

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF PENNSYLVANIA		PROOF OF CLAIM	
In re: ACR Management LLC et al		Case Number: 04-27848-MBM (Jointly Administered)	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case <input type="checkbox"/> Check box if this address differs from the address on the envelope sent to you by the court	
Name of Creditor and Address: Javier Rosell Evan and Lisa Rosell c/o TIC - The Industrial Company 2211 Elk River Road P.O. Box 774848 Steamboat Springs, CO 80477		If you have already filed a proof of claim with the Bankruptcy Court or BMC, you do not need to file again THIS SPACE IS FOR COURT USE ONLY	
Creditor Telephone Number () 970-879-2561			
ACCOUNT OR OTHER NUMBER BY WHICH CREDITOR IDENTIFIES DEBTOR: Unknown		Check here <input type="checkbox"/> replaces or amends a previously filed claim dated: _____ if this claim <input type="checkbox"/>	
1. BASIS FOR CLAIM <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned </div> <div style="width: 30%;"> <input checked="" type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other (describe briefly): _____ </div> <div style="width: 30%;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (Fill out below) Last four digits of SS #: _____ Unpaid compensation for services performed from: _____ to _____ (date) (date) </div> </div>			
2. DATE DEBT WAS INCURRED: <u>See attachment</u>		3. IF COURT JUDGMENT, DATE OBTAINED: _____	
4. TOTAL AMOUNT OF CLAIM AT TIME CASE FILED: \$ _____ (unsecured) \$ _____ (secured) \$ _____ (unsecured priority) \$ <u>Unliquidated</u> (Total)			
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.			
5. SECURED CLAIM <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief description of collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges <u>at time case filed</u> included in secured claim, if any: \$ _____		7. UNSECURED PRIORITY CLAIM <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,925)*, earned within 90 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3) <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6) <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7) <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (____) <small>* Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>	
6. UNSECURED NONPRIORITY CLAIM \$ <u>See attachment</u> <input checked="" type="checkbox"/> Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority			
8. CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.			
9. SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u> , such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.			
10. DATE-STAMPED COPY: To receive an acknowledgment of your claim, please enclose a self-addressed, stamped envelope and an additional copy of this proof of claim.			
The original of this completed proof of claim form must be sent by mail or hand delivered (FAXES NOT ACCEPTED) so that it is received on or before 4:00 pm, Eastern Time on November 17, 2004 for Non-Government Claimants OR on or before December 13, 2004 for Governmental Units. BY MAIL TO: ACR Management LLC et al c/o BMC Group, f/k/a Bankruptcy Management Corp PO Box 1055 El Segundo, CA 90245-1055		BY HAND OR OVERNIGHT DELIVERY TO: ACR Management LLC et al c/o BMC Group, f/k/a Bankruptcy Management Corp 1330 East Franklin Ave El Segundo, CA 90245	
DATE SIGNED: 4/21/05		SIGN and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): <div style="display: flex; align-items: center;"> <div> Secretary </div> </div>	

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both 18 U.S.C. §§ 152 AND 3571



UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	Chapter 11
	:	
ACR MANAGEMENT, L.L.C.,	:	
et al.,	:	Case No. 04-27848-MBM
	:	
Debtors.	:	(Jointly Administered)

ATTACHMENT TO THE PROOF OF CLAIM FILED BY
TIC - THE INDUSTRIAL COMPANY ON BEHALF OF
JAVIER ROSELL EVAN AND LISA ROSELL

In accordance with the Notice Pursuant to Local Rule 3002-1(b) of Fixing of Supplemental Bar Date for the Filing of Certain Claims and Federal Rule of Bankruptcy Procedure 3005, TIC - The Industrial Company, on behalf of itself and its subsidiaries (collectively referred to as "TIC"), hereby files the following proof of claim on behalf of Javier Rosell Evan and Lisa Rosell, and states as follows:

Background

1. TIC is a corporation with its principal place of business located at 2211 Elk River Road, Steamboat Springs, Colorado.
2. Upon information and belief, Javier Rosell Evan is an adult individual who resides in Solano County, California.
3. Upon information and belief, Lisa Rosell is an adult individual who resides in Solano County, California.
4. Upon information and belief, Javier Evan and Lisa Rosell are husband and wife.

5. Debtor Anthony Crane Rental, L.P. d/b/a Maxim's Crane Works ("Debtor") filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code on June 14, 2004.

6. On or about December 23, 2004, Debtor filed its Second Amendment of Debtors' Schedules of Assets and Liabilities (the "Amended Schedules").

7. Schedule F of the Amended Schedules lists "Javier Evan" (Vendor No. 3666) and "Valero Refinery c/o TIC – The Industrial Co" (Vendor No. 3921) as creditors holding unsecured claims. Schedule F of the Amended Schedules does not list Lisa Rosell as a creditor.

