

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:) CASE NO. 20-20184
J.C. PENNEY DIRECT MARKETING) CHAPTER 11
SERVICES, LLC,)
and) MONDAY,
CARMALITA ANNUCH) MAY 13, 2024
Debtors) 10:01 A.M. TO 11:02 A.M.

IN RE:) CASE NO. 20-32021
WHITING PETROLEUM CORPORATION,) CHAPTER 11
Debtors) MONDAY,
) MAY 13, 2024
) 10:01 A.M. TO 11:02 A.M.

IN RE:) CASE NO. 20-32564
STAGE STORES, INC.,) CHAPTER 11
Debtors) MONDAY,
) MAY 13, 2024
) 10:01 A.M. TO 11:02 A.M.

IN RE:) CASE NO. 20-33239
CHESAPEAKE EXPLORATION, LLC,) CHAPTER 11
Debtors) MONDAY,
) MAY 13, 2024
) 10:01 A.M. TO 11:02 A.M.

IN RE:) CASE NO. 20-34758
TUG ROBERT J. BOUCHARD) CHAPTER 11
CORPORATION,) MONDAY,
Debtors) MAY 13, 2024
) 10:01 A.M. TO 11:02 A.M.

IN RE:) CASE NO. 20-35561
MULE SKY, LLC,) CHAPTER 11
Debtors) MONDAY,
) MAY 13, 2024
) 10:01 A.M. TO 11:02 A.M.

IN RE:) CASE NO. 21-30427
SEADRILL LIMITED,) CHAPTER 11
Debtors) MONDAY,
) MAY 13, 2024
) 10:01 A.M. TO 11:02 A.M.



APPEARANCES :

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Redirect Recross WITNESSES: Direct Cross
(NONE CALLED)

<u>EXHIBITS:</u>	Referenced	Admitted
Ex. No. 1	6	7
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HOUSTON, TEXAS; MONDAY, MAY 13, 2024; 10:01 A.M.

THE COURT: The A.M. docket, we've got a few matters here. I'd like to first call 20-20184, J.C. Penney Direct Marketing, here. If I could first call kind-of the wind-down Debtors, several motions that were set for hearing.

Ms. Chavez, if you can hit 5*, I will -- give me a second. I will log in and I will unmute your line. Give me one second.

(Pause in the proceedings.)

THE COURT: Ms. Chavez, can you hear me okay?

MS. CHAVEZ: Yes, Your Honor.

THE COURT: Okay. Good morning. Why don't you -- why don't we take up your matters first? And then I can turn to kind-of the Jackson Walker-related stuff.

MS. CHAVEZ: Sure. Good morning, Your Honor. For the Record, Jordan Chavez on behalf of the J.C. Penney Wind-Down Debtors.

I filed an amended agenda last week at Docket No. 1447, reflecting that I intend to go forward on four of the show-cause motions that we filed.

THE COURT: Okay.

MS. CHAVEZ: I also filed a Witness and Exhibit List at Docket No. 1446, so I'd like to move to admit Exhibits 1 through 7 at this time.

THE COURT: Okay. Any objection to the admission of

1 Exhibits 1 through 6 (sic) at Docket 1446?

2 (No response.)

3 THE COURT: All right, they're admitted.

4 MS. CHAVEZ: Thank you, Your Honor. Just for
5 clarity, 1 through 7.

6 THE COURT: Oh, 1 through 7. 1 through 7 are
7 admitted.

8 (Exhibits 1 through 7 received in evidence.)

9 MS. CHAVEZ: Thank you, Your Honor.

10 The first matter is Docket No. 1427, the Motion to
11 Enforce against Carol Lynnman and her counsel, Lauren Rosetch.

12 Ms. Lynnman has litigation against the Wind-down
13 Debtors pending in Illinois that was filed pre-petition. She
14 filed three proofs of claim in this case, which the Wind-down
15 Debtors objected to. Two claims were disallowed and one claim
16 was modified and allowed in the amount of \$300,000 pursuant to
17 an order from the Court sustaining the claim objection at
18 Docket No. 1011.

19 Ms. Lynnman has also been served with the pre-
20 confirmation pleadings in this case and the final Plan and
21 Confirmation Order. As reflected in Exhibit 4, we did try to
22 avoid filing this motion by sending correspondence to
23 Ms. Lynnman and her counsel, providing further notice of the
24 Confirmation Order and Plan injunction provisions, and
25 requested dismissal of the litigation.

1 Our efforts were unsuccessful, so the motion was
2 filed, but there were no responses or objections received, so
3 we filed a Certificate of No Objection and proposed order at
4 Docket No. 1442. So I would request that Your Honor grant the
5 motion and enter the proposed order requiring dismissal of the
6 State Court suit.

7 THE COURT: Okay. Anyone wish to be heard? Why
8 don't you hit 5* and I will unmute your line, in connection
9 with this particular matter.

10 (No audible response.)

11 THE COURT: Okay, so just give me one second. I'm
12 just pulling up your motion here.

13 Okay, so the Court now considers the Wind-down
14 Debtors' motion for entry of an order to show cause why Carol
15 Lynnman and their counsel, with respect to the Motion to
16 Enforce the Confirmation Order. The motion was filed at 1421.

17 There's been proper notice and service of that
18 motion. No responses were filed. The Court set this matter
19 for hearing. There's been proper notice of today's hearing.
20 No objections were filed.

21 The Court has considered the evidence and believes,
22 based upon the evidence presented before the Court and
23 statements of counsel, that there is a basis for relief. The
24 Court has also considered the independently-reviewed
25 Confirmation Order and the exhibits here, and relief is

1 appropriate. This does appear to violate the Confirmation
2 Order, so the Court will enforce its own Confirmation Order.
3 I will sign the proposed order at 1442, and that'll hit the
4 docket shortly.

5 Where do we go next?

6 MS. CHAVEZ: Thank you, Your Honor.

7 Next is Docket No. 1422, the Motion to Enforce
8 against Juan Bererra and his counsel, David Robertson, Jr.

9 Mr. Bererra was -- had pre-petition litigation
10 pending in Illinois. He was served with the pleadings in this
11 case, including the limited bar date order because he was
12 scheduled for a continent, unliquidated claim at zero dollars.

13 He did not file a proof of claim or any other
14 pleadings in the case. He was served with the Plan and
15 Confirmation Order. Exhibit 5 reflects that we sent
16 additional correspondence to Mr. Bererra and his counsel,
17 providing further notice of the Plan injunction and
18 Confirmation Order provisions.

19 We did not receive a response so we filed the
20 motion. There was no objection or other response to the
21 motion, so we filed a Certificate and a proposed order at
22 Docket No. 1443. And I'd request that Your Honor grant our
23 motion and enter that proposed order.

24 THE COURT: Okay. Again, I'm going to find that
25 before the Court now is the Motion filed at 1422 with respect

1 to Juan Bererra and their counsel. The Court finds that
2 there's been proper notice of this motion, filed by the Wind-
3 down Debtors and there's been proper notice of today's
4 hearing, as well.

