his objections to Claim No. 86 and Claim No. 102.¹⁰

WHEREAS, Markwest’s original deadline to respond to the Claims Objection was March 8, 2021 (the “*Response Deadline*”).

WHEREAS, the Parties agreed to extend the Response Deadline by 30 days, up to and including April 7, 2021 (the “*Extended Response Deadline*”), pursuant to that certain *Stipulation and Order Extending Deadline for MarkWest Ohio Fractionation Company, LLC to Respond to the Liquidation Trustee’s Objection to Claims 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 Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC* filed on February 19, 2021.¹¹

WHEREAS, the Parties agreed to extend the Extended Response Deadline by an additional 30 days, up to and including May 7, 2021 (the “*Second Extended Response Deadline*”), pursuant to that certain *Second Stipulation and Order Extending Deadline for MarkWest Ohio Fractionation Company, LLC to Respond to the Liquidation Trustee’s Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Rule 3007 of the Federal Rules of Bankruptcy*

⁹ Dkt. No. 588.

¹⁰ Dkt. No. 700.

¹¹ Dkt. No. 709.

Procedure and the Terms of the Plan Seeking to Disallow and Expunge Claim Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC filed on April 5, 2021.¹²

WHEREAS, the Parties agreed to extend the Second Extended Response Deadline by an additional 30 days, up to and including June 7, 2021 (the “**Third Extended Response Deadline**”), pursuant to that certain *Third Stipulation and Order Extending Deadline for MarkWest Ohio Fractionation Company, LLC to Respond to the Liquidation Trustee’s Objection to Claims 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 Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC* filed on May 6, 2021.¹³

WHEREAS, the Parties agreed to extend the Third Extended Response Deadline by an additional 30 days, up to and including July 7, 2021 (the “**Fourth Extended Response Deadline**”), pursuant to that certain *Fourth Stipulation and Order Extending Deadline for MarkWest Ohio Fractionation Company, LLC to Respond to the Liquidation Trustee’s Objection to Claims 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 Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC* filed on June 4, 2021.¹⁴

WHEREAS, the Parties agreed to extend the Fourth Extended Response Deadline by an additional 30 days, up to and including August 6, 2021 (the “**Fifth Extended Response Deadline**”), pursuant to that certain *Fifth Stipulation and Order Extending Deadline for MarkWest Ohio Fractionation Company, LLC to Respond to the Liquidation Trustee’s Objection to Claims*

¹² Dkt. No. 751.

¹³ Dkt. No. 831. The Court subsequently entered that certain *Third Stipulation and Order Extending Deadline Extending Deadline for MarkWest Ohio Fractionation Company, LLC to Respond to the Liquidation Trustee’s Objection to Claims 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 Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC*. Dkt. No. 904.

¹⁴ Dkt. No. 900.

*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 Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC filed on July 7, 2021.*¹⁵

WHEREAS, the Parties agreed to extend the Fifth Extended Response Deadline by an additional 62 days, up to and including October 5, 2021 (the “**Sixth Extended Response Deadline**”), pursuant to that certain *Sixth Stipulation and Order Extending Deadline for MarkWest Ohio Fractionation Company, LLC to Respond to the Liquidation Trustee’s Objection to Claims 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 Numbers 86 and 102 Filed by MarkWest Ohio Fractionation Company, LLC* filed on August 5, 2021.¹⁶

WHEREAS, the Parties have agreed to an additional 62-day extension of the Sixth Extended Response Deadline, up to and including December 4, 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. MarkWest’s deadline to respond to the Claims Objection shall be December 4, 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 and enforce this Stipulation and Order, and to resolve any and all disputes related to this Stipulation

¹⁵ Dkt. No. 922.

¹⁶ Dkt. No. 951.

and Order.

3. The Stipulation and Order represents the Parties' mutual understandings with regard to the Sixth 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 Sixth 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 06, 2021.



DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

Dated: October 4, 2021.

By: /s/ Brooke W. Altazan (W/ Permission)

**STEWART ROBBINS BROWN &
ALTAZAN, LLC**

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

By: /s/ James G. Florentine

SNELL AND WILMER, LLP

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Facsimile: 602-382-6070
Email: sjerome@swlaw.com
Email: jflorentine@swlaw.com
***Attorneys for MarkWest Ohio
Fractionation Company***

¹⁷ Admitted *pro hac vice*. See Dkt. No. 565.

¹⁸ Admitted *pro hac vice*. See Dkt. No. 564.

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 07, 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 09, 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 75234-9245 |
| 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 07 2021 19:48:00 | 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 07 2021 19:48:00 | Crume Sales, Inc., c/o Amber James, AmberJames, PLLC, 1316 5th Avenue, Fort Worth, TX 76104-4318 |
| cr | Email/PDF: resurgentbknofications@resurgent.com | Oct 07 2021 19:57:15 | 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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Date Rcvd: Oct 07, 2021

Form ID: pdf002

Total Noticed: 37

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| cr | + Email/Text: houston_bankruptcy@LGBS.com | Oct 07 2021 19:48:00 | 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 07 2021 19:48:00 | IPFS Corporation, 30 Montgomery Street, Suite 501, Jersey City, NJ 07302-3821 |
| cr | + Email/Text: amberjames@wtlaw.com | Oct 07 2021 19:48:00 | 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 07 2021 19:48:00 | Louisiana Department of Revenue, Bankruptcy Section, P. O. Box 66658, Baton Rouge, LA 70896-6658 |
| cr | + Email/Text: rachel@morseelectricinc.com | Oct 07 2021 19:48:00 | Morse Electric, Inc., P.O. Box 611, Muskogee, OK 74402-0611 |
| cr | Email/Text: lwickham@smithandloveless.com | Oct 07 2021 19:48:00 | Smith & Loveless, Inc., 14040 Santa Fe Trail, Lenexa, KS 66215 |
| intp | + Email/Text: ddeems@theclarogroup.com | Oct 07 2021 19:48:00 | 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 |

District/off: 0541-4
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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 09, 2021

Signature: /s/Joseph Speetjens