

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS AT KANSAS CITY**

In re:)	
)	
JOHN Q. HAMMONS FALL 2006, LLC, <i>et al.</i> ,)	Case No. 16-21142
)	
Debtors.)	(Jointly Administered)
)	
)	RESPONSE DEADLINE: MAY 28, 2018
)	
)	
)	

**DEBTORS' SIXTH OMNIBUS OBJECTION TO
PROOFS OF CLAIM [RECOVERY OF DEBTS FOR WHICH DEBTORS ARE NOT
LIABLE]**

ANY CLAIMANT RECEIVING THIS OBJECTION AND NOTICE SHOULD REVIEW THE OBJECTION AND LOCATE THE NAME AND CLAIM NUMBER ASSOCIATED WITH THEIR CLAIM ON THE ATTACHED SPREADSHEET TITLED "**EXHIBIT A.**"

A COPY OF THE NOTICE OF OBJECTION TO CLAIM AND THE CLAIMS OBJECTION PROCEDURES ORDER IS ATTACHED AND TITLED "**EXHIBIT B.**" IF A CLAIMANT WISHES TO OPPOSE THIS OBJECTION, IT SHOULD REVIEW THE ORDER CAREFULLY AND COMPLY WITH THE REQUIREMENTS SET FORTH THEREIN.

The above-captioned Debtors, by and through their counsel of record, respectfully represent the following:

1. On June 26, 2016 and July 5, 2016 (collectively the "Commencement Date"), the Debtors commenced chapter 11 bankruptcy cases by filing their bankruptcy petitions in this Court.
2. Since the Commencement Date, the Debtors have continued in possession of their property and control of their operations pursuant to §§ 1107 and 1108 of the Bankruptcy Code.
3. The Court has jurisdiction of this motion pursuant to 28 U.S.C. § 1334(a) and (b). This is a core proceeding pursuant to 28 U.S.C. § 157(b) in that this motion seeks an order

regarding the administration of these bankruptcy cases and as well addresses the claims objection process. Venue is proper in this Court. 28 U.S.C. §§ 1408 and 1409(a).

4. The Debtors in these chapter 11 cases consist of the Revocable Trust of John Q. Hammons, Dated December 28, 1989 as Amended and Restated (the "Trust") and 75 of its directly or indirectly wholly owned subsidiaries and affiliates.

5. On June 26, 2016, the Debtors filed their Schedules of Liabilities (as amended and supplemented, the "Debtors' Schedules") and their Schedules of Executory Contracts and Unexpired Leases. On June 26, 2016, the Debtors filed their Statements of Financial Affairs.

6. On September 28, 2016, the Court entered its Corrected Order (I) Establishing Bar Dates for Filing Proofs of Claim and Interest, (II) Establishing Procedures for Filing Proofs of Claim and Interest, and (III) Approving Form and Manner of Notice Thereof (the "Bar Date Order") (ECF Doc. 525). The Bar Date Order established December 23, 2016 as the bar date (the "Bar Date") for filing proofs of claim in these cases. Pursuant to the terms of the Bar Date Order, the Debtors timely mailed notice of the bar date (the "Bar Date Notice") to all creditors and potential claimants.

7. On August 22, 2017, the Court entered its Order Pursuant to 11 U.S.C. § 105(a) Establishing Procedures Regarding Claim Objections and Scheduled Claims Adjustments (the "Claim Objection Procedures Order") (ECF Doc. 1198). The Claim Objection Procedures Order supplements the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure by permitting the Debtors to file omnibus objections for reasons beyond those listed in Fed. R. Bankr. P. 3007(d) and specifying the type of notice and service required when filing an omnibus objection. *See* Claim Objection Procedures Order (ECF Doc. 1198), ¶¶ 11, 12

8. The Debtors have been engaged in the process of reviewing filed proofs of claim in these Chapter 11 cases (the "Proofs of Claim"). The Debtors have begun the process of conducting a comprehensive review and reconciliation of all prepetition claims, including both the claims scheduled in the Debtors' Schedules (the "Scheduled Claims") and the claims asserted in the Proofs of Claim (the "Filed Claims"). This process includes identifying particular categories of Filed Claims that may be targeted for disallowance and expungement, reduction and allowance, or reclassification and allowance. To reduce the number of claims, and to avoid possible double recovery or improper recovery by claimants, the Debtors anticipate filing numerous objections to such categories of claims. This objection is one such omnibus objection.

OBJECTIONS

9. The Debtors have reviewed each proof of claim listed on the attached Exhibit A and object to those claims because each of them seeks recovery of amounts for which the Debtors are not liable. Further explanation of the basis of the objection, where relevant and applicable, may be set forth on Exhibit A hereto.

10. Under paragraph 11 of the Claim Objection Procedures Order, the Debtors may file omnibus objections against claims the Debtors believe (1) seek recovery of amounts for which the Debtors are not liable and (2) are objectionable under § 502(b). *See* Claim Objection Procedures Order, ¶ 11(b), (e). For these reasons, pursuant to the Claim Objection Procedures Order, the Debtors object to each proof of claim listed on the attached Exhibit A and request that each such proof of claim be disallowed and expunged in its entirety.

11. Nothing in this Objection shall be deemed a waiver, modification, or release of the Debtors' ability to object to the claims contained in Exhibit A on other grounds.

NOTICE

12. Notice of this Objection has been provided, in accordance with Fed. R. Bankr. P. 3007(a)(2) and the Claim Objection Procedures Order ¶ 12(b), to: (a) the United States Trustee; (b) Debtors' secured lenders; (c) Atrium Holding Company; (d) SFI Belmont LLC; (e) JD Holdings, LLC; (f) Debtors' combined 40 largest unsecured creditors; (g) any party that has appeared and/or requested notice; and (h) each of the persons or entities that filed the proofs of claim identified on Exhibit A and their counsel (if known).

13. No previous application for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Debtors respectfully request entry of an order granting the relief requested herein and such other relief as is just.

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