5 No responses were filed. The Court has
6 independently reviewed the relief requested and the applicable
7 documents and finds that based upon the evidence, that there
8 is sufficient grounds to grant the relief requested. So I'm
9 going to grant the motion.

10 I'm going to sign the proposed order at Docket No.
11 1443.

12 Okay, where do we go next?

13 MS. CHAVEZ: Next is Docket No. 1424, the Motion to
14 Enforce against Monica Knighten (phonetic). Ms. Knighten has
15 prepetition litigation pending against the Wind-down Debtors
16 in Louisiana. She was served with the pleadings in the case,
17 including the limited bar date order. She was scheduled for a
18 zero dollar claim.

19 She filed an unliquidated claim, which the Debtors
20 objected to. The Court sustained that objection at Docket
21 No. 742, modifying it and allowing her unsecured claim for
22 \$25,000. She was served with all the pleadings related to
23 this motion. The Wind-down Debtors sent counsel additional
24 correspondence -- or not "counsel," sorry. Just Ms. Knighten,
25 and I believe she's not represented by counsel, Your Honor.

1 So we did provide her further notice of the Plan
2 injunction and Confirmation Order provisions, as reflected in
3 Exhibit 6. There was no response, and so this motion was
4 filed. We did not receive any objection or response to the
5 motion. We filed a Certificate of No Objection and a proposed
6 order at Docket No. 1444, and would ask that Your Honor grant
7 the motion.

8 THE COURT: Anyone wish to be heard with respect to
9 this motion? Please hit 5*.

10 (No audible response.)

11 THE COURT: Okay. The Court now considers the
12 motion filed by the Wind-down Debtors at Docket No. 1424 with
13 respect to Ms. Monica Knighten. The Court -- that motion was
14 filed on April 17th and there's been proper notice and service
15 of the hearing. No responses were filed.

16 The Court has independently reviewed the basis for
17 the relief requested and finds that the relief is appropriate.
18 The relief requested does violate the terms of the
19 Confirmation Order, and the Wind-down Debtors have a right to
20 file a motion to enforce it. No responses were filed.

21 Based upon the evidence presented to the Court, and
22 the Court's independent review, I will sign and approve the
23 proposed order that was filed with respect to this one, and
24 it's at 1444.

25 Okay, last one.

1 MS. CHAVEZ: Yes, Your Honor. Last on the agenda is
2 Docket No. 1425, the Motion to Enforce Against Tammy Crabtree
3 and her counsel, Robert Agiani (phonetic) and Corey Britt.
4 Ms. Crabtree has prepetition litigation pending in Kentucky
5 against the Wind-down Debtors. She was served with the
6 pleadings in this case, including the limited bar date order.
7 She filed an unliquidated claim, which the Debtors objected
8 to. The Court sustained that objection at Docket No. 742,
9 allowing a general unsecured claim in the amount of
10 \$22,748.35.

11 Ms. Crabtree was also served with the Plan and
12 Confirmation Order, and Exhibit 7 reflects that we did send
13 additional correspondence to Ms. Crabtree and her counsel,
14 providing further notice of the Plan Injunction and
15 Confirmation Order provisions.

16 Her counsel did initially respond to us and said
17 that they would see what was needed to be done to dismiss the
18 action, but despite several follow-up attempts, that are also
19 reflected in Exhibit 7, counsel has never responded to us and
20 has not dismissed the litigation, so the motion was filed and
21 no objection or other response was received to the motion. So
22 we filed a Certificate of No Objection and proposed order at
23 Docket No. 1445.

24 I did also want to call out to Your Honor that we
25 noted in the Motion to Enforce on this one, that there does

1 appear to be a pending motion to lift the automatic stay.
2 That was filed back at Docket No. 285 and it remains pending
3 but was never set for hearing. So we included language in the
4 proposed order, dismissing that motion as moot in order to
5 further clean up the docket and given that there's no longer a
6 stay in place. So I'd request that Your Honor grant our
7 motion to enforce and to dismiss the lift-stay motion, which
8 was submitted at Docket 1445.

9 THE COURT: Okay. Anyone wish to be heard? Please
10 hit 5*.

11 (No audible response.)

12 THE COURT: Okay. The Court finds that the relief
13 requested with respect to Ms. Crabtree is appropriate. There
14 was a proper motion filed before the Court for the Court to
15 consider, and there have been no objections filed to date.
16 There's been proper notice and service of this motion. The
17 motion was filed at Docket No. 1425, again on April 17th.

18 The Court grants the relief requested and finds that
19 it's appropriate. And I also appreciate the note. I did note
20 that there might be extra relief granted with respect to the
21 motion. Relief from stay, I believe is appropriate. It's
22 consistent with the relief requested here and consistent with
23 the Confirmation Order. So I'm going to grant the relief
24 requested there and I'm going to sign the proposed order that
25 was filed at Docket No. 1445.

1 So I did note, Ms. Chavez, that there were a couple
2 of additional motions that are going to get pushed out, it
3 looks like 'til June -- it looks like you want a date in June.
4 Is that right?

5 MS. CHAVEZ: Yes. We did get a date from Your
6 Honor's chambers for June 20th, so we adjourned the motion to
7 that date.

8 THE COURT: Okay. I will just then note for the
9 Record and make sure that my team knows that at 1447 on the
10 agenda, there are a number of matters that are being -- being
11 adjourned, and that is with respect to James Pierce
12 (phonetic), Maria Cruz, Alma Fisher. And it looks like one
13 matter's going to get withdrawn as well, and I will grant the
14 withdrawal of that motion.

15 So it sounds like the next time, Ms. Chavez, you and
16 I will see each other with respect to these motions, is
17 June 20th at 10:00 a.m.?

18 MS. CHAVEZ: That's correct, Your Honor, and that's
19 all for me today.

20 THE COURT: All right. Thank you very much.

21 MS. CHAVEZ: Thank you.

22 THE COURT: Okay. Let me now then call what I will
23 call the host of cases related to the Jackson Walker matter.
24 If -- I'll start in the courtroom and you can just make an
25 appearance and just let me know in which cases you are making

1 the appearance. And I know the Trustee will make them in all,
2 but just so we have a clean record.

3 Good morning.

4 MS. GARZA: Good morning, Your Honor. Vianey Garza
5 for the U.S. Trustee, making appearances in J.C. Penney Direct
6 Marketing Services, Whiting Petroleum Corporation, Stage
7 Stores, LLC, Chesapeake Energy Corporation, Rob -- or Tug
8 Robert J. Bouchard Corporation, Mule Sky, LLC Limited, Sitara,
9 Inc., Basic Energy Services, Inc., Sunguard As-New Holdings,
10 and I'm not sure if IEH Auto Parts will be part of this
11 initial part, but we will make an appearance in that.

12 THE COURT: Thank you. Good morning.

13 MR. BOLAND: Good morning, Judge. Jason Boland and
14 Maria Mokrzycka of Norton Rose Fulbright on behalf of the
15 Jackson Walker firm. I'm joined virtually with my partner,
16 Bill Greendyke, also of Norton Rose Fulbright, appearing in
17 each of the cases.

