

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	)	
	)	Case No. 04-27848-MBM
ACR MANAGEMENT, L.L.C., <u>et al.</u> , <sup>1</sup>	)	
	)	Chapter 11
	)	
Debtors.	)	(Jointly Administered)
	)	
<hr style="width: 100%; border: 0.5px solid black; margin-bottom: 2px;"/> ACR MANAGEMENT, L.L.C., <u>et al.</u> ,	)	
	)	<b>Hearing Date and Time:</b> _____
Movants,	)	
	)	<b>Objection Deadline:</b> _____
v.	)	
	)	Docket No. _____
Parties Listed on <u>Exhibit A</u> Attached Hereto	)	
	)	
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**DEBTORS' THIRD OMNIBUS OBJECTION TO CLAIMS  
UNDER 11 U.S.C. §§ 105(a) AND 502(b) AND FED. R. BANKR. P. 3007**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) hereby file the *Debtors’ Third Omnibus Objection to Claims* (the “Third Omnibus Objection”) respectfully state as follows in support thereof:

**JURISDICTION**

1. The Court has jurisdiction over this Third Omnibus Objection under 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A) and (B). Venue of this proceeding and this Third Omnibus Objection is properly in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory bases for the relief requested herein are sections

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<sup>1</sup> The Debtors are the following entities: ACR Management, L.L.C., Anthony Crane Rental Holdings, L.P., ACR/Dunn Acquisition, Inc., Anthony Crane Capital Corporation, Anthony Crane Holdings Capital Corporation, Anthony Crane International, L.P., Anthony Crane Sales & Leasing, L.P., Anthony International Equipment Services Corporation, Anthony Sales & Leasing Corporation, Carlisle Equipment Group, L.P., Carlisle GP, L.L.C., Husky Crane, Inc., Anthony Crane Rental, L.P., d/b/a Maxim Crane Works, Maxim Crane Works, LLC, Sacramento Valley Crane Service, Inc., The Crane & Rigging Company, LLC, Thompson & Rich Crane Service, Inc.

105(a) and 502(b) of the United States Bankruptcy Code, 11 U. S. C. §§101, et seq., and Rule 3007 of the Federal Rules of Bankruptcy Procedure.

### **BACKGROUND**

2. On June 14, 2004 (the “Petition Date”), each of the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”).

3. On December 29, 2004, the Debtors filed their third amended plan of reorganization (CM/ECF #1079, the “Plan<sup>2</sup>”). On December 30, 2004, this Court signed an Order confirming the Plan (CM/ECF#1094, the “Confirmation Order”), and the Plan became effective pursuant to its terms on January 28, 2005.

4. Prior to the commencement of these Chapter 11 Cases, the Debtors maintained, in the ordinary course of business, books and records (the “Books and Records”) that reflected, among other things, the Debtors’ liabilities and the amounts thereof owed to their creditors. With the assistance of the Debtors’ current management, the Debtors have reviewed the Proofs of Claim filed in these Chapter 11 Cases.

### **REQUEST FOR RELIEF**

5. By this Third Omnibus Objection, the Debtors object to the claims set forth on Exhibit A<sup>3</sup> attached hereto (the “Amended and Superseded Claims” or the “Claims”). These are Proofs of Claim that were amended and superseded by a later claim filed by the same holder.

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<sup>2</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Plan, the Confirmation Order, or the Revised Post-Confirmation Order (CM/ECF#1160).

<sup>3</sup> Certain of the claims listed on Exhibit A maybe also be the subject matter of a specific or general claims objection that the Debtors intend to file relating to claims filed by taxing authorities.

6. Accordingly, if the Amended and Superseded Claims are not disallowed and expunged, each such Claimant would receive a larger recovery than that to which such Claimant is entitled. The Debtors respectfully request that this Court enter the proposed form of Order attached hereto disallowing and expunging for all purposes these Claims.

7. The Debtors hereby reserve the right to object in the future to any of the Claims listed on Exhibit A to this Third Omnibus Objection, on any ground, and to amend, modify and/or supplement this Third Omnibus Objection, including without limitation, to object to amended, surviving, transferred, re-classified and newly-filed Claims. Separate notice will be served and a separate hearing will be scheduled for any such objection.

8. The Debtors also file this Third Omnibus Objection, without prejudice to file additional objections to other Proofs of Claim filed in these Chapter 11 Cases on any ground.

WHEREFORE, the Debtors respectfully request that this Court (i) enter an Order disallowing and expunging each Claim described in this Third Omnibus Objection (and set forth on Exhibit A attached hereto) and (ii) grant such further relief as is just and proper.

Pittsburgh, Pennsylvania  
Dated: February 23, 2005

CAMPBELL & LEVINE, LLC

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