

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

In re:

AFH AIR PROS, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 25-10356 (PMB)

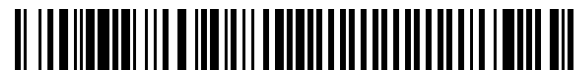
(Jointly Administered)

**MOTION OF THE DEBTORS PURSUANT TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 9006(b) FOR ENTRY OF AN ORDER EXTENDING
THE TIME TO FILE NOTICES OF REMOVAL OF RELATED PROCEEDINGS**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”), submit this motion (the “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), pursuant to section 1452 of title 28 of the United States Code (“Section 1452”), section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”), and Rules 9006 and 9027 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), (i) extending the current period within which the Debtors may remove Actions (as defined below) (the “Removal Period”) in these Chapter 11 Cases (as defined below) for an additional 120 days from the current deadline on June 14, 2025, through and including October 13,² 2025, without prejudice to the Debtors’ right to seek further extensions thereof; and (ii) granting related relief. In support of this Motion, the Debtors respectfully state as follows:

¹ The last four digits of AFH Air Pros, LLC’s tax identification number are 1228. Due to the large number of debtor entities in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the claims and noticing agent at <https://www.veritaglobal.net/AirPros>. The mailing address for the debtor entities for purposes of these chapter 11 cases is: 150 S. Pine Island Road, Suite 200, Plantation, Florida 33324.

² Pursuant to Bankruptcy Rule 9006(a)(1)(C), the Debtors request an extension of the Removal Period to October 13, 2025. This extension is necessary because 120 days after the current Removal Period ends on June 14, 2025, would fall on Sunday, October 12, 2025.



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JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Northern District of Georgia (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory and legal predicates for the relief requested herein are Section 1452, section 105(a) of the Bankruptcy Code, and Bankruptcy Rules 9006 and 9027.

BACKGROUND

A. The Chapter 11 Cases

3. On March 16, 2025 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with this Court.

4. The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

5. On March 31, 2025, the United States Trustee for Region 21 (the “U.S. Trustee”) appointed an official committee of unsecured creditors (the “Committee”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”). *See Appointment and Notice of Appointment of Committee of Creditors Holding Unsecured Claims* [D.I. 111].

6. No request has been made for the appointment of a trustee or an examiner.

7. Additional information regarding the Debtors’ businesses, capital structure, and the circumstances leading to the filing of these Chapter 11 Cases is set forth in the *Declaration of Andrew D.J. Hede in Support of Chapter 11 Petitions and First Day Pleadings* [D.I. 8] (the “First Day Declaration”), which is fully incorporated herein by reference.

B. The Sale Process

8. On April 14, 2025, the Court entered an *Order (A) Establishing Bidding Procedures Relating to the Sale of the Debtors' Assets, (B) Approving the Debtors' Entry into the Stalking Horse Purchase Agreements and Related Bid Protections, (C) Establishing Procedures Relating to the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (D) Approving Form and Manner of Notices Relating Thereto, (E) Scheduling a Hearing to Consider the Proposed Sale, and (F) Granting Related Relief*[D.I. 193] (the “Bid Procedures Order”), which approved bidding procedures attached thereto as Exhibit 1 (the “Bidding Procedures”), by which the Debtors will solicit and select the highest or otherwise best offer for one or more sales (collectively, the “Sale”) of all or substantially all of their assets (the “Assets”).

9. The Debtors and their professionals are focused on advancing the comprehensive Sale process approved by the Bid Procedures Order that involves six stalking horse asset purchase agreements for the Debtors' nine business units, while also managing the various other aspects of a complex chapter 11 process.

C. The Actions

10. The Debtors were involved pre-petition in more than 20 civil Actions³ commenced in various forums. The Debtors continue to review their books and records and are in the process of determining whether to remove any Actions to a district court pursuant to Section 1452.

11. Since the Petition Date, the Debtors have worked diligently on a number of critical matters, including the Sale, and have not yet decided which, if any, of the Actions they will seek to remove. Consequently, the Debtors are seeking an extension of the Removal Period to provide sufficient time to decide whether to remove any such Actions.

³ The Debtors' Schedules of Assets and Liabilities (the “Schedules”) and Statements of Financial Affairs (the “Statements”) identify more than 20 Actions involving the Debtors as of the Petition Date.

RELIEF REQUESTED

12. The Debtors respectfully request entry of the Proposed Order (i) extending the current Removal Period by 120 days through and including October 13, 2025; and (ii) granting related relief. The Debtors also request that this Motion be considered without prejudice to their rights to seek further extensions of the deadlines to remove Actions.