18 THE COURT: Okay. Good morning.

19 MR. GUERRERO: Good morning, Your Honor. Aaron
20 Guerrero with Bonds, Ellis, Eppich, Schafer, Jones, and I'm
21 here on behalf of David Dunn, as the Liquidation Trustee, and
22 Basic Energy Services, Inc., and Matthew Ray, the Plan
23 Administrator in Tug Robert J. Bouchard Corporation.

24 THE COURT: Thank you.

25 MR. LEMMON: Your Honor, Steve Lemmon, appearing on

1 behalf of Old Copper Company. I'll just refer to them as the
2 plan administrators of J.C. Penney.

3 THE COURT: Good morning. It took me a second
4 there.

5 Good morning.

6 MR. EISENBERG: Good morning, Your Honor. Phillip
7 Eisenberg with Locke Lord on behalf of Seadrill Limited, in
8 Case 21-30427.

9 THE COURT: All right. Mr. Eisenberg, who are you
10 representing?

11 MR. EISENBERG: Seadrill Limited.

12 THE COURT: Oh, you're representing Seadrill. Thank
13 you. Perfect, thank you.

14 Okay, anyone on the line wish to make an appearance?

15 Good morning. There's a 302 number and I just
16 unmuted.

17 MS. SLATER: Yes, good morning, Your Honor.
18 Stephanie Slater, Fox Rothschild, on behalf of the Plan
19 Administrator in the Katerra cases, Case No. 21-31861.

20 THE COURT: Okay, thank you.

21 There's an 814 number.

22 MS. CARNES: Good morning, Your Honor. Sarah Carnes
23 of Cole Schotz on behalf of Steven Balaciano, the Plan
24 Administrator appointed in the Stage Stores matter.

25 THE COURT: In which matter?

1 MS. CARNES: Stage Stores.

2 THE COURT: Ah, Stage. Okay, thank you.

3 There's a 713 number.

4 MR. GREEN: Good morning, Your Honor. This is Ken
5 Green for David Dunn, the Liquidation Trustee in Basic, and
6 Matthew Ray, the Plan Administrator in the Tug Robert J.
7 Bouchard. Mr. Guerrero is appearing; I'm just monitoring.

8 THE COURT: Sounds great. Good morning.

9 And here's a 361 number.

10 MR. JORDAN: Your Honor, Shelby Jordan. I'm calling
11 in connection with the J.C. Penney case, representing Paul
12 Pollard, David Scheer, Torey Darkey, Noah, James and Jacob
13 Scheer, and that's S-c-h-e-e-r. We filed a limited appearance
14 objecting to jurisdiction, and I'm not sure this was the --
15 this was your notice in the J.C. Penney case at Docket No.
16 1386.

17 THE COURT: Just give me a second.

18 You filed in -- you filed a limited notice of
19 appearance with respect to -- I think you said with respect to
20 jurisdiction?

21 MR. JORDAN: Yes, Judge. I filed that in this case
22 -- I mean, the Tug Bouchard case, both pursuant to the order
23 requiring parties to -- any party-in-interest who asserts a
24 standing for indispensable party status. We filed a limited
25 objection --

1 THE COURT: Oh, I see it. You filed yours at 1416.
2 I remember now. I'm seeing it now. Yeah.

3 MR. JORDAN: Yes, Judge, and there's another
4 companion one that was filed in the Tug Bouchard case, if that
5 is being heard today also, at 402. It's the limited
6 objection.

7 THE COURT: All right. Okay.

8 MR. JORDAN: Thank you.

9 THE COURT: All righty. I'm not sure who wants to
10 take the lead.

11 MR. BOLAND: Good morning again, Your Honor. Jason
12 Boland of Norton Rose Fulbright on behalf of the Jackson
13 Walker firm.

14 Your Honor, we're here today on the order requiring
15 parties-in-interest to assert standing or any essential party
16 status that Your Honor entered in the ten cases that are set
17 before you this morning, which was consistent with the orders
18 that have been entered in other cases, both in this Court and
19 Judge Rodriguez and Judge Lopez and Judge Isgur.

20 Your Honor, I'm happy to address this however you
21 would like. I might be able to short-circuit the hearing a
22 little bit, depending on what you want to hear from me. But
23 maybe what I could do is just to provide a very high level
24 overview of who filed what in respect of each of the cases,
25 and we can go from there, however Your Honor --

1 THE COURT: Yeah, why don't we do that. That might
2 be helpful.

3 MR. BOLAND: Sure. Your Honor, we'll start with the
4 short ones, and that's the Whiting Petroleum case, Case No.
5 20-32021, and the Mule Sky case, Case No. 20-35561. No
6 notices have been filed to date in those proceedings, Judge.

7 THE COURT: Okay.

8 MR. BOLAND: The next case, Your Honor -- and I'll
9 put this in the second group of cases, which is parties like
10 the Reorganized Debtor, Mr. Eisenberg's clients, or like the
11 Plan Administrators in other cases.

12 THE COURT: I know who you are.

13 MR. BOLAND: In other cases where we are not
14 objecting to their participation in the miscellaneous
15 proceedings, Judge, that they said they'd like to participate.

16 And those cases, Judge, Case No. 21-30427.

17 THE COURT: Uh-huh.

18 MR. BOLAND: In that case, the Reorganized Debtors
19 filed a Notice that we do not take issue with that.

20 SunGuard A.S. New Holdings case, Case No. 22-90018,
21 I believe the Plan Administrator in that case filed a notice
22 at Docket 1051. We do not take issue with that notice.

23 And then the last one that I would put in this
24 bucket would be the Stage Stores case, Case No. 20-32564.
25 Again, similar to SunGuard, the Plan Administrator filed a

1 notice in that proceeding, Judge.

2 In those cases -- that's five of them -- five of the
3 ten.

4 THE COURT: Uh-huh.

5 MR. BOLAND: I think those are pretty easy, Judge.
6 I'm not sure, frankly, there's much of a hearing to be held in
7 respect of those, since we're not disputing those that did
8 file a notice. And for those that didn't file a notice, I'm
9 not sure there's anything to say. But let me pause there to
10 see if Your Honor had any comments or --

11 THE COURT: No, let's just go through them all
12 and --

13 MR. BOLAND: Okay, sure. The next batch, Your Honor
14 -- I would say the next five cases are all somewhat similar,
15 and there's a special wrinkle with respect to the last two,
16 which is Tug -- the Tug Bouchard cases and the J.C. Penney, so
17 I'll talk about those last.

