

Presentment Date: June 30, 2023 at 12:00 p.m. (Prevailing Eastern Time)
Objection Deadline: June 27, 2023 at 4:00 p.m. (Prevailing Eastern Time)

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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

..... X
In re: : Chapter 11
: :
JCK LEGACY COMPANY, *et al.*, : Case No. 20-10418 (MEW)
: :
Debtors.¹ : (Jointly Administered)
: :
..... X

**NOTICE OF PRESENTMENT OF SUCCESSOR GUC
RECOVERY TRUSTEE’S MOTION FOR ENTRY OF AN
ORDER EXTENDING CLAIMS OBJECTION DEADLINE**

PLEASE TAKE NOTICE that upon the annexed *Successor GUC Recovery Trustee’s Motion for Entry of an Order Extending Claims Objection Deadline* (the “**Motion**”), the undersigned counsel will present for entry of the proposed order (the “**Proposed Order**”) attached to the Motion as **Exhibit A** to the Honorable Michael E. Wiles, Courtroom 617, at the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”), One Bowling Green, New York, New York 10004, on **June 30, 2023 at 12:00 p.m. (ET)**.

¹ The Debtors in these chapter 11 cases and the last four characters of each Debtor’s tax identification number are: JCK Legacy Company (0478) and Herald Custom Publishing of Mexico, S. de R.L. de C.V. (5UZ1). The location of the Successor GUC Recovery Trustee’s service address for purposes of these chapter 11 cases is: 110 East 42 Street, Suite 1818 New York, NY 10017.



PLEASE TAKE FURTHER NOTICE that any objection to entry of the Proposed Order must be filed on or before **June 27, 2023 at 4:00 p.m. (ET)** (the “**Objection Deadline**”) with the Bankruptcy Court. At the same time, you must serve a copy of any objection by the Objection Deadline upon the undersigned counsel to the movant and to:

- (a) The Debtors, JCK Legacy Company, c/o FTI Consulting, Inc., 1201 W. Peachtree Street, NW, Suite 500, Atlanta, Georgia 30309, Attn.: Sean M. Harding (sean.harding@fticonsulting.com);
- (b) Counsel for the Plan Administration Trustee, Skadden, Arps, Slate, Meagher & Flom LLP, One Manhattan West, New York, New York 10001, Attn.: Shana A. Elberg (shana.elberg@skadden.com) and Bram A. Strohlic (bram.strohlic@skadden.com), 300 South Grand Avenue, Suite 3400, Los Angeles, California 90071, Attn.: Van C. Durrer, II (van.durrer@skadden.com), and Destiny N. Almogue (destiny.almogue@skadden.com) and 525 University Avenue, Palo Alto, California 94301 Attn.: Jennifer Madden (jennifer.madden@skadden.com);
- (c) Co-counsel for the Plan Administration Trustee, Togut, Segal & Segal LLP, One Penn Plaza, Suite 3335, New York, New York 10119, Attn.: Albert Togut (altogut@teamtogut.com) and Kyle J. Ortiz (kortiz@teamtogut.com);
- (d) The GUC Recovery Trust, c/o Development Specialists, Inc., 500 West Cypress Creek Road Suite 400 Fort Lauderdale, Florida 33309, Attn.: Yale Scott Bogen (YBogen@DSIConsulting.com);
- (e) The Office of the United States Trustee, U.S. Federal Office Building, 201 Varick Street, Room 1006, New York, New York 10014, Attn.: Benjamin J. Higgins and Brian S. Masumoto; and
- (f) Any party that has requested notice pursuant to Bankruptcy Rule 2002;

Only those objections made in writing and timely filed in accordance with the above procedures will be considered by the Bankruptcy Court.

PLEASE TAKE FURTHER NOTICE THAT if no objections are received by the
Objection Deadline, the Proposed Order may be signed and entered without notice.

