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capacity as Liquidating Trustee for the
TEUM Liquidating Trust*

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

In re:

PARETEUM CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 22-10615 (LGB)

(Jointly Administered)

**SECOND MOTION OF ANTHONY M. SACCULLO, IN HIS CAPACITY AS
LIQUIDATING TRUSTEE FOR THE TEUM LIQUIDATING TRUST, FOR ENTRY OF
AN ORDER EXTENDING THE TIME TO FILE OBJECTIONS TO CLAIMS**

TO: THE HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE

Anthony M. Saccullo, in his capacity as Liquidating Trustee for the TEUM Liquidating Trust (the “Trustee”) hereby moves (the “Motion”), pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), and Rule 9006(b)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for entry of an order substantially in the form attached hereto as Exhibit A (the “Proposed Order”) extending the Claims

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if applicable, are: Pareteum Corporation (7538); Pareteum North America Corp. (f/k/a Elephant Talk North America Corp.) (9623); Devicescape Holdings, Inc. (2909); iPass, Inc. (4598); iPass IP LLC (2550); Pareteum Europe B.V.; Artidium Group Ltd. (f/k/a Artidium PLC); Pareteum Asia Pte. Ltd.; and Pareteum N.V. (f/k/a Artidium N.V.) (collectively, the “Debtors”) The mailing address of the Debtors, solely for the purposes of notices and communications, is c/o Saccullo Business Consulting, LLC, 27 Crimson King Drive, Bear, DE 19701.



Objection Deadline (defined below) to April 16, 2024. In support of the Motion, the Trustee respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider the Motion under 28 U.S.C. §§ 157 and 1334, and the Amended Standing Order of Reference from the United States District Court for the Southern District of New York dated February 1, 2012. This is a core proceeding under 28 U.S.C. § 157(b).

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

3. The statutory basis for the relief requested herein is section 105(a) of the Bankruptcy Code. Such relief also is warranted under Bankruptcy Rule 9006(b)(1).

BACKGROUND

A. The Chapter 11 Cases

4. On May 15, 2022 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code [Docket No. 1]² (the “Chapter 11 Cases”).

5. On May 16, 2022, the Debtors filed a motion for approval of bidding procedures and for a sale of substantially all of their assets. [Docket No. 13].

6. On May 24, 2022, the Office of the United States Trustee appointed an Official Committee of Unsecured Creditors (the “Committee”). [Docket No. 52].

7. On June 30, 2022, the Court approved a sale of substantially all of the Debtors’ assets [Docket No. 167], which closed on July 11, 2022. [Docket No. 212].

² All citations to the docket refer to the jointly administered Chapter 11 Cases, *In re Pareteum Corporation, et al.* Case No. 22-10615 (LGB).

8. On July 8, 2022, the Court approved a global settlement among the Debtors, the Committee and proposed purchaser of the Debtors' assets (the "Global Settlement"). [Docket No. 201]. Pursuant to the Global Settlement, the parties agreed to establish the Liquidating Trust as part of a chapter 11 liquidating plan, which would be funded by contributions from the proposed purchasers. The Global Settlement also provided that, subject to certain carveouts, the Liquidating Trust would receive certain rights in causes of action belonging to the Debtors' estates.

9. On October 7, 2022, the Court entered an order confirming the Debtors' liquidating chapter 11 plan (the "Plan"). [Docket No. 374]. Consistent with the Global Settlement, the Plan provides for the creation of the Liquidating Trust for the benefit of general unsecured creditors. (Plan, § 5.4). On October 21, 2022, the Plan went effective, and the Liquidating Trust was formed (the "Effective Date"). [Docket No. 397].

10. Pursuant to the Plan, the Trust is responsible for claims reconciliation. (*See* Plan, Art. 5.4 and 6.5).

B. The Claims Process

11. On June 28, 2022, the Debtors filed their Schedules of Assets and Liabilities and Statements of Financial Affairs (together, the "Schedules and Statements"). Among other things, the Schedules and Statements set forth the claims of known creditors against the Debtors as of the Petition Date, based upon the Debtors' books and records.

12. On July 11, 2022, the Court entered the Order Establishing Bar Dates for Filing Proofs of Claim and the Approving the Form and Manner of Notice Thereof [Docket No. 207] (the "Bar Date Order"), which established, inter alia, August 22, 2022 at 5:00 p.m. (ET) as the deadline for all persons and entities, other than governmental units, to file prepetition proofs of claim against the Debtors, including claims pursuant to section 503(b)(9) of the Bankruptcy Code. The Bar Date

Order also established November 11, 2022 at 5:00 p.m. (ET) as the deadline for governmental units to file prepetition proofs of claim against the Debtors.

13. Pursuant to Articles 1.26 and 7.2 of the Plan, objections to Claims were to be filed no later than 180 days after the Effective Date (*i.e.* April 19, 2023), or “as may be specifically fixed by the Plan, the Confirmation Order, the Bankruptcy Rules, or a Final Order.” (*See* Plan, Art. 1.26 and 7.2).