18 THE COURT: Uh-huh.

19 MR. BOLAND: Your Honor, in the other cases, there
20 were a couple of notices filed. The first one, Chesapeake
21 Exploration, Case No. 20-33239, the Reorganized Debtors did
22 not file a notice in that case. The Elisondros (phonetic)
23 parties did file a notice in that case, which we do take issue
24 with. And then another party --

25 THE COURT: That was in Chesapeake, right?

1 MR. BOLAND: That was in Chesapeake. Another party,
2 Mr. Ken Stewart, Your Honor, filed a letter at Docket 4520.
3 It's unclear what Mr. Stewart is asserting, Judge. It's a
4 letter that basically says he's looking for pertinent
5 information regarding his beneficiary ownership interest. You
6 know, out of an abundance of caution, we've treated that as a
7 Request for Standing, if you will. We would dispute that and
8 we can address that at the proper time. That's all that's
9 with Chesapeake, Judge.

10 The next case, Basic Energy, Case No. 21-90002, the
11 Liquidation Trustee filed a notice. We did not take issue
12 with that notice, Judge. And a company called Star Services,
13 who claims to be a creditor, also filed, again, a letter or a
14 pleading, if you will, that is at Docket No. 1826-1, and that
15 was actually filed as an exhibit to our brief because Star
16 Services mailed their letter to the Jackson Walker firm and
17 did not actually file it. So we filed it on the docket out of
18 an abundance of caution, similar to the Stewart notice, if you
19 will.

20 This one, again, says Basic Energy owes my company
21 the amount of \$90,000 and change. Again, they're not
22 asserting standing. They may or may not have interpreted
23 that, but we would take issue with that notice as well.

24 The next one, Judge, the Katerra case. Katerra is
25 Case No. 21-31861. We had two entities file a notice there.

1 The first one is the Plan Administrator, which they take issue
2 with. And then the second one is Eisenhauer, LLC, which is
3 also an undisputed creditor at Docket No. 2108.

4 Similarly, Your Honor, it looks like they got a form
5 from somewhere. Basis for claim says, "I believe I'm an
6 indispensable party or have a standing to seek compensation
7 due to, quote, "[provide specific reasons, legal arguments, or
8 evidence supporting your claim]." That was the substance of
9 the notice that Eisenhauer filed. We would obviously take
10 issue and dispute the Eisenhauer LLC party's standing.

11 The last two, Your Honor, in the Tug Bouchard case
12 and the J.C. Penney cases -- and to the extent we get into
13 these cases, Mr. Greendyke will handle those. The Tug
14 Bouchard case is Case No. 20-34758. The Plan Administrator
15 filed a notice in that case. The Jackson Walker firm does not
16 take issue with that notice.

17 And then as Mr. Jordan referenced, that is one of
18 the two proceedings where he filed a special appearance
19 objecting to this Court's jurisdiction.

20 And then the last court -- the last case, Judge, is
21 the J.C. Penney case, Case No. 20-20184. There are three
22 issues here. The first is the Plan Administrator filed a
23 notice, Your Honor. As before, we do not take issue with the
24 Plan Administrator. And Mr. Lemmon's client, Eric Moore, also
25 filed a notice which we dispute. And then Mr. Jordan, on

1 behalf of the host of clients, filed what he's calling a
2 special appearance.

3 So that is the high overview, Judge, of that.

4 THE COURT: Okay. Let me just open it up because I
5 know the Trustee has filed briefs in each one of these. And I
6 think I can move through the first five, and then we can kind
7 of walk through the other pretty quickly.

8 I will tell everyone today, and I'm going to put my
9 card on the table. I see today as who is kind of left. There
10 were a number of parties. We put the notice out and I
11 appreciate notice went out. I feel like parties -- the fact
12 that some parties responded gives me comfort that there was
13 notice provided to parties.

14 I did read the briefs filed, and I'm comfortable --
15 I'm taking no position with respect to the U.S. Trustee today.
16 I'm not making a call as to whether they're -- they filed a
17 motion and the process will play itself out. Today, the
18 question is, you know, am I requiring someone else to kind-of
19 join in voluntarily, who wants to come in.

20 So I'm just making -- taking that on the table. I'm
21 still -- I got it, that there could be issues down the line
22 and I can give them thought, but that's not a today issue.
23 The question is, which one of these parties here are we
24 considering to be quote/unquote "indispensable"? And I'll
25 hear from -- just wanted to give the Trustee -- you don't have

1 to defend your position today. I'm taking none on it and I'm
2 -- but with respect to anyone else, what are your thoughts?

3 MS. GARZA: Your Honor, I think our position has
4 been fairly consistent. We believe that no one's
5 indispensable; everyone has standing to participate, given the
6 nature of the action that we brought.

7 I did want to point out two things. As Mr. Boland
8 mentioned, there have been no notices filed by the Reorganized
9 Debtor in Chesapeake and no notices in Mule Sky. Jackson
10 Walker's still representing the Reorganized Debtors in those
11 cases, and we just wanted to confirm someone had a
12 conversation with the Debtors about what's going on in these
13 cases.

14 MR. BOLAND: Your Honor, I can address that.

15 THE COURT: Okay.

16 MR. BOLAND: In each of those cases, Your Honor, I
17 believe it was Mule Sky and Chesapeake, both the company and
18 Kirkland & Ellis Law Firm were both served with the original
19 motion and order in both of those cases.

20 THE COURT: I got it. Okay. Now, with respect to
21 Whiting and Mule Sky, I think the answer is the matter will
22 proceed as currently scheduled, all right? So no one else is
23 -- we don't need to inform Judge Rodriguez that anyone else is
24 going to be joining the party with respect to those two
25 matters, and it looks like things will proceed with respect to

1 your currently scheduled 60(b) motion and they'll continue.

2 With respect to the Seadrill, Sunguard and Stage
3 Stores, I think there are Plan Administrators who want to take
4 an active role and I've got zero issue with it. I know that
5 the United States Trustee doesn't either, so those three
6 matters, those parties will join in, and they always could, so
7 there was no question about whether they could.

8 And so -- now, let's take the other ones up one-by-
9 one, just so we can kind of pick those up.

10 Why don't we take -- well, let's take -- let's take
11 J.C. Penney kind-of at the last because I want to understand
12 Mr. Jordan's position a little bit more, and so I probably --
13 why don't we just kind of work through those together, the
14 first three? So why don't we -- I don't know, let's start
15 with Kattera. I'm just pulling one out. Well, why don't you
16 start one? I'll let you start.

17 MR. BOLAND: Well, Your Honor, if you'll let me
18 start, I'll start with Chesapeake, just because it's first on
19 my notes.

20 THE COURT: Okay.

21 MR. BOLAND: I'm really indifferent if --

22 THE COURT: Yeah. I read the Chesapeake additional
23 parties. I read those as parties preserving their rights to
24 receive a distribution and making sure. They're not really
25 seeking -- I mean, indispensable parties to participate in the

1 litigation. I think, quite frankly, Elisondro said they
2 weren't even -- they planned on not being active in the
3 litigation. And so they're simply going to wait and see what
4 happens in connection with the litigation. So I find that
5 none of the parties had filed additional notices who were
6 really, quite frankly, seeking that. And that's okay, and
7 I've got no issues with parties.