BASIS FOR RELIEF

13. Section 1452 provides for the removal of certain actions related to bankruptcy cases and states in pertinent part:

A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

28 U.S.C. § 1452(a).

14. Bankruptcy Rule 9027 sets forth the time periods for the filing of notices to remove claims or causes of action initiated both prior to the Petition Date (the "Prepetition Actions") and subsequent to the Petition Date (the "Postpetition Actions" and, together with the Prepetition Actions, the "Actions"). Specifically, with respect to the deadline for filing notices of removal of Prepetition Actions (the "Prepetition Removal Deadline"), Bankruptcy Rule 9027 provides in pertinent part:

If the claim or cause of action in a civil action is pending when a case under the [Bankruptcy] Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the [Bankruptcy] Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the [Bankruptcy] Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

Fed. R. Bankr. P. 9027(a)(2).

15. Similarly, with respect to the deadline for filing notices of removal of Postpetition Actions (the “Postpetition Removal Deadline”), Bankruptcy Rule 9027 provides, in pertinent part:

If a claim or cause of action is asserted in another court after the commencement of a case under the [Bankruptcy] Code, a notice of removal may be filed with the clerk only within the shorter of (A) 30 days after receipt, through service or otherwise, of a copy of the initial pleading setting for the claim or cause of action sought to be removed, or (B) 30 days after receipt of the summons if the initial pleading has been filed with the court but not served with the summons.

Fed. R. Bankr. P. 9027(a)(3).

16. Bankruptcy Rule 9006 permits a court to extend the period to remove actions provided by Bankruptcy Rule 9027. Specifically, in pertinent part, Bankruptcy Rule 9006 provides:

[W]hen an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed.

Fed. R. Bankr. P. 9006(b)(1).

17. It is well settled that the Court is authorized, pursuant to Bankruptcy Rule 9006, to enlarge the removal period provided under Section 1452 and Bankruptcy Rule 9027. *See Pacor, Inc. v. Higgins*, 743 F.2d 984, 996 n.17 (3d Cir. 1984), *overruled on other grounds*, *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 134–35 (1995) (holding bankruptcy court’s power to grant extension of removal deadline pursuant to Bankruptcy Rule 9006(b) is “clear”); *Caperton v. A.T. Massey Coal Co., Inc.*, 251 B.R. 322, 325 (S.D. W.Va. 2000) (holding Bankruptcy Rule 9006 provides authority to enlarge time periods for removing actions under Bankruptcy Rule 9027); *In re Jandous Elec. Constr. Corp.*, 106 B.R. 48 (Bankr. S.D.N.Y. 1989) (same); *In re World*

Fin. Servs. Ctr., Inc., 81 B.R. 33, 39 (Bankr. S.D. Cal. 1987) (same); *Raff v. Gordon*, 58 B.R. 988, 990 (E.D. Pa. 1986) (same).⁴

18. Courts have regularly granted the relief requested herein in other chapter 11 cases. *See, e.g., In re Kal Freight Inc.*, Case No. 24-90614 (CML) [D.I. 832] (Bankr. S.D. Tex. Mar. 25, 2025) (extending time to file notices of removal of claims and causes of action by 90 days); *In re Tricida, Inc.*, Case No. 23-10024 (JTD) [D.I. 739] (Bankr. D. Del. Feb. 20, 2025) (extending time to file notices of removal of claims and causes of action by 180 days); *In re Fisker, Inc.*, Case No. 24-11390 (TMH) [D.I. 846] (Bankr. D. Del. Dec. 23, 2024) (extending time to file notices of removal of claims and causes of action by 120 days); *In re Augustus Intelligence Inc.*, Case No. 21-10744 (JTD) [D.I. 119] (Bankr. D. Del. Aug. 6, 2021) (180 days).

19. Certain of the Debtors are named parties in the Actions. At this time, it is unclear if any of the Actions may require removal and whether the Debtors will be required to do so as part of an eventual claims reconciliation process. This Motion is submitted to preserve the status quo through the Debtors' bankruptcies, and to permit the applicable parties to make any decisions regarding the removal of any Actions.

20. The Debtors' Chapter 11 Cases have been pending for less than two (2) months, during which time the Debtors have worked diligently on several time-sensitive matters critical to the maximization of value of the Debtors' Assets. The Debtors have made substantial progress in these undoubtedly complex Chapter 11 Cases. Specifically, the Debtors and their professionals have focused their attention on, among other things:

A. engaging with the prepetition secured lenders to obtain debtor in possession financing that is critical to ensuring uninterrupted business operations and sufficient

⁴ To supplement this authority, section 105(a) of the Bankruptcy Code grants the Court broad powers to enforce the Bankruptcy Code's provisions either under the specific statutory language of the Bankruptcy Code or under equitable common law doctrines. *See* 11 U.S.C. § 105(a) ("The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.").

funding for these Chapter 11 Cases;

- B. obtaining relief that has enabled the Debtors to continue operating their business in the ordinary course, including obtaining approval of a number of “first day” motions, “second day” motions, and retention applications;
- C. conducting a robust marketing and sale process of substantially all of the Debtors’ Assets pursuant to the Bidding Procedures Order;
- D. preparing the Debtors’ Schedules and Statements;
- E. stabilizing the Debtors’ business operations to maximize the value of the Debtors’ estates, including engaging with numerous key stakeholders in connection therewith; and
- F. preparing for and attending various hearings in these Chapter 11 Cases.

