

In re:)	
)	
ACR MANAGEMENT, L.L.C., ET AL., ¹)	Case No. 04-27848-MBM
)	Chapter 11
Debtors.)	(Jointly Administered)
)	
INTRASTATE CONSTRUCTION CORP.,)	Docket No.: _____
)	
Movant,)	Related Docket No.: 1008
)	
v.)	Objection Deadline: 1/18/2005
)	
ACR MANAGEMENT, L.L.C., ET AL.,)	Hearing Date: 1/25/2005 @3:00 p.m. (EST)
)	
Respondents.)	
)	
)	
)	

ACR Management, L.L.C., et al. (the “Debtors”), by and through their undersigned attorneys, file this objection (the “Objection”) to the motion (the “Motion”) of Intrastate Construction Corp. (“Intrastate” or the “Movant”) for consideration of its proof of claim as timely-filed, and aver as follows:

1. On June 14, 2004 (the “Petition Date”), Anthony Crane Rental, L.P. d/b/a Maxim Crane Works, ACR Management, L.L.C. and Anthony Crane Rental, Inc. (the “Debtors”) filed a

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voluntary petition for relief pursuant to Chapter 11 of Title 11 U.S.C (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Western District of Pennsylvania.

2. On the Debtors’ Schedules, the Debtors listed the Movant as an unsecured creditor with a claim in an unknown amount.

3. The Bankruptcy Court set November 17, 2004, as the bar date (the “Bar Date”) for creditors to file a proof of claim in these cases.

4. On August 31, 2004, the Notice of said Bar Date was timely served upon the Movant in care of Mr. Stearns. See Affidavit of Supplemental Service (CM/ECF #516, 9/03/2005) attached hereto as Exhibit 1. Admittedly, on the service list attached to this Affidavit, the Movant’s name is misspelled “Interstate” instead of “Intrastate”; nevertheless, the Movant’s address in care of Mr. Stearns was correct and Mr. Stearns’ office still should have received the Notice of the Bar Date.

5. On September 7, 2004, Michael E. Stearns, Esquire filed a motion to appear pro hac vice on behalf of the Movant (CM/ECF#529).

6. On or about November 7, 2004, the Court approved a disclosure statement for the Debtors’ proposed Joint Plan of Reorganization (the “Plan”), and thereafter, the Debtors timely served a Notice of (A) Hearing to Confirm Debtors’ Joint Plan of Reorganization: (B) Objection and Voting Deadline; and (C) Solicitation and Voting Procedures, together with the Plan, Disclosure Statement and all other Court- approved, Plan-related documents in care of Mr. Stearns.

7. On November 24, 2004, Mr. Stearns filed a second motion to appear pro hac vice on behalf of the Movant (CM/ECF #879).

8. On December 17, 2004, Mr. Stearns filed an unsecured, non-priority proof of claim on behalf of the Movant in the amount of \$133,594.03 for an alleged breach of contract for non-performance.

9. On December 30, 2004, this Court entered an Order confirming the Debtors' Plan.

Response to Movant's Relief Requested

10. As with any service to be effectuated by regular mail, the Debtors can only represent that they served the requisite notices relative to these bankruptcy cases in accordance with the provisions of the relevant Bankruptcy Rules and/or court orders directing service.

11. In this case, all of the relevant notices were sent to the Movant in care of his counsel Mr. Stearns. Mr. Stearns was the individual on the Debtors' books and records designated to receive service of papers from the Debtors, the Debtors believe such service was appropriate.

12. The Debtors' Plan provides that unsecured creditors such as Mr. Koenig are to receive pro rata distributions from a fixed pot of \$3 million. To the extent that this Court ultimately allows late-filed claims to be deemed timely filed, such allowance will have the effect of diluting the distribution to other unsecured creditors.

13. There have been a significant number of motions filed in this case that seek to permit the filing of late-filed claims. While in some motions (such as in the Motion filed by Intrastate), the movants candidly acknowledge failing to meet the Bar Date due to internal errors, other movants assert they never received a notice.

14. In this case, there is no doubt whatsoever that the Movant was provided actual notice of the bankruptcy filing, and that all other relevant notices were sent to the attorney

designated to represent Movant with regard to the claim it asserts against the Debtors.

15. Based upon the foregoing, the Debtors do not believe that the Movant has demonstrated excusable neglect necessary to deem its late-filed claim timely.

WHEREFORE, the Debtors respectfully request that the Motion be denied, or that the Debtors be granted such other relief as is appropriate.

Dated: Pittsburgh, Pennsylvania
January 18, 2005

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