8 But I will state for the Record, and as we said in
9 the notice, any rights with respect to distribution, and as
10 the litigation proceeds, and we're not forcing anyone to be
11 actively active in the litigation as well, so I think their
12 position is exactly what they're asking me to do, which is to
13 not prejudice their ability to recover with respect to any
14 rights there -- anything that may come out of it.

15 And, again, those are two cases where there are
16 confirmed -- Chesapeake has a confirmed Plan on file and then
17 the Plan will say what it says, and the litigation will take
18 place in whatever form it does, and anything that comes out of
19 it will come through with respect to that. So I'm going to
20 deny, to the extent necessary, indispensable party status with
21 respect to the two parties that filed in Chesapeake.

22 But, again, I think I'm really just preserving their
23 rights, which is what they asked for in the first place.

24 So where do we go next?

25 MR. BOLAND: Thank you, Judge. And we read their

1 notices the same way.

2 Judge, Basic Energy, I would take up next.

3 THE COURT: Yeah, and Basic had -- remind me, I know
4 the Plan Administrator on there.

5 MR. BOLAND: Yeah, the Liquidation Trustee in
6 Basic --

7 THE COURT: There's no issues with the Plan
8 Administrator participating.

9 MR. BOLAND: Right. I believe that's Mr. Guerrero's
10 client.

11 THE COURT: Yeah. Mr. Guerrero, there's no issues
12 there. I'm just stating it for the Record. There's no -- you
13 don't -- I appreciate the participation today.

14 And who else filed in the --

15 MR. BOLAND: Your Honor, the other one that was
16 filed, Star Services of the Permian Basin, LLC. That's at
17 Docket 18 dash --

18 THE COURT: That's -- Star I'm denying. Star is
19 really trying to preserve rights to a claim and making sure
20 that their unsecured claim wasn't somehow prejudiced by
21 anything that we did here. That's the way I read it, and so
22 I'll preserve -- state for the Record that their rights are
23 preserved but, you know, I'm not forcing -- I'm not joining
24 them as an indispensable party, certainly without prejudice to
25 their rights to come in and tell me otherwise.

1 Okay, where do we go next?

2 MR. BOLAND: The Katterra case --

3 THE COURT: Okay.

4 MR. BOLAND: -- is next on my list. In that one, we
5 had the Plan Administrator, which we don't take issue with.
6 And then Eisenhower, LLC, which is the notice at 2108.

7 THE COURT: Right. So Katterra, Plan Administrator,
8 no issue participating, can always participate in this matter.
9 And quite frankly, I take some comfort that all the Plan
10 Administrators are involved in these cases, and I appreciate
11 that, and that they're represented by good counsel as well.

12 Eisenhower, I'm denying -- or I'm not joining them
13 in as an indispensable party. I think -- but quite frankly, I
14 think they're just trying to preserve their rights as well,
15 and that's the way I construed it.

16 All those that I'm not joining as indispensable
17 parties, it's not really a denial; I'm just not joining them
18 as indispensable parties I find without prejudice to their
19 ability to come back and ask me to do otherwise, but I'm
20 certainly finding that proceeds today.

21 Mr. Jordan, with respect to your clients, can you
22 help me, just so I have a clear understanding, kind-of where
23 your clients sit with respect to J.C. Penney and Tug Bouchard?
24 I suspect I know, but maybe it would help me to clarify where
25 things -- kind-of where your clients sit with respect to each

1 of those cases, and the basis that you are filing the notice?

2 MR. JORDAN: Yes, thank you, Judge. Shelby Jordan.

3 I may have taken the long way to reach the
4 conclusions that I think you're referencing in the other
5 parties' participation. But let me see if I can summarize it
6 to you. The parties that I have filed the limited appearance,
7 or special appearance, which I guess is left on the
8 (indiscernible), are Plaintiffs in Judge Moses -- Federal
9 District Judge Moses' court, which was --

10 THE COURT: Oh, yeah, yeah, yeah. I figured. Okay.
11 so they're involved in that separate litigation, and you want
12 to make sure that nothing I do here prejudices your rights to
13 go after them there.

14 MR. JORDAN: That's it.

15 THE COURT: I've got --

16 MR. JORDAN: Yes.

17 THE COURT: Now, that's a separate -- that's a
18 separate -- that's a separate claim. So nothing that -- now,
19 look, I'm -- I could make findings here with respect to what
20 people knew or didn't know, but I think that's -- your
21 litigation's a separate litigation pending before Judge Moses,
22 and I think -- I'm not in any way infringing on any rights of
23 any party there.

24 I think, you know, we're going to have to kind of
25 see and I -- in terms of what happens in that litigation and

1 findings there. The only thing I would say is, you know,
2 there could come a time where I guess Judge Moses can make
3 findings and somebody would try to bring them in here, or I
4 could make findings, and so I just -- I just want
5 -- I'm not requiring anyone -- I don't think anything -- by me
6 not joining you as an indispensable party, I don't think I'm
7 prejudicing your rights to proceed with respect to Judge
8 Moses, nor would I intend to do so.

9 I suspect Mr. Greendyke's not going to have an issue
10 with that, but I guess those litigations will proceed on
11 separate tracks, and if you don't want in here, you don't have
12 to. But this litigation will proceed and I'll make whatever
13 findings I make, and they will have whatever effect they have.
14 I think you're comfortable with that.

15 MR. JORDAN: Judge, I am comfortable with that. I
16 would like an order if there's a way the Court believes one
17 could be fashioned, because -- and I'm not sure that it could
18 be prevented that whatever your rulings are in this case could
19 be raised in Judge Moses' case. There was collateral
20 estoppel, res judicata issues, because in the things that
21 could come from your -- from your findings, and which we're
22 not resisting.

23 And as I read the order -- or the notice that you
24 sent out, you preserved -- your notice order says, "Failure to
25 file a notice will not preclude a party-in-interest from

1 receiving distributions under the confirmed Plan, and party-
2 in-interest does not need to take any further action to
3 preserve their rights under the confirmed Plan."

4 And, quite frankly, those are not going to be
5 litigated in Judge Moses' court, but what is going to be
6 litigated in Judge Moses' court is the liability of Jackson
7 Walker, which could include the liability for disgorgement of
8 fees, for other relief that non-Debtor parties suing non-
9 Debtor parties would have a right to ask for.

10 And the concern, of course, that we had with your
11 proceeding, not that I think as it stands that there is an
12 issue with jurisdiction over the fees Jackson Walker and the
13 U.S. Trustee's complaint, we are concerned that that would
14 give Jackson Walker some comfort that they can now use
15 whatever order you enter, whether its disgorgement, non-
16 disgorgement or otherwise, to go to defend the case in Judge
17 Moses' court, saying this has been ruled on already and they
18 don't -- there is no -- there is no right to disgorge money
19 and disgorge this portion -- or however that develops,
20 because --

21 THE COURT: So let me ask -- and maybe Mr. Greendyke
22 can help me understand. I've intentionally not paid close
23 attention to the litigation pending before Judge Moses. I've
24 got enough on my plate.

