

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.	)	
	)	

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**DEBTOR’S OBJECTION TO PROOF OF CLAIM #16  
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 May 15th, 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 (the “Court”).

2. On March 26<sup>th</sup>, 2018, Fastenal Company (“Claimant”) filed Proof of Claim #16 (the “Claim”).

3. The Claim is for a total of \$30,426.24 and purports that \$1,728.25 is entitled to priority under § 507(a)(2).

4. The statute of limitations in Oklahoma, pursuant to 12 O.S. § 95(A)(2), for an action upon a contract express or implied not in writing is three years.

5. The statute of limitations in Oklahoma, pursuant to 12 O.S. § 95(A)(1), for an action upon any contract, agreement, or promise in writing is five years.

6. The Claim’s supporting documentation does not indicate if the Claim arose from a written or oral agreement, but at least \$27,719.99 of the Claim is time-barred regardless of the applicable statute of limitations.

7. Therefore, the Claim is should be denied pursuant to § 502(b)(1).

8. Based upon available information, neither Debtor nor the Court can determine what portion of the Claim is enforceable against the Debtor and therefore Debtor requests that the Claim be denied in its entirety without prejudice.

9. For all the reasons set forth above, it is respectfully requested that Debtor’s Objection to Proof of Claim #16 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: April 5, 2018

#### **CERTIFICATE OF MAILING**

I, Jason A. Sansone, hereby certify that on April 5, 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 April 5, 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:

Fastenal Company  
2001 Theurer Blvd.  
Winina, MN 55987

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