21. The Debtors continue to analyze existing Actions and may become aware of additional Actions in connection with proofs of claim that may be filed in these Chapter 11 Cases. Given the pressing nature of the Debtors’ needs early on in these Chapter 11 Cases, the Debtors simply need more time to evaluate the Actions to determine whether removal is appropriate.

22. Furthermore, the rights of any Debtors’ adversaries will not be prejudiced by the relatively short 120-day extension requested herein because such claims and actions are stayed under section 362 of the Bankruptcy Code, and because any party to any Action that is removed retains its right to seek to have that action remanded pursuant to Section 1452(b).

23. The Debtors submit that their request for a 120-day extension is reasonable, practical, and within the range of extensions granted by bankruptcy courts under similar circumstances. The Debtors believe that the time extension proposed herein will allow the Debtors to carefully consider, and make informed decisions concerning, the removal of Actions.

NOTICE

24. Notice of this Motion has been given to the following parties or, in lieu thereof, to their counsel, if known: (a) the Office of the United States Trustee for the Northern District of Georgia; (b) the Debtors’ prepetition and postpetition lenders and collateral agent; (c) counsel to

the Committee; (d) the United States Attorney for the Northern District of Georgia; (e) the Georgia Department of Revenue; (f) the Internal Revenue Service; (g) the states attorneys general for states in which the Debtors conduct business; (h) parties to the Actions; and (i) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

NO PRIOR REQUEST

25. No previous request for the relief sought herein has been made by the Debtors to this Court or any other court.

CONCLUSION

WHEREFORE, the Debtors respectfully request that this Court enter the Proposed Order granting the relief requested herein and such other and further relief as is just and proper.

Dated: April 23, 2025

Respectfully submitted,

GREENBERG TRAURIG, LLP

/s/ David B. Kurzweil
David B. Kurzweil (Ga. Bar No. 430492)
Matthew A. Petrie (Ga. Bar No. 227556)
Terminus 200
3333 Piedmont Road, NE, Suite 2500
Atlanta, Georgia 30305
Telephone: (678) 553-2100
Email: kurzweild@gtlaw.com
petriem@gtlaw.com

Counsel for the Debtors and Debtors in Possession

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

In re:

AFH AIR PROS, LLC, *et al.*,¹

Debtors.

Chapter 11

Case No. 25-10356 (PMB)

(Jointly Administered)

Re: Docket No. __

**ORDER EXTENDING THE TIME TO FILE
NOTICES OF REMOVAL OF RELATED PROCEEDINGS**

Upon the *Motion of the Debtors Pursuant to Federal Rule of Bankruptcy Procedure 9006(b) for Entry of an Order Extending the Time to File Notices of Removal of Related Proceedings* (the “Motion”);² and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this matter being a core proceeding pursuant to 28

¹ The last four digits of AFH Air Pros, LLC’s tax identification number are 1228. Due to the large number of debtor entities in these chapter 11 cases, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the claims and noticing agent at <https://www.veritaglobal.net/AirPros>. The mailing address for the debtor entities for purposes of these chapter 11 cases is: 150 S. Pine Island Road, Suite 200, Plantation, Florida 33324.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

U.S.C. § 157(b); and venue of these Chapter 11 Cases and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that due and adequate notice of the Motion has been given under the circumstances; and this Court having held a hearing (the “Hearing”) to consider the relief requested in the Motion; and upon the record of the Hearing, this Court having determined that there is good and sufficient cause for the relief set forth in this Order; and after due deliberation thereon,

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The period within which the Debtors may seek removal of the Actions pursuant to Section 1452 and Bankruptcy Rule 9027 is extended through and including October 13, 2025, without prejudice to the Debtors’ right to seek further extensions thereof.
3. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).
4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
5. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.
6. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

END OF DOCUMENT

Prepared and presented by:

GREENBERG TRAURIG, LLP

/s/ David B. Kurzweil

David B. Kurzweil (Ga. Bar No. 430492)

Matthew A. Petrie (Ga. Bar No. 227556)

Terminus 200

3333 Piedmont Road, NE, Suite 2500

Atlanta, Georgia 30305

Telephone: (678) 553-2100

Email: kurzweild@gtlaw.com

petriem@gtlaw.com

Counsel for the Debtors and Debtors in Possession