25 I'm kind of taking up a 60(b) on a 327 application,

1 which raises those issues of law. And if then I find that
2 Jackson Walker did not comply with 327 at the time, then I
3 think we then have to then ask. Then the second step is,
4 well, then what's the consequence of that? And then that
5 starts to raise 330, 328, 330 issues, right?

6 So is that implicated -- or, Mr. Greendyke, are we
7 going to run into potential issues where things could --
8 findings one way or -- could be used one way or the other in
9 either case. I don't know. The little I had seen from Judge
10 Moses is that they were, like, RICO claims, and I didn't know
11 if they were two ships sailing in the night or whether there
12 could be factual findings that could be made in either case.
13 Someone would be in a better position to know that than I do.

14 Oh, Mr. Greendyke, I guess I should unmute you
15 before I ask you -- after I ask you questions. There you are.

16 MR. GREENDYKE: Can you hear me?

17 THE COURT: Yes, just fine now. I apologize.

18 MR. GREENDYKE: No worries. I just made the --
19 raised my hand.

20 Judge, I think it's really important to see that
21 he's basically objecting to the jurisdiction of this Court to
22 do all the stuff that it's been doing for months. So
23 obviously, we think that's a big problem.

24 And in both of the motions, or special appearances
25 that were filed in Bouchard and in the J.C. Penney case, in

1 the last sentence in paragraph 8, under their argument, they
2 basically say the parties do not take the position that they
3 or he is an indispensable party, or that he or they have
4 standing in the litigation filed by the U.S. Trustee. So
5 they're basically just trying to get some type of protective,
6 you know, ruling from this court with regard to what's going
7 on between the two different cases.

8 We do not represent Jackson Walker in the
9 adversaries that are filed before Judge Moses. The Rusty
10 Hardin firm does. And so we're not actively involved in that
11 to speak about it, but we are actively involved in this
12 process and think that basically Mr. Jordan's client shouldn't
13 get any kind of relief here at all. So he's kind of raised
14 their hand, basically wanting some kind of permission to
15 proceed. And I think you need to do -- what you need to do in
16 connection with these core proceedings, based upon
17 Confirmation Orders and the confirmed plans in each of these
18 respective cases, and he needs to be subject to whatever
19 Kirkland & Ellis, you know, Rusty Hardin's firm for Jackson
20 Walker. Everybody does from Judge Moses, and I think they're
21 two separate things.

22 THE COURT: I view them as two separate things
23 either. And quite frankly, that's where I was trying to get
24 some clarity as to what Mr. Jordan said that I didn't have
25 jurisdiction. Clearly I do, right? And clearly I have

1 jurisdiction to handle a 60(b) on a 327 application in a
2 bankruptcy case. I mean, to suggest otherwise is -- well,
3 I'll just disagree that I don't. I think the Bankruptcy
4 Court's the only court that can, quite frankly, address 327
5 issues. That's about as core as it gets.

6 So, but if you don't want in, I won't require you as
7 an indispensable party, but the findings will be the findings,
8 and I think everybody's just going to have to kind of go with
9 it. And I got it, you can make a reservation of rights to
10 come back and argue that. You know, maybe your client
11 shouldn't have been subject to them, but I'm proceeding down
12 the road in Tug Bouchard and in -- and whatever findings get
13 made, get made with respect to that. And I got it, you may
14 come back at a later point in time and argue that, you know, I
15 shouldn't, but I'm just telling you my position now.

16 And, Mr. Jordan, I think you and your clients are
17 just going to have to figure out kind-of how you choose to
18 play this. But I didn't think you were suggesting that I
19 didn't have jurisdiction to consider a 327 -- or a Rule 60(b)
20 on a 327 matter, but I think you were just trying to make sure
21 that your client wasn't going to be subject to stuff.

22 And what I am saying is I don't -- if you don't
23 want, I won't find you as an indispensable party, requiring
24 you to participate in this litigation, but I think, just like
25 everyone else, I think everyone's going to have to live with

1 the findings that I make with respect to this and figure out
2 if they apply one way or the other.

3 MR. GREENDYKE: Judge, if I can -- can I add one
4 more comment about the Bouchard case?

5 THE COURT: Sure.

6 MR. GREENDYKE: In particular, I wanted to remind
7 the Court that on January 25th at 10:00 o'clock in the
8 morning, the Court had a status conference in connection with
9 this whole process of notice to essential parties and the
10 right to participate. On that day at that time, Mr. Charles
11 Kelly with the Mayer Brown firm, appeared in front of this
12 Court, on behalf of the Bouchard parties -- and I'm looking at
13 the transcript, page 6, lines 22 through 24.

14 Mr. Kelly says, "Good morning, Judge Lopez, Charles
15 Kelly with the law firm Mayer Brown. I'm only going to be
16 appearing In Re Tug Robert Bouchard matter."

17 Then at page 7, line 1 through (c) says, "I'm
18 appearing on behalf of one of the largest unsecured claimants
19 in Norton Bouchard, the Bouchard family trust, and the family
20 interest."

21 I kind of wonder if they're not already stuck in
22 this court based upon the claims that they filed in this case
23 and the fact that a lawyer already appeared on their behalf in
24 front of them -- in front of you, on behalf of these
25 interests. And for Mr. Jordan now to say, "Wait, we have no,

1 you know, vulnerability here at all," I think is incorrect.

2 MR. JORDAN: Well, if I might briefly respond,
3 Judge? To pick up your first comment, I'm not suggesting that
4 you don't have jurisdiction to do what is pending before you.
5 What is concerning me is if that jurisdiction were to involve
6 findings that would bind non-Debtor parties, litigating non-
7 Debtor parties, in the Federal District Court, as of now that
8 is -- that's an issue I think my argument preserves as a
9 matter of law because I'm arguing that you don't have
10 jurisdiction to do that.

11 And so, but I'm not -- on one of the parties, at
12 least from my perspective, I've never believed that that's a
13 jurisdictional argument, you wait 'til the appeals are raised.
14 And I wanted it to be raised here because, quite honestly,
15 this is new territory for me. And in looking at the Fifth
16 Circuit's Chesapeake Energy case, 70 S.4th 273, Judge Jones,
17 David Jones, really pulls back the core issue of what
18 jurisdiction that this Court has post, and our concern is
19 this, is that if you can make findings that bind Judge Moses,
20 then that's concerning to me. And I wanted to be certain that
21 we had made the arguments to you, especially the arguments
22 when -- to the credit store application or what is
23 -- this is post-confirmation. This is claims brought in
24 another court. These are claims brought by non-Debtors
25 against non-Debtors, not seeking property of the estates.

1 From that perspective, if there's something here
2 that you do that binds parties who are not -- who are not
3 indispensable parties, that is the jurisdictional concern that
4 I have. And so it -- you know, I don't mean to be academic
5 about a problem brought to you that has no -- that maybe has
6 no direct application to what you're doing and what you
7 propose to do, but it might be that's the problem, is that I
8 don't know what the answer to this is. I've not been in a
9 position where something as core as this, but is post-
10 confirmation, and it's brought for a purpose that might be
11 used by the Jackson Walker firm to say that, "Now, you can't
12 see me anymore because I've already had it. I've had my trial
13 and you had a chance to be here, and you should have been
14 there, and here's my findings, and here's the Court's ruling."