14. The Plan also provides “the Claims Objection Deadline may be extended one or more times by the Bankruptcy Court upon the filing of a notice by the Debtors or the Liquidating Trustee, as applicable.” (*See* Plan, Art. 1.26 and 7.2).

15. Pursuant to the Confirmation Order, the deadline for filing administrative expense claims expired on November 23, 2022 (30 days after notice of occurrence of the Effective Date). (*See* Plan, Art. 2.1).

16. The current deadline to object to claims is October 16, 2023 (the “Claims Objection Deadline”).

17. On September 16, 2022, the Debtors filed their First Omnibus Objection to Claims of Certain Equity Securities Holders seeking to reclassify Claim Nos. 26, 72, 77, 91, 112, 127, 128, 131, 133, 135 [Docket No. 336] (the “First Omnibus Objection”).

18. On September 16, 2022, the Debtors filed an Objection to Claims of Robert H. Turner [Claim Nos. 81 and 129] [Docket No. 337]. Pursuant to a stipulation filed contemporaneously with this Motion, the Trustee and Mr. Turner have stipulated to the withdrawal, without prejudice, of this objection. [Docket No. 526].

19. On October 25, 2022, the Court entered a Consent Order Granting the Debtors' First Omnibus Objection to Claims of Certain Equity Securities Holders with respect to Claim Nos. 112, 127, 128, 131, 133, and 135. [Docket No. 399].

20. On November 23, 2022, the Court entered a Consent Order Granting the Debtors' First Omnibus Objection to Claims of Certain Equity Securities Holders with respect to Claim No. 77. [Docket No. 442].

21. On December 14, 2022, the Court entered an Order granting the First Omnibus Objection with respect to Claim Nos. 26 and 72. [Docket No. 461].

22. Accordingly, all claims subject to the First Omnibus Objection have been resolved except for Claim No. 91 filed by Dane Gasio. Pursuant to a stipulation filed contemporaneously with this Motion, the Trustee and Mr. Gasio have stipulated to the withdrawal, without prejudice, of the First Omnibus Objection with respect to Claim No. 91. [Docket No. 525].

23. On April 24, 2023, the Court entered an order extending the Claims Objection Deadline through and including October 16, 2023, without prejudice to the rights of the Trustee or any other party in interest to seek further extensions of the Claims Objection Deadline. [Docket No. 490].

24. Since the Effective Date, the Trustee has made significant progress with respect to the reconciliation of the Administrative Expense, Priority, and Secured Claims. As a result of settlements reached by the Trustee, several Administrative Expense Claims have been resolved, including the claim of Oracle that was subsequently withdrawn on July 16, 2023. [Docket No. 500].

25. Although the Trustee expects more Claims to be consensually resolved, he also expects that some of the remaining Claims may be the subject of formal objections. The Trustee

intends to work to continue to reconcile the Claims as well as continue to pursue the avoidance actions.

26. On December 5, 2022, the Trustee filed a complaint commencing an adversary proceeding against Robert H. Turner, Victor Bozzo, Yves Van Sante, Edward O'Donnell, Denis McCarthy, and Robert Mumby. [Adv. Proc. No. 22-01177 (LGB)]. This matter is currently on appeal to the District Court. Any distribution on account of general unsecured claims claim will depend on the outcome of this adversary proceeding. Accordingly, the Trustee seeks to extend the Claims Objection Deadline to avoid (i) what may be an unnecessary use of the Trust's limited remaining resources on objections to claims for which there ultimately may be no distribution, and (ii) requiring creditors to defend objections to claims on account of which there ultimately may be no distribution.

RELIEF REQUESTED

27. By the Motion, the Trustee requests an extension of the Claims Objection Deadline through and including April 16, 2024 (*i.e.*, 183 days from the current deadline) without prejudice to the rights of the Trustee or any other party in interest to seek further extensions of the Claims Objection Deadline.

BASIS FOR RELIEF

28. Section 105(a) of the Bankruptcy Code provides, in pertinent part, that the Court may “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions [of the Bankruptcy Code].” 11 U.S.C. § 105(a).

29. Bankruptcy Rule 9006(b)(1) provides that a court may “with or without motion or notice order [a] period enlarged if the request therefore is made before the expiration of the period originally prescribed or as extended by a previous order.” Fed. R. Bankr. P. 9006(b)(1).

30. Furthermore, pursuant to the terms of the Plan, the Claims Objection Deadline may be extended upon a notice to the Court. (*See* Plan, Art. 1.26 and 7.2).

