

**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> , ¹)	
)	Chapter 11
)	
Debtors.)	(Jointly Administered)
)	
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ACR MANAGEMENT, L.L.C., <u>et al.</u> ,)	Hearing Date and Time: _____
)	
Movants,)	Objection Deadline: _____
)	
v.)	
)	Docket No. _____
Parties Listed on <u>Exhibit A</u> Attached Hereto)	
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**DEBTORS’ FIFTH 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’ Fifth Omnibus Objection to Claims* (the “Fifth Omnibus Objection”) and respectfully state as follows in support thereof:

JURISDICTION

1. The Court has jurisdiction over this Fifth 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 Fifth 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 105(a)

¹ 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.

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 “Plan²”). 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. Except as provided below, this Court set November 17, 2004 (the “General Bar Date”), as the last date for all persons and entities to assert a “claim³” against the Debtors by filing a proof of claim (“Proof of Claim”) with the Debtors’ claims and noticing agent Bankruptcy Management Corporation (“BMC”).

5. With respect to governmental units, the bar date was set for December 13, 2004 (the “Governmental Bar Date”).

6. For Administrative Claims arising after the Petition Date, February 28, 2005 is the bar date (the “Administrative Claims Bar Date”).

7. Lastly, March 29, 2005 (the “Supplemental Bar Date,” together with all other bar dates, the “Bar Dates”) is the bar date by when proofs of claim relating to Claims listed or referred to in the Schedule F amendment (CM/ECF#1160), must be filed.

² 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).

³ “Claim” as defined in 11 U.S.C. §101(5).

8. On behalf of the Debtors, BMC provided notice of these Bar Dates to Claimants.

9. 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.

REQUEST FOR RELIEF

10. By this Fifth Omnibus Objection and based upon the Debtors’ Books and Records and applicable law, the Debtors object to the claims set forth on Exhibit A⁴ attached hereto (the “Late-Filed Claims” or the “Claims”). These are Proofs of Claim that were filed after the applicable Bar Date. In accordance with Fed. R. Bankr. P. 3003(c)(2), the Late-Filed Claims should be disallowed and expunged.

11. The Debtors respectfully request that this Court enter the proposed form of Order attached hereto disallowing and expunging for all purposes these Claims.

12. The Debtors hereby reserve the right to object in the future to any of the Claims listed on Exhibit A to this Fifth Omnibus Objection, on any ground, and to amend, modify and/or supplement this Fifth 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.

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

⁴ 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.

WHEREFORE, the Debtors respectfully request that this Court (i) enter an Order disallowing and expunging each Late-Filed Claim described in this Fifth 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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