15 That really is the only reason I'm here. And I
16 don't -- and I don't mean to be saying that there's -- because
17 I don't have a particular request for relief in your court. I
18 just wanted to be certain that if these -- these issues are
19 raised, in particular if the District Court asks -- and I'm
20 not counsel of record in the District Court. I'm just
21 representing the lawyers that are and the friends that are.

22 If Judge Moses asked, "Well, did you ask the
23 Bankruptcy Judge?" At least I can raise my hand and say what
24 I did, and he heard my arguments and here's what I argued, and
25 here's what he found, but these were all raised at that point

1 in time.

2 So if that's -- if that's belts and suspenders and
3 works, then I apologize, but that's really what my concern is.

4 THE COURT: Well, here's what we're going to do.
5 I'm going to give a little bit more thought to Tug, just with
6 respect to your clients. Everything else stays the same, but
7 nothing that we're doing today is going to kind-of push or
8 change any of the discovery deadlines that are set forth in --
9 with whatever Judge Rodriguez has. And we're going to set a
10 hearing and we're going to try this.

11 Quite frankly, I don't -- when is discovery over?
12 When are we having a hearing on this, by the way?

13 MS. GARZA: So discovery opens on May 15th and ends
14 on October 10th.

15 THE COURT: Okay.

16 MS. GARZA: Currently.

17 THE COURT: And when should we have a -- when should
18 we tentatively schedule something? When are we going to be in
19 a position to do that?

20 MR. BOLAND: As far as a trial?

21 THE COURT: Uh-huh. I mean, we don't have to do it
22 today, but I don't -- what I don't want to do is wait 'til
23 July to start picking dates in November, if that's what we're
24 doing.

25 Discovery's over in October?

1 MS. GARZA: Yes.

2 THE COURT: Well, we ought to just start thinking
3 about dates, then, and just picking -- at least having
4 something there. The reason I'm saying that is, it sounds
5 like if we're going to have to block off days, I'd rather
6 block them off now than start waiting until August, and things
7 get a little busy around here and, you know, November starts
8 to bring in other dates into mind and holidays and all that
9 stuff. Whatever we do, we just ought to pick a date and have
10 it there. I think parties tend to work good when there's
11 deadlines anyway.

12 So let's just start giving some thoughts and maybe
13 we can just -- I really, quite frankly, want to block off some
14 days, and I got it. There may need to be some coordination
15 with Judge Isgur and all that stuff, but maybe we can just
16 start thinking about it. What I don't want to do is have
17 someone call me in October to start picking dates, because
18 then that starts to look like 2025, and I'm going to answer
19 these questions, if it's left up to me, in 2024. I don't
20 think it's that complicated, but maybe I'll be proven wrong.

21 MS. GARZA: And, Your Honor, I think part of why we
22 haven't talked about dates is we're not sure how the Courts
23 want to proceed on all of these matters. Obviously, each one
24 is an individual case, but obviously there's substantive
25 factual overlap between many of them.

1 We weren't sure how the Courts wanted to handle
2 that. Obviously, it's before -- primarily before you and
3 Judge Isgur, but Judge Rodriguez does have another case which
4 he's already scheduled for a 2025 hearing for trial setting.
5 I think that was part of the issue.

6 THE COURT: Got it. Well, you know what? I will --
7 I'll give that some thought, too, and I'd be interested if the
8 partise had any thoughts as well, in terms of -- because I've
9 got a number of them. And you're right, every case was filed
10 on a particular different date, and so there could be stages
11 of information or stages of disclosure based upon what
12 happened at what time, and level of involvement, and who else
13 that was involved, and whether it was just -- so I'll go home
14 -- I'll do some studying. Maybe we set something, I don't
15 know, in the next 45 days or so, and we can kind of just pick
16 back up.

17 Mr. Jordan, I'm going to owe you an answer, so maybe
18 I'll schedule something in the next -- just give me a little
19 bit of time. Maybe I'll schedule something in the next
20 30 days and we can all kind of get that back and give some
21 thought to it. I mean, if it's up to me, we're going to do
22 something in November or I don't -- unless you all tell me
23 different.

24 If this is like the end of October, it'll be
25 sometime in November where we have a hearing on this. I'm not

1 doing this in 2025. I'm just getting everyone really
2 comfortable. That may ruin some plans, but I plan on holding
3 a hearing. I don't -- maybe I can be proven wrong on that.
4 I've just got a bunch of -- things are so complicated and so
5 factually intensive, that we're going to need -- I plan on
6 blocking out a week, and if we need the whole week, we'll take
7 the week. And if we don't, we just won't.

8 But that's my goal, is to just have a week, and we
9 just kind of take it up, and maybe we take it up in stages and
10 what, but my gut tells me -- it sounds like we ought to do
11 this at least in -- think about phase one being the disclosure
12 issue, the 327 core issue, and then stage two, as a result of
13 that, then we have to start thinking about, you know, fees and
14 who gets what under the Plan, under every confirmed Plan, and
15 things of that nature, and go in that -- down that road if
16 there's other issues that come up. But at least we've got a
17 date. I know that'll be a phase one.

18 The question is, can I do phase one and phase two at
19 the same time? I don't know enough or I haven't thought that
20 far in advance, but maybe I start -- should start doing this.
21 But, at a minimum, maybe we deal with the issue of in each
22 case, the disclosure issue, the 327 issue, and then we'll see
23 where things go.

24 MR. BOLAND: Your Honor, and if Your Honor's going
25 to set a hearing in 30 or 45 days, we're happy to have

1 discussions with the U.S. Trustee to see if --

2 THE COURT: And your new parties.

3 MR. BOLAND: And our new parties, to see if there's
4 a proposal.

5 Your Honor, just one last comment. If you are going
6 to take Mr. Jordan's comments under consideration, I think we
7 just want you to highlight paragraph 13 of the Confirmation
8 Order, which has a collateral attack/gatekeeper provision. I
9 just want to be -- you to be --

10 THE COURT: No, no, no, no. I agree with that. I
11 agree with that. No, I'm going to think about it because I
12 think -- I'm thinking one way or the other. I think Judge
13 Moses would want to know what -- to have a clear, cogent
14 answer from the Court, and that's what I intend to -- I don't
15 think I need to write a ten-page decision on it or anything
16 like that, but I do think there ought to be a clear statement
17 that everybody -- the parties who were involved in that
18 litigation, can hear exactly my thoughts laid out in a page
19 that could, I think, kind of walk the parties through, and at
20 least Judge Moses knows exactly what my thoughts were very
21 specifically, and doesn't have to kind-of hunt through a
22 transcript to figure out exactly whatever it is. It's more of
23 that, I think.

