

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|--|---|-------------------------------|
| In re: |) | |
| |) | Chapter 11 |
| |) | |
| PGX HOLDINGS, INC., <i>et al.</i> , ¹ |) | Case No. 23-10718 (CTG) |
| |) | |
| Debtors. |) | (Jointly Administered) |
| |) | |
| |) | Related to Docket Nos. 14, 64 |

CERTIFICATION OF COUNSEL REGARDING MOTION OF THE DEBTORS FOR ENTRY OF INTERIM AND FINAL ORDERS (I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS’ THRITY LARGEST UNSECURED CREDITORS, (C) SERVE CERTAIN PARTIS IN INTEREST BY EMAIL, (D) APPROVE THE FORM AND MANNER OF SERVICE OF THE NOTICE OF COMMENCEMENT, (E) REDACT OR WITHHOLD CERTAIN CONFIDENTIAL INFORMATION, AND (F) REDACT CERTAIN PERSONALLY IDENTIFYABLE INFORMATION AND (II) GRANTING RELATED RELIEF

The undersigned proposed counsel to the above captioned debtors and debtors in possession (collectively, the “Debtors”) hereby certifies the following:

1. On June 4, 2023 (the “Petition Date”), each of the above-captioned debtors and debtors in possession (the “Debtors”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), with the Clerk of the United States Bankruptcy Court for the District of Delaware. The Debtors are continuing to operate their businesses and manage their affairs as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

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



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2. On June 5, 2023, the Debtors filed the *Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) File a Consolidated List of Creditors in Lieu of Submitting a Separate Mailing Matrix for Each Debtor, (B) File a Consolidated List of the Debtors' Thirty Largest Unsecured Creditors, (C) Serve Certain Parties in Interest by Email, (D) Approve the Form and Manner of Service of the Notice of Commencement, (D) Redact or Withhold Certain Confidential Information, and (F) Redact Certain Personally Identifiable Information and (II) Granting Related Relief* [Docket No. 14] (the "Motion").

3. On June 6, 2023 the Court entered the *Interim Order (I) Authorizing Debtors to (A) File a Consolidated List of Creditors in Lieu of Submitting a Separate Mailing Matrix for Each Debtor, (B) File a Consolidated List of the Debtors' Thirty Largest Unsecured Creditors, (C) Serve Certain Parties in Interest by Email, (D) Approve the Form and Manner of Service of the Notice of Commencement, (D) Redact or Withhold Certain Confidential Information, and (F) Redact Certain Personally Identifiable Information and (II) Granting Related Relief* [Docket No. 64] (the "Interim Order").

4. On June 7, 2023 the Motion and Interim Order were served along with the Omnibus Notice of Second Day Hearing to be Held On June 28, 2023 at 2:00 P.M. (ET) [Docket No. 74] (the "Notice"). The Notice indicated an objection deadline of June 21, 2023, which has been extended solely for the Official Committee of Unsecured Creditors (the "UCC") to July 17, 2023 at 4:00 p.m. and for the Office of the United States Trustee for the District of Delaware ("UST") to July 18, 2023 at 4:00 p.m.

5. Other than informal comments from the UCC with respect to the Motion (the "Informal Comments"), the Debtors have not received any responsive pleading relating to the Motion and the undersigned has searched the docket in these cases to confirm no responsive pleading appears thereon.

6. The Debtors have revised the proposed order submitted with the Motion (the “Revised Proposed Order”) to address the Informal Comments. A copy of the Revised Proposed Order is attached hereto as **Exhibit A**. A copy of the REDLINED Revised Proposed Order marked to reflect changes to the version filed with the Motion is attached hereto as **Exhibit B**.

7. A copy of the Revised Proposed order has been circulated to the UST and UCC who have confirmed it has no opposition to the entry of the Revised proposed Order in the form attached hereto as **Exhibit A**.

8. Accordingly, the Debtors respectfully request that the Court enter the Revised Proposed Order in the form attached hereto as **Exhibit A** at its earliest convenience.

Dated: July 18, 2023
Wilmington, Delaware

/s/ Michael W. Yurkewicz

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*Proposed Co-Counsel to the Debtors and Debtors
in Possession*

EXHIBIT A

Revised Proposed Order

First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted on a final basis as set forth herein.
2. The requirements of Local Rules 1007-2(a) and 2002-1(f)(v) that separate mailing matrices be submitted for each Debtor are waived, and the Debtors are authorized, but not directed, to submit a consolidated Creditor Matrix, *provided* that if any of these chapter 11 cases converts to a case under chapter 7 of the Bankruptcy Code, the applicable Debtor shall file its own creditor mailing matrix.
3. The Debtors are authorized to file a consolidated list of their thirty largest unsecured creditors.
4. The Debtors are authorized to redact on the Creditor Matrix, Schedules and Statements, affidavits of service, or other document filed with the Court (a) the home and email

addresses of individual creditors and individual equity holders and (b) the names, home addresses, and email addresses of the clients of Lexington Law and the Debtors' customers. The Debtors shall provide an unredacted version of the Creditor Matrix, Schedules and Statements, and any other filings redacted pursuant to this Final Order to (a) the Court, (b) the U.S. Trustee, (c) counsel to the Official Committee of Unsecured Creditors, (d) any party in interest upon a request to the Debtors (email to counsel is sufficient), or to the Court that is reasonably related to these chapter 11 cases, subject to the restrictions of the CCPA, UCPA, and applicable legal ethical rules, and (e) the Claims and Noticing Agent; *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. The Debtors shall inform the U.S. Trustee promptly after denying any request for an unredacted document pursuant to this Final Order. Nothing herein precludes a party in interest's right to file a motion requesting that the Court unseal the information redacted by this Final Order.

5. For the avoidance of doubt, the Debtors shall file an unredacted creditor matrix under seal with the Court.

6. The Debtors are authorized, pursuant to section 107(b)(1) of the Bankruptcy Code, to redact the names, addresses, and email address of their customers from any filings with the Court or made publicly available in these chapter 11 cases.

7. Nothing in this Final Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any individual whose personally identifiable information is sealed or redacted pursuant to this Final Order. Service of all documents and notices upon individuals whose personally identifiable information is sealed or redacted pursuant to this Final Order shall be confirmed in the corresponding certificate of service.

8. To the extent a party in interest files a document on the docket in these chapter 11 cases that is required to be served on creditors whose information is under seal pursuant to this Final Order, such party in interest should contact counsel for the Debtors who shall work in good faith, with the assistance of KCC, to effectuate the service on such party's behalf.

9. The Debtors, through their Claims and Noticing Agent, are authorized to serve all pleadings and papers, via email service or mail service, as applicable, on all parties listed on the Creditor Matrix.

10. The service requirements of Bankruptcy Rule 2002(g) hereby are modified to permit email service to (a) current and former customers or clients with valid email addresses on file, unless such current or former customer or client requests to be served hard copies by mail, and (b) other creditors with valid email addresses on file that (i) have not designated a mailing address under Bankruptcy Rules 2002(g)(1) or 5003(e) and (ii) do not request to be served hard copies by mail.

11. When serving any notice in these chapter 11 cases on the Debtors' employees, the Claims and Noticing Agent, and, where applicable, the Clerk of the Court, shall use the employee's email address.

12. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

13. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.

14. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.

EXHIBIT B

REDLINED Revised Proposed Order

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

| | | |
|--|---|---|
| In re: |) | |
| |) | Chapter 11 |
| |) | |
| PGX HOLDINGS, INC., <i>et al.</i> , ¹ |) | Case No. 23-10718 (CTG) |
| |) | |
| Debtors. |) | (Jointly Administered Requested) |
| |) | Re: Docket Nos. 14, 46, 64 <u>14, 46, 64</u> |

FINAL ORDER

(I) AUTHORIZING THE DEBTORS TO (A) FILE A CONSOLIDATED LIST OF CREDITORS IN LIEU OF SUBMITTING A SEPARATE MAILING MATRIX FOR EACH DEBTOR, (B) FILE A CONSOLIDATED LIST OF THE DEBTORS’ THIRTY LARGEST UNSECURED CREDITORS, (C) SERVE CERTAIN PARTIES IN INTEREST BY EMAIL, (D) APPROVE THE FORM AND MANNER OF SERVICE OF THE NOTICE OF COMMENCEMENT, (E) REDACT OR WITHHOLD CERTAIN CONFIDENTIAL INFORMATION, AND (F) REDACT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION AND (II) GRANTING RELATED RELIEF

Upon the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for the entry of a final order (this “Final Order”), (a) authorizing the Debtors to (i) file a consolidated list of creditors in lieu of submitting a separate mailing matrix for each Debtor, (ii) file a consolidated list of the Debtors’ thirty largest unsecured creditors in lieu of filing lists for each Debtor, (iii) serve certain parties in interest by email, (iv) approve the form and manner of service of the notice of commencement of these chapter 11 cases, (v) redact or withhold certain confidential information of customers, and

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

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

(vi) redact certain personally identifiable information and (b) granting related relief, all as more fully set forth in the Motion; and upon the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted on a final basis as set forth herein.

