

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	Chapter 11
PGX HOLDINGS, INC., <i>et al.</i> , ¹	Case No. 23-10718 (CTG)
Debtors.	(Jointly Administered) Related to Docket No. 336

**LIMITED OBJECTION OF EXPERIAN MARKETING SOLUTIONS, LLC. AND
EXPERIAN INFORMATION SOLUTIONS, INC.
TO NOTICE TO CONTRACT PARTIES TO POTENTIALLY
ASSUMED EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Experian Marketing Solutions, LLC. and Experian Information Solutions, Inc. (collectively, “**Experian**”) respectfully submit this limited objection (the “**Objection**”) to the assumption and assignment of certain of their executory contracts to the Debtors, which contracts are listed in lines 376 to 451 of Exhibit A to the Debtors’ *Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases* [Dkt. No. 336] (the “**Notice**”). Experian objects to the Notice to the extent that the Debtors have incorrectly stated the amount necessary to cure all defaults under their executory contracts pursuant to section 365 of the United States Bankruptcy Code, 11 U.S.C. § 101 – 1532 (the “**Bankruptcy Code**”). In support of its Objection, Experian states as follows:

1. On June 4, 2023 (the “**Petition Date**”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: PGX Holdings, Inc. (2510); Credit Repair UK, Inc. (4798); Credit.com, Inc. (1580); Creditrepair.com Holdings, Inc. (7536); Creditrepair.com, Inc. (7680); eFolks Holdings, Inc. (5213); eFolks, LLC (5256); John C. Heath, Attorney At Law PC (8362); Progrexion ASG, Inc. (5153); Progrexion Holdings, Inc. (7123); Progrexion IP, Inc. (5179); Progrexion Marketing, Inc. (5073); and Progrexion Teleservices, Inc. (5110). The location of the Debtors’ service address for purposes of these chapter 11 cases is: 257 East 200 South, Suite 1200, Salt Lake City, Utah 84111.



2. Experian and certain of the Debtors are parties to multiple executory contracts pursuant to which Experian provides data services to the Debtors. The Debtors have listed seventy-five such contracts (together, the “**Contracts**”) in the Notice.

3. In the Notice, the Debtors state a total cure amount of \$572,321.91 for the Contracts. Cure amounts for seventy-three of the Contracts are listed at \$0. The Debtors reflect cure amounts for the remaining two Contracts, as follows:

- a. Line 410--Experian Marketing Solutions LLC Credit.com, Inc. Third Party Insertion Order Dated 08/17/2017 -- \$284,584.96; and
- b. Line 449-- Experian Marketing Solutions LLC John C. Heath Attorney at Law PC Reseller Services Agreement Dated 09/15/2015 -- \$287,736.95.

4. Notwithstanding the above, as of the date of this Objection, the Debtors are in default of their obligations under the Contracts in the amount of \$1,485,661.44.

5. Experian does not dispute the Debtors’ rights to assume and assign the Contracts. However, if the Debtors assume and assign the Contracts, the cure amounts set forth by the Debtors in the Notice are incorrect and insufficient to cure the defaults as required under section 365(b)(1)(A) of the Bankruptcy Code. Experian therefore objects to the assumption of the Contracts without Experian’s agreement or payment of all amounts owed.

6. Experian reserves the right to amend this Objection to the extent it determines that any additional amounts are due under the Contracts, or any other contracts among the parties, and to demand adequate assurance of future performance under section 365(b)(1)(C) of the Bankruptcy Code at such time as the Debtors identify a party or parties to whom they propose to assign the Contracts.

WHEREFORE, Experian respectfully requests that this Court enter an order: (i) finding that the Debtors' cure obligation pursuant to section 365(b)(1)(A) of the Bankruptcy Code with respect to Experian is at least \$1,485,661.44; (ii) conditioning assumption and assignment of the Contracts upon the payment of all amounts due under section 365(b)(1)(A) of the Bankruptcy Code; and (iii) granting such further relief as this Court deems just.

Dated: August 18, 2023

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(Jointly Administered)

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2023, I did cause the foregoing *Limited Objection of Experian Marketing Solutions, LLC and Experian Information Solutions, Inc. to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases* to be filed using the Court's CM/ECF system, which will automatically send email notification to all parties and counsel of record, and served the parties on the attached service list via electronic mail.

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