24 But I'm not changing my thoughts on whether I have
25 jurisdiction to handle this dispute and things of that nature.

1 The question is just more -- just for the District Court and
2 for some of the lawyers who may be involved there who are
3 getting kind-of guidance as to my views. And then people can
4 react one way or the other.

5 Mr. Lemmon?

6 MR. LEMMON: Your Honor, I'm not trying to borrow
7 trouble, but I do want to point out one thing regarding J.C.
8 Penney as opposed to Bouchard.

9 THE COURT: Uh-huh.

10 MR. LEMMON: I have reviewed the Complaint filed by
11 Mr. Bouchard and he alleges specific things that happened to
12 him as -- in the case, and then alleges that those had
13 something to do with this issue, the Jackson Walker issue.

14 To the best of my knowledge, the -- what I call the
15 Scheer parties, who are bondholders in the J.C. Penney's case,
16 have not filed a complaint yet. I don't know what they're
17 going to allege, but there's a distinction, I believe -- and I
18 don't want to lay behind the law, and I don't know what
19 position my clients are going to take, between someone who
20 alleges a direct harm to himself as a result of a non-
21 disclosure.

22 THE COURT: Mr. Bouchard individually.

23 MR. LEMMON: Mr. Bouchard individually.

24 THE COURT: As opposed to bondholders.

25 MR. LEMMON: As opposed to bondholders. And I --

1 what -- the one thing that I would prefer not to see is
2 something from this Court that would pre-judge the issue of
3 whether or not that's a derivative claim and --

4 THE COURT: I agree with you. I'm not going down
5 that road.

6 MR. LEMMON: And what I also don't want is findings
7 in that case to be binding on my client and any rights that it
8 has with respect to matters before this Court.

9 THE COURT: No, I agree. And it's kind of where I'm
10 going with respect to all these -- those two cases. I think I
11 need to clearly lay out my position, which tells me I want to
12 go back and do a little homework and understand where
13 Mr. Jordan's clients sit within each case and what they're
14 asking for, and the nature of those matters, and provide a
15 clear statement in both cases. I think that's -- I think
16 that's what my goal is.

17 MR. LEMMON: Thank you, Your Honor.

18 THE COURT: I'm not deciding anything.

19 MR. GUERRERO: Yes, Your Honor. We have the same
20 concerns in Bouchard, especially with respect to any
21 preclusive effect that any findings in Judge Moses' proceeding
22 has on the Plan Administrator here.

23 The other issue, you know, I know you're taking it
24 under advisement, but considering we're now an indispensable
25 party in this, we might want to provide briefing on this issue

1 as well. The position of the Plan Administrator. If we could
2 at least have some time to provide our position to the Court
3 on the issues raised by Mr. Jordan.

4 THE COURT: Well, no, I've got no issues. I've got
5 no issues there. And what I'm going to do is set a date. I
6 think I'll pick a date where we can all kind of come back. I
7 need to just kind of take a look at my calendar. I just got
8 back in town. I just want to take a look at my calendar, but
9 it'll be, I think, 30 days-ish from now, so if you want to get
10 something on file, I'll kind of give a date there as well. If
11 anybody wants me to read anything, file it by this date.

12 MR. GUERRERO: Okay.

13 THE COURT: Okay?

14 MR. GUERRERO: Thank you, Your Honor.

15 THE COURT: But, again, don't look for -- don't look
16 for the Magna Carta on what I'm going to do here. It's just
17 to clearly articulate a position that I think folks can then
18 take back to the District Court and help Judge Moses
19 understand. And, quite frankly, all the other parties as
20 well. Okay?

21 MR. GUERRERO: Thank you, Your Honor.

22 THE COURT: All right. Thank you very much,
23 everyone.

24 Yes?

25 MR. BOLAND: Your Honor, one thing with respect to

1 the J.C. Penney case, and Mr. Greendyke can handle it to the
2 extent Your Honor has questions. Eric Moore also filed a
3 notice.

4 THE COURT: Oh, yeah, I saw that. It's in the same
5 position.

6 MR. BOLAND: Same position as?

7 THE COURT: With Eisenhower and those folks. Yes.

8 MR. BOLAND: That's our view.

9 THE COURT: Yes. No, no, no, no. Eric Moore.
10 Anyone else? I'm only -- no one else. I'm not finding anyone
11 else is an indispensable party other than the Plan
12 Administrators, quite frankly in this case, and I will -- just
13 giving some additional thought to provide a clear guidance
14 with respect to Mr. Jordan's clients. That's it. Everyone
15 else, I'm not joining.

16 MR. BOLAND: Understood, Judge. I just wanted --

17 THE COURT: Okay. No, no, I appreciate your
18 mentioning it.

19 All right, folks. Thank you very much. I'm going
20 to turn to my 11:00 o'clock case. Everyone is excused. No
21 need to --

22 MR. BOLAND: Sure.

23 (Hearing concluded at 11:01 a.m.)

24

25

* * * * *

1 I certify that the foregoing is a correct transcript
2 to the best of my ability produced from the electronic sound
3 recording of the proceedings in the above-entitled matter.

4 /S./ MARY D. HENRY

5 CERTIFIED BY THE AMERICAN ASSOCIATION OF
6 ELECTRONIC REPORTERS AND TRANSCRIBERS, CET**337
7 JUDICIAL TRANSCRIBERS OF TEXAS, LLC
8 JTT TRANSCRIPT #68662
9 DATE FILED: MAY 29, 2024

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS**

In Re: Auto Plus Auto Sales LLC and IEH BA LLC
Debtor

Case No.: 23-90055

Chapter: 11

NOTICE OF FILING OF OFFICIAL TRANSCRIPT

An official transcript has been filed in this case and it may contain information protected under the E-Government Act of 2002, and Fed. R. Bank. P. 9037.

Transcripts will be electronically available on PACER to the public 90 days after their filing with the court. To comply with privacy requirements of Fed. R. Bank. P. 9037, the parties must ensure that certain protected information is redacted from transcripts prior to their availability on PACER.

If redaction is necessary, the parties must file a statement of redaction listing the items to be redacted, citing the transcript's docket number, the item's location by page and line, and including only the following portions of the protected information. This statement must be filed within 21 days of the transcript being filed. A suggested form for the statement of redaction is available at <https://www.txs.uscourts.gov/>.

- the last four digits of the social security number or taxpayer identification number;
- the year of the individual's birth;
- the minor's initials;
- the last four digits of the financial account number; and
- the city and state of the home address.

Any additional redaction requires a separate motion and Court approval.

A party may review the transcript at the Clerk's Office public terminals or purchase it by following the instruction on our website at <https://www.txs.uscourts.gov/> or by calling (713) 250-5500 . A party is only responsible for reviewing the:

- opening and closing statements made on the party's behalf;
- statements of the party;
- testimony of any witness called by the party; and
- any other portion of the transcript as ordered by the court.

Redaction is your responsibility. The Clerk, court reporter, or transcriber will not review this transcript for compliance.

Nathan Ochsner
Clerk of Court