Dated: June 23, 2023
New York, New York

/s/ Leo T. Crowley
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Counsel for Successor GUC Recovery Trustee

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In re:	:	Chapter 11
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JCK LEGACY COMPANY, <i>et al.</i> ,	:	Case No. 20-10418 (MEW)
	:	
Debtors. ¹	:	(Jointly Administered)
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.....	X	

**SUCCESSOR GUC RECOVERY TRUSTEE’S MOTION FOR ENTRY
OF AN ORDER EXTENDING CLAIMS OBJECTION DEADLINE**

Yale Scott Bogen, in his capacity as successor trustee of the JCK Legacy GUC Recovery Trust (the “**Successor GUC Recovery Trustee**”), by and through undersigned counsel, submits this motion (the “**Motion**”) for entry of an order (the “**Proposed Order**”) substantially in the form attached as **Exhibit A**, extending the deadline to file objections to proofs of claim. In support of the Motion, the Successor GUC Recovery Trustee states as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Southern District of New York (“**Court**”) has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334, and the *Amended*

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Standing Order of Reference M-431, dated January 31, 2012 (Preska, C.J.). This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

3. The bases for relief the requested are section 105 of title 11 of the United States Code (the “**Bankruptcy Code**”), Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 9074-1(b)(2)(K) of the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for the Southern District of New York, applicable to any other type of motion ordered by this Court, in particular, sections 1.36 and 8.3 of the Plan herein authorize extensions of the claims objection deadline without notice.

INTRODUCTION

4. The Successor GUC Recovery Trustee requests an extension of the claims objection deadline to **December 30, 2023**. Another extension is necessary to preserve the Successor GUC Recovery Trustee’s right to assert any objection to claims if new facts arise that may warrant an objection and preserve recoveries for valid unsecured creditors. The proposed extension period also avoids the need for requests in the near term and contemplates the possibility that the Internal Revenue Service (“**IRS**”) will distribute the tax refund, which represents a significant source of recovery unsecured creditors, within the extension period.

BACKGROUND

5. On February 13, 2020 (the “**Petition Date**”), The McClatchy Company and certain of its affiliates (the “**Debtors**”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. The chapter 11 cases have been jointly administered for procedural purposes, and some cases remain pending.

6. On May 21, 2020, the Bankruptcy Court entered an *Order Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof*, and set July 10, 2020, at 5:00 p.m. (ET) (the “**Bar Date**”), as the deadline for creditors to file proofs of claim.

7. On September 25, 2020, the Bankruptcy Court entered the *Findings of Fact, Conclusions of Law, and Order Approving the Disclosure Statement and Confirming the First Amended Joint Chapter 11 Plan of Distribution of JCK Legacy Company and its affiliated Debtors and Debtors in Possession*. The Debtors’ chapter 11 plan became effective on September 30, 2020 (the “**Effective Date**”).

8. The Successor GUC Recovery Trustee is authorized to review, object to, settle, resolve, or withdraw any objection to all general unsecured claims. Plan, § 8.2. *See* GUC Recovery Trust Agreement, § 2.2(i). Section 1.36 of the Plan defines the “Claims Objection Deadline” as “(a) the day that is the later of (i) the first Business Day that is at least one (1) year after the Effective Date and (ii) as to proofs of claim filed after an applicable Bar Date, the first Business Day that is at least 180 days after a Final Order is entered deeming the late filed claim timely filed or (b) such later date as may be established by the Bankruptcy Court upon request of the GUC Recovery Trust, without further notice to other parties in interest.” Section 8.3 of the Plan also provides for extension of the claims objection deadline at “such later date as may be established by the Bankruptcy Court upon request of the Successor GUC Recovery Trustee, as applicable, without further notice to parties in interest.”

9. The original claims objection deadline was September 27, 2021. Since then, the claims objection deadline has been extended to March 27, 2022, December 31, 2022, and the current deadline of June 30, 2023, without prejudice to seek further extensions. *See* Docket Nos. 1234, 1402, and 1532. Because there have been multiple extensions in the past, the Successor

GUC Recovery Trustee is proceeding by notice of presentment.² Shortly before he passed away, the previous GUC Recovery Trustee instructed this filing, which could not have done until his successor was installed.

RELIEF REQUESTED

10. The Successor GUC Recovery Trustee requests entry of the Proposed Order extending the claims objection deadline to December 30, 2023.

DISCUSSION

11. Except for certain time periods not applicable here, Bankruptcy Rule 9006 provides that “when an act is required or allowed to be done within a specified period by these rules or by a notice given thereunder or by order of the court, the court for cause shown may at any time in its discretion . . . 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). *See In re Enron Corp.*, 2003 WL 1889042, at *3 (Bankr. S.D.N.Y. 2003) (“Upon a proper showing, Rule 9006(b)(1) authorizes the Bankruptcy Court to enlarge the time in which a party is required to act”). Section 105 of the Bankruptcy Code also authorizes the Court to “issue any order . . . that is necessary or appropriate to carry out the provisions” of the Bankruptcy Code. 11 U.S.C. § 105(a). Section 1142(b) of the Bankruptcy Code authorizes the court to “direct the debtor and any other necessary party . . . to perform any . . . act . . . that is necessary for the consummation of the plan.” 11 U.S.C. § 1142(b).

