

(“**Bankruptcy Code**”) with the United States Bankruptcy Court for the Southern District of New York.

2. On December 19, 2012, the Debtors bankruptcy cases were transferred from the Southern District of New York to the United States Bankruptcy Court for the Eastern District of Missouri (St. Louis).

3. As of the date of this Objection, no chapter 11 plan has been filed.

4. On December 31, 2012, the Debtors filed the Procedures Motion. By the Procedures Motion, the Debtors seek court approval of a modified claims objection procedure.

5. LRPB objects to the proposed claims objection procedure set forth in the Procedures Motion for the following reasons:

- a. Cause does not exist for reducing the timeframes relating to the claims objection process as set forth in the Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rules**”). The case is nowhere near its conclusion nor is a chapter 11 plan of record. The Debtors do not articulate a compelling reason to expedite the claims objection process.
- b. The Debtors note that any contested claims objection will constitute a contested matter. The proposed claims objection process does not afford a claimant with adequate time to conduct discovery as contemplated under Bankruptcy Rule 9014.
- c. The proposed claims objection procedure improperly reduces (and in some cases eliminates) the Debtors burden to at least present evidence, in the first instance, sufficient to overcome the *prima facie* validity of a proof of claim.

A properly executed proof of claim constitutes *prima facie* evidence of its validity and parties objecting to a claim bear the burden of going forward to “meet, overcome, or, at minimum, equalize the valid claim.” FDIC v. Union Entities (In re Be-Mac Transp. Co.), 83 F.3d 1020, 1025, n. 3 (8th Cir. 1996) (*quoting* In re Gridley, 149 B.R. 128, 132 (Bankr. D.S.D. 1992) and *citing* Gran v. Internal Revenue Serv., 964 F.2d 822, 827 (8th Cir. 1992)). The Debtors propose a procedure that would allow them to generally object to a claim and then impose the significant burden on the claimant to respond within a truncated timeframe with (i) “concise” and “specific” factual and legal bases upon which the claim objection should be denied as well as (ii) all documentation and evidence upon which the claimant will rely upon at the evidentiary hearing. Such a requirement is patently unfair in the face of a potentially generalized and vague objection.

6. The Debtors rely upon section 105 of the Bankruptcy Code for the relief sought in the Procedures Motion. "While the equitable powers emanating from § 105(a) are quite important in the general bankruptcy scheme, and while such powers may encourage courts to be innovative, and even original, these equitable powers are not a license for a court to disregard the clear language and meaning of the bankruptcy statutes and rules." Viking Assocs., L.L.C. v. Drewes (In re Olson), 120 F.3d 98, 102 (8th Cir. 1997)

WHEREFORE, LRPB respectfully requests that the Court deny the Procedures Motion and grant such other and further relief as is just and proper.

Dated: January 7, 2013

Respectfully submitted,

McGuireWoods LLP
Michael J. Roeschenthaler
PA I.D. No. 87647 (Admitted Pro Hac Vice)
Jason P. Alter
PA I.D. No. 307596 (Admitted Pro Hac Vice)
McGuireWoods LLP
625 Liberty Avenue, 23rd Floor
Pittsburgh, PA 15222
Telephone: (412) 667-7905
mroeschenthaler@mcguirewoods.com

and

POLSINELLI SHUGHART PC

By: /s/ Sherry K. Dreisewerd
Sherry K. Dreisewerd (#47908)
sdreisewerd@polsinelli.com
Matthew S. Layfield (#57540)
m Layfield@polsinelli.com
100 S. Fourth Street, Suite 1000
St. Louis, MO 63102
(314) 889-8000
Fax No.: (314) 231-1776

Counsel to H.A. Robson Trust, PRC Holdings, LLC, The Board of Trustees of Prichard School, The Trust with A.M. Prichard, III, Sarah Ann Prichard and Lewis Prichard, The Robert B. LaFollette Trust for the benefit of Marjorie J. Wright, The Robert B. LaFollette Trust for the benefit of Alice A. Wright, The Latelle M. LaFollette Trust for the benefit of Marjorie J. Wright, The Latelle M. LaFollette Trust for the benefit of Alice A. Wright, LaFollette Holdings, Ltd., Alice Ann Wright, Wright Holdings, LLC, Broun Properties, LLC, LML Properties, LLC and Riverside Park, Inc.