

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

In re:)	
)	
ATLANTIC FABRICATION & DESIGN)	Case No. 17-14891-JDL
LLC,)	Chapter 11
)	
Debtor.)	
)	

**DEBTOR’S OBJECTION TO PROOF OF CLAIM #15
AND BRIEF IN SUPPORT AND NOTICE AND OPPORTUNITY FOR HEARING**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Ave., Oklahoma City, OK 73102 no later than fourteen (14) days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant’s attorney and all others required to be served and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 14-day period for response includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

**NOTICE OF HEARING
(TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the Motion is filed, the hearing on the matter will be held on April 19th, 2018, at 9:30am in the 2nd floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket.

NOW COMES, Atlantic Fabrication & Design LLC, debtor in the above-captioned case (“Debtor”), by its undersigned attorney of record, Jason A. Sansone, and states as follows:

1. On December 4, 2017, Debtor filed a voluntary petition for relief pursuant to

chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Western District of Oklahoma.

2. Keyes Construction & Excavation Inc. (“Claimant”) filed Proof of Claim #15 on February 28, 2018 (the “Claim”).

3. The Claim purports that \$31,756.00 is entitled to priority under § 507(a)(4).

4. Claimant is a legally distinct entity from Debtor. To the extent the Claimant has a valid claim against Debtor, no portion of such claim is for “wages, salaries, or commissions.”

5. Further, even if Claimant were entitled to priority under § 507(a)(4), the claimed \$31,756.00 exceeds the statutory cap as provided in the Bankruptcy Code.

6. Claimant is not entitled to priority under § 507(a).

7. In addition, the claim erroneously purports to amend an already filed claim.

Claimant has not previously filed a claim herein.

8. The Claim fails to indicate if the claimed amount includes interest or other charges.

9. For all the reasons set forth above, it is respectfully requested that Debtor’s Objection to Proof of Claim #15 be sustained and that counsel for Debtor be awarded attorneys fees in the sum of \$225.00 for having brought such Objection and that such fees be paid directly to counsel for Debtor by Claimant and that Claimant be directed not to include such award of attorneys fees in any further proof of claim.

WHEREFORE, it is respectfully requested that Debtor’s Objection be granted and for such additional or alternative relief as may be just and proper.

Respectfully Submitted,
SANSONE HOWELL PLLC

/s/ Jason A. Sansone
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COUNSEL FOR DEBTOR

Dated: February 28, 2018

CERTIFICATE OF MAILING

I, Jason A. Sansone, hereby certify that on February 28, 2018, a true and correct copy of the above was electronically served using the CM/ECF system to the Office of the United States Trustee.

Further, I certify that on February 28, 2018 a true and correct copy of the above was mailed via U.S. Mail, first class, postage prepaid and properly addressed to the following at the address shown:

Keyes Construction & Excavation Inc.
14708 Bella Maria Dr.
Oklahoma City, OK 73165

/s/ Jason A. Sansone
Jason A. Sansone, OBA 30913