12. Courts in this district, including this Court, have granted requests to enlarge the time by which a party may object to claims. *See, e.g., In re Centric Brands, LLC*, No. 20-22637 (SHL) (Bankr. S.D.N.Y. March 30, 2021) (ECF No. 849); *In re Glansaol Holdings, Inc.*, No. 18-

² The Case Management Procedures Order allows the Successor GUC Recovery Trustee to present the Proposed Order if it is filed and served “at least seven (7) calendar days before the presentment date.” Docket No. 106.

14102 (MEW) (Bankr. S.D.N.Y. March 2, 2020) (ECF No. 596); *In re KIT digital, Inc.*, No. 13-11298 (REG) (Bankr. S.D.N.Y. August 5, 2014) (ECF No. 590).

13. The previous GUC Recovery Trustee worked since the Effective Date to resolve or object to multiple categories of claims, including pension, trade and defamation claims, scheduled claims duplicative of filed claims, and class action claims relating to mileage expense reimbursement. Those efforts resulted in a reduced claims pool and improved recoveries for unsecured creditors. Considering these efforts, and the potential for claim objections if new facts come to light that may warrant an objection, the Successor GUC Recovery Trustee believes it is necessary to extend the claims objection deadline. Another extension will not prejudice the Debtors' estates and unsecured creditors, but rather ensure that all proper claims objection, if any, are asserted to preserve recoveries for unsecured creditors. In addition, the relief requested contemplates the possibility that the IRS will distribute the refund within the proposed extension period and avoids the need for additional requests in the near term. As noted in prior motions, the IRS and the Joint Committee of Taxation approved the tax refund on September 26, 2022 and November 4, 2022, respectively. In April, the Successor GUC Recovery Trustee was informed that the refund would be distributed in approximately six weeks, but it has not been distributed as of the date hereof.

14. In sum, the relief requested is in the best interests of the Debtors' estates and the GUC Recovery Trust, and unsecured creditors will not be harmed by the proposed extension.

NOTICE

15. Notice of this Motion will be provided to all parties entitled to receive notice pursuant to Bankruptcy Rule 2002. The Successor GUC Recovery Trustee submits that no other or further notice is required.

CONCLUSION

WHEREFORE, the Successor GUC Recovery Trustee requests that the Court: (a) enter the Proposed Order attached as **Exhibit A**, extending the claims objection deadline to December 30, 2023; and (b) grant such other and further relief as the Court deems necessary and appropriate.

Dated: June 23, 2023
New York, New York

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Counsel for Successor GUC Recovery Trustee

Exhibit A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

.....	X	
In re:	:	Chapter 11
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JCK LEGACY COMPANY, <i>et al.</i> ,	:	Case No. 20-10418 (MEW)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
.....	X	

**ORDER GRANTING SUCCESSOR GUC RECOVERY TRUSTEE’S
MOTION TO EXTEND CLAIMS OBJECTION DEADLINE**

Upon notice of presentment of the motion (the “**Motion**”) of Yale Scott Bogen in his capacity as successor trustee of the GUC Recovery Trust,² for entry of an order extending the deadline to object to claims (the “**Claims Objection Deadline**”); and the Court having jurisdiction under 28 U.S.C. §§ 157 and 1334 to consider the Motion and relief requested; and the Motion and relief requested being a core proceeding under 28 U.S.C. § 157(b)(2); and venue being proper before this Court under 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and it appearing that no other notice is needed; and such relief being in the best interest of the Debtors’ estates and its creditors, and the GUC Recovery Trust; and the Court having considered all papers submitted; and for good cause shown;

It is hereby **ORDERED** that:

1. The Motion is **GRANTED**;
2. The Claims Objection Deadline is extended to December 30, 2023, without prejudice to seek further extensions; and

¹ The Debtors in these chapter 11 cases and the last four characters of each Debtor’s tax identification number are: JCK Legacy Company (0478) and Herald Custom Publishing of Mexico, S. de R.L. de C.V. (SUZ1). The location of the Successor GUC Recovery Trustee’s service address for purposes of these chapter 11 cases is: 110 East 42 Street, Suite 1818 New York, NY 10017.

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

3. The Court shall retain jurisdiction over any matter arising from or related to the implementation of this Order.

Dated: June __, 2023
New York, NY

Honorable Michael E. Wiles
United States Bankruptcy Judge