

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)	
)		

PLAN ADMINISTRATOR’S MOTION FOR ENTRY
OF AN ORDER EXTENDING THE CLAIMS OBJECTION BAR DATE

The plan administrator (the “Plan Administrator”) of the above-captioned debtors (the “Debtors”)² by and through its undersigned counsel, hereby submits this motion (the “Motion”), pursuant to section 105 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”), and Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) for entry of an order extending the Claims Objection Bar Date by 180 days.

In support of the Motion, the Plan Administrator respectfully states as follows.

Jurisdiction and Venue

1. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended*

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 A detailed description of the Debtors and their businesses, and the facts and circumstances supporting this motion and the Debtors’ chapter 11 cases, are set forth in greater detail in the *Declaration of Chad Wallace, Chief Executive Officer of PGX Holdings, Inc. in Support of Debtors’ Chapter 11 Petitions and First Day Motions* [Docket No. 12] (the “First Day Declaration”), filed contemporaneously with the Debtors’ voluntary petitions for relief filed under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “Bankruptcy Code”), on June 4, 2023 (the “Petition Date”).



Standing Order of Reference from the United States District Court for the District of Delaware, dated February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). The Plan Administrator confirms his consent, pursuant to rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory and other bases for the relief requested herein are set forth in sections 105(a), 502 and 503 of the Bankruptcy Code, Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rules 9006-1 and 9006-2 of the Local Rules.

Background

4. On the Petition Date, each of the Debtors filed a petition with the Court under chapter 11 of the Bankruptcy Code. The Debtors’ chapter 11 cases have been consolidated for procedural purposes only and are being jointly administered pursuant to Bankruptcy Rule 1015(b) [Docket No. 55].

5. On July 19, 2023, the Court entered an *Order (A) Establishing Bar Dates for Filing Proofs of Claim, Including Claims Under 11 U.S.C. § 503(B)(9) and Administrative Expense Requests; (B) Approving the Form and Manner for Filing Proofs of Claim and Administrative Expense Requests; (C) Approving Notice Thereof; and (D) Granting Related Relief* [Docket No. 194] (the “Bar Date Order”), establishing, among other things, September 7, 2023 as the deadline for all non-governmental entities to file Proofs of Claim.

6. On August 25, 2023, the Court entered orders [Docket No. 422 and 423] (together, the “Sale Orders”) approving (i) the Debtors’ entry into and performance under each of the Stalking Horse Agreements and authorizing the sale of substantially all of the Debtors’ assets free and clear of all liens, claims, interest, and encumbrances and (ii) the assumption by the Debtors and the assignment and sale to the Progexion Purchaser or Lexington Law Purchaser (as applicable, the “Purchaser”