8. The address listed on Schedule F of the Amended Schedules with respect to "Valero Refinery c/o TIC – The Industrial Co" is not an address maintained by TIC.

9. TIC has not been served with any notices or other filings with respect to bar dates for the filing of claims which may have been established in Debtor's bankruptcy proceedings.

10. This proof of claim relates to a claim for damages asserted by Javier Evan and Lisa Rosell against Valero Refinery, Debtor and TIC.

The Project

11. TIC entered into a subcontract with Gulf States, Inc. to perform certain work and provide certain services in connection with the construction of the Alkylation DeBottleneck Mechanical and Electrical Project at a petroleum refining facility owned by Valero Refining Company ("Valero") and located at 3400 East Second Street, Benicia, California (the "Project").

12. Gulf States had previously entered into a contract with Valero to serve as the general contractor for the Project.

13. TIC, in turn, entered into a contract with Debtor with an effective date as of December 30, 2003 (the "Contract") to provide crane and rigging services for the Project.

Debtor already possesses a copy of the Contract as a copy of the Contract was previously provided to the Debtor as part of the proof of claim filed by TIC.

The Complaint

14. On or about May 13, 2004, Javier Evan and Lisa Rosell filed a complaint in the Superior Court of California for Solano County against Valero Refinery, Debtor and Does 1 through 40, where it was docketed at Docket No. FCS024128 (the "Complaint"). A copy of the Summons and Complaint is attached hereto as Exhibit 1 and is incorporated herein by reference.

15. The Complaint alleges, *inter alia*, that, on or about February 5, 2004, Javier Evan was injured when a crane owned and/or operated by Debtor lowered a tower onto Mr. Evan, severing three fingers and causing internal and external injuries.

16. The alleged injuries suffered by Mr. Evan and Ms. Rosell were the result of acts and/or omissions of Debtor and/or its employees.

17. The statement of damages accompanying the Complaint filed by Javier Evan and Lisa Rosell claims damages in the aggregate amount of \$41.45 million. *See* Exhibit 1.

18. TIC was not originally named as a defendant in the Complaint.

19. On or about December 7, 2004, the Complaint was amended to include TIC as a defendant. A copy of the amendment to the complaint is attached hereto as Exhibit 2 and incorporated herein by reference.

The Proof of Claim Filed on Behalf of Javier Evan and Lisa Rosell

20. TIC filed a proof of claim against Debtor on March 29, 2005.

21. TIC has reviewed the registry of claims maintained on Debtor's behalf by The BMC Group, Inc. The registry of claims does not list any proof of claim being filed by or on behalf of Javier Evan or Lisa Rosell.

22. In accordance with and pursuant to Federal Rule of Bankruptcy Procedure 3005, TIC is filing this proof of claim on behalf of Javier Evan and Lisa Rosell.

23. For purposes of this proof of claim only, TIC incorporates by reference the allegations contained in the Complaint, without admitting or denying the same, as though fully restated.

24. Based on the allegations contained in the Complaint, Debtor is liable to Javier Evan and/or Lisa Rosell.

25. Based on the allegations contained in the Complaint, Debtor, Valero Refinery and TIC may be jointly liable to Javier Evan and/or Lisa Rosell.

26. At present, the claims asserted in the Complaint remain outstanding and have not been liquidated to a sum certain.

27. In addition to the documents attached to this proof of claim, there are numerous pleadings and other discovery materials relating to the Complaint and the claims asserted by Javier Evan and Lisa Rosell. As these documents are voluminous, copies have not been attached to this proof of claim. Copies of these documents will be provided to Debtor upon request and under mutually agreeable circumstances.

28. The allowance of this proof of claim and the making of a payment to Javier Evan and/or Lisa Rosell will result in a reduction of the claim described herein.

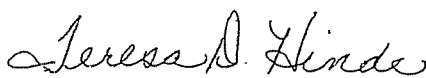
29. TIC has prepared and filed this proof of claim on behalf of Javier Evan and Lisa Rosell without any information or assistance from these creditors. As a result, TIC was required to rely upon the allegations in the Complaint and other information which has come to TIC's

attention. To the extent this proof of claim restates the allegations of the Complaint, such restatement does not constitute an admission of any facts and/or liability by TIC with respect to the Complaint.

30. TIC reserves the right to amend and/or modify this proof of claim from time to time as may be appropriate

Respectfully submitted,

Dated: April 21, 2005

A handwritten signature in cursive script that reads "Teresa D. Hinde".

Teresa D. Hinde, Secretary
TIC – The Industrial Company
2211 Elk River Road
PO Box 774848
Steamboat Springs, CO 80477