31. Courts should be liberal in granting extensions of time sought before the period to act has elapsed, so long as the moving party has not been guilty of negligence or bad faith and the privilege of extension has not been abused. 10 Collier on Bankruptcy ¶ 9006.06[2] (16th ed. rev. 2018). Courts in this District have granted similar applications to extend a debtor's time to object to claims in other large chapter 11 cases. *See, e.g., In re SunEdison, Inc.*, Case No. 16-10992 (DSJ) (granting multiple extensions of claims objection deadlines); *In re Relativity Fashion, LLC*, Case No. 15-11989 (MEW) (same); *In re BGI, INC., f/k/a Borders Group, Inc.*, Case No. 11-10614 (MG) (same); *In re Loehmann's Holdings, Inc.*, et al., Case No. 10-16077 (REG) (same).

32. The proofs of claim that have been filed in these cases total approximately \$42,057,937.84. Since the Effective Date, the Trustee and his professionals have worked to, among other things, review and analyze the proofs of claim and perform the required due diligence to identify any objectionable claims. As of the date hereof, the Trustee has resolved several Administrative Expense Claims either by motion or on consent. However, the Trustee needs additional time to fully reconcile the remaining Claims, prepare objections thereto, if necessary, or consensually resolve such claims, if appropriate.

33. Such extension will provide the Trustee and other parties in interest with additional time to reconcile claims, to prepare appropriate claim objections, if necessary, and to negotiate with holders of claims to resolve any objections. Extending the Claims Objection Deadline as set forth herein is not sought for purposes of delay and will not prejudice any claimant, as each claimant will retain any substantive defenses it may have to any claims objections that are filed.

Accordingly, the Trustee respectfully requests entry of an order granting the Motion and extending the Claims Objection Deadline through and including April 16, 2024.

NOTICE

34. Notice of this Motion will be given to: (i) the U.S. Trustee; and (ii) all parties entitled to notice pursuant to Bankruptcy Rule 2002. The Trustee submits that, under the circumstances, no other or further notice is required.

PRIOR REQUEST

35. This is the second request for an extension of the Claims Objection Deadline that has been filed in these Chapter 11 Cases.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form attached hereto approving the Motion and granting such other and further relief as the Court deems appropriate under the circumstances.

DATED: New York, New York
September 22, 2023

COLE SCHOTZ P.C.

By: /s/ Seth Van Aalten

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

In re:

PARETEUM CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 22-10615 (LGB)

(Jointly Administered)

NOTICE OF SECOND MOTION OF ANTHONY M. SACCULLO, IN HIS CAPACITY AS LIQUIDATING TRUSTEE FOR THE TEUM LIQUIDATING TRUST, FOR ENTRY OF AN ORDER EXTENDING THE TIME TO FILE OBJECTIONS TO CLAIMS

PLEASE TAKE NOTICE that on September 22, 2023, the *Second Motion of Anthony M. Saccullo, in his Capacity as Liquidating Trustee for the TEUM Liquidating Trust, for Entry of an Order Extending the Time to File Objections to Claims* (the “**Motion**”) was filed with the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must be in writing, must conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court for the Southern District of New York, and must be filed with the Bankruptcy Court electronically in accordance with General Order M-399 (General Order M-399 and the User’s Manual for the Electronic Case Filing System may be found at www.nysb.uscourts.gov, the official website for the Bankruptcy Court) by registered users of the Bankruptcy Court’s case filing system, and by all other parties in interest on a disk, preferably in Portable Document Format (PDF), or any other Windows-based word processing format (with a copy e-mailed directly to Chambers at: (beckerman.chambers@nysb.uscourts.gov), and in accordance with General Order M-399, and any objection must further be served upon: (a) *Counsel to the Debtors*, Togut, Segal

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EXHIBIT A

Proposed Order

COLE SCHOTZ P.C.

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

In re:

PARETEUM CORPORATION, *et al.*,¹
Debtors.

Chapter 11
Case No. 22-10615 (LGB)
(Jointly Administered)

**ORDER GRANTING SECOND MOTION OF ANTHONY M. SACCULLO,
IN HIS CAPACITY AS LIQUIDATING TRUSTEE FOR THE TEUM
LIQUIDATING TRUST FOR ENTRY OF AN ORDER EXTENDING
THE TIME TO FILE OBJECTIONS TO CLAIMS**

Upon consideration of the motion (the “Motion”) of Anthony M. Saccullo, in his capacity as Liquidating Trustee for the TEUM Liquidating Trust (the “Trustee”) for entry of an order pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9006(b)(1) extending the Claims Objection Deadline; and the Court having reviewed the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion and the relief requested therein being a core proceeding

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pursuant to 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the relief requested being in the best interests of the Trust, the Debtors, their estates, and all other parties in interest; and after due deliberation thereon and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is granted to the extent set forth herein.
2. The Claims Objection Deadline is hereby extended through and including April 16, 2024, without prejudice to the rights of the Trustee or any other party in interest to seek further extensions of the Claims Objection Deadline.
3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
4. The Court shall retain jurisdiction to hear and determine all matters arising from or relating to the interpretation, implementation, or enforcement of this Order.

Dated: October __, 2023
New York, New York

THE HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE