

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

In re:	)	
ACR MANAGEMENT, L.L.C., <i>et al.</i> , <sup>1</sup>	)	Chapter 11
	)	Case No. 04-27848-MBM
Debtors.	)	(Jointly Administered)
	)	
ACR MANAGEMENT, L.L.C., <i>et al.</i> ,	)	<b>Hearing Date and Time:</b> _____
	)	
Movants,	)	<b>Objection Deadline:</b> _____
	)	
v.	)	Docket No. _____
	)	
Parties Listed on <u>Exhibits</u> Attached to the	)	
Twelfth Omnibus Objection,	)	
	)	
Respondents.	)	
	)	

**DEBTORS' (I) TWELFTH OMNIBUS OBJECTION TO  
CLAIMS PURSUANT TO 11 U.S.C. §§ 105(a) 502(b) AND FED. R. BANKR. P. 3007**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) hereby file this twelfth omnibus objection (the “Twelfth Omnibus Objection”) to certain claims, and respectfully state as follows in support thereof:

**JURISDICTION**

1. The Court has jurisdiction over this Twelfth 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 Twelfth Omnibus Objection is properly in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

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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.

2. The statutory bases for the relief requested herein are §§ 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**

3. 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”).

4. 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.

5. 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 that have been filed in these Chapter 11 Cases.

### **REQUEST FOR RELIEF**

6. By this Twelfth Omnibus Objection, the Debtors object to the following:

- (a) The claims set forth on Exhibit A<sup>3</sup> attached hereto (the “Unknown Claims”), which were filed in an unknown or unliquidated amount, in whole or in part.
- (b) The claim set forth on Exhibit B attached hereto (the “Tax Claim,” together with the “Unknown Claims,” the “Claims”). The Debtors believe and therefore aver

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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 both Exhibit A & B may also be the subject matter of another specific or general claims objection that the Debtors intend to file.

that this Tax Claim is entirely without merit and is not valid or supportable against the Debtors' property or the Debtors' Estates.

7. With respect to the Unknown Claims, the Debtors submit that the fixing or liquidation of each and every one of these Unknown Claims would unduly delay the equitable administration of these Chapter 11 Cases.

8. The Debtors filed their Chapter 11 Cases almost a year ago, on June 14, 2004. Almost five months has lapsed since the November 17<sup>th</sup>, 2004 Bar Date. Yet, the Claimants still have not been able to convert their Unknown Claims into dollars. Since the Claimants have not been able to liquidate these Unknown Claims by now, it is doubtful that the Claimants readily will liquidate these claims in the near future.

9. As to certain Unknown Claims, the Claimant characterizes a part, if not all, of the Claim, as a non-priority Class 7 general unsecured claim. With respect to Allowed Class 7 general unsecured claims, the Debtors' Plan provides that holders are to receive pro rata distributions from a fixed pot of only \$3 million (the "Class 7 Cash Pool"). Waiting until each of these Unknown Claims is fixed or liquidated may take months or even years and would hinder a timely distribution to other holders of Class 7 general unsecured Allowed Claims.

10. Accordingly, for all of the foregoing reasons, the Unknown Claims and the Tax Claim should be disallowed and expunged from the Debtors' claims register in their entirety.

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

## **RESERVATION**

12. The Debtors hereby reserve the right to object in the future to any of the Claims listed on Exhibit A and Exhibit B to this Twelfth Omnibus Objection, on any ground, and to amend, modify and/or supplement this Twelfth 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 Twelfth 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 Unknown Claim and Tax Claim described in this Twelfth Omnibus Objection (and set forth on Exhibit A and Exhibit B attached hereto) or (ii) grant such further relief as is just and proper.

Pittsburgh, Pennsylvania  
Dated: June 1, 2005

CAMPBELL & LEVINE, LLC

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