2. ~~1.~~ The requirements of Local Rules 1007-2(a) and 2002-1(f)(v) that separate mailing matrices be submitted for each Debtor are ~~permanently~~-waived, and the Debtors are authorized, but not directed, to submit a consolidated Creditor Matrix, *provided* that if any of these chapter 11 cases converts to a case under chapter 7 of the Bankruptcy Code, the applicable Debtor shall file its own creditor mailing matrix.

3. ~~2.~~ The Debtors are authorized to file a consolidated list of their thirty largest unsecured creditors.

4. ~~3.~~ The Debtors are authorized to redact on the Creditor Matrix, Schedules and Statements, affidavits of service, or other document filed with the Court (a) the home and email addresses of individual creditors and individual equity holders and (b) the names, home addresses, and email addresses of the clients of Lexington Law and the Debtors' customers. The Debtors shall provide an unredacted version of the Creditor Matrix, Schedules and Statements, and any other filings redacted pursuant to this Final Order to (a) the Court, (b) the U.S. Trustee, (c) counsel to ~~any~~the ~~e~~Official ~~e~~Committee ~~appointed in these chapter 11 cases~~of Unsecured Creditors, (d) any party in interest upon a request to the Debtors (email to counsel is sufficient), or to the Court that is reasonably related to these chapter 11 cases, subject to the restrictions of the CCPA, UCPA, and applicable legal ethical rules, and (e) the Claims and Noticing Agent; *provided* that any receiving party shall not transfer or otherwise provide such unredacted document to any person or entity not party to the request. The Debtors shall inform the U.S. Trustee promptly after denying any request for an unredacted document pursuant to this Final Order. Nothing herein precludes a party in interest's right to file a motion requesting that the Court unseal the information redacted by this Final Order.

5. ~~4.~~ For the avoidance of doubt, the Debtors shall file an unredacted creditor matrix under seal with the Court.

6. ~~5.~~ The Debtors are authorized, pursuant to section 107(b)(1) of the Bankruptcy Code, to redact the names, addresses, and email address of their customers from any filings with the Court or made publicly available in these chapter 11 cases.

7. ~~6.~~ Nothing in this Final Order shall waive or otherwise limit the service of any document upon or the provision of any notice to any individual whose personally identifiable information is sealed or redacted pursuant to this Final Order. Service of all documents and

notices upon individuals whose personally identifiable information is sealed or redacted pursuant to this Final Order shall be confirmed in the corresponding certificate of service.

8. ~~7.~~To the extent a party in interest files a document on the docket in these chapter 11 cases that is required to be served on creditors whose information is under seal pursuant to this Final Order, such party in interest should contact counsel for the Debtors who shall work in good faith, with the assistance of KCC, to effectuate the service on such party's behalf.

9. ~~8.~~The Debtors, through their Claims and Noticing Agent, are authorized to serve all pleadings and papers, via email service or mail service, as applicable, on all parties listed on the Creditor Matrix.

10. ~~9.~~The service requirements of Bankruptcy Rule 2002(g) hereby are modified to permit email service to (a) current and former customers or clients with valid email addresses on file, unless such current or former customer or client requests to be served hard copies by mail, and (b) other creditors with valid email addresses on file that (i) have not designated a mailing address under Bankruptcy Rules 2002(g)(1) or 5003(e) and (ii) do not request to be served hard copies by mail.

11. ~~10.~~When serving any notice in these chapter 11 cases on the Debtors' employees, the Claims and Noticing Agent, and, where applicable, the Clerk of the Court, shall use the employee's email address.

12. ~~11.~~Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

13. ~~12.~~The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Final Order in accordance with the Motion.

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| *[Link-to-previous setting changed from off in original to on in modified.]*

14. ~~13.~~ This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.

| *[Different first page setting changed from on in original to off in modified.]*

| *[Link-to-previous setting changed from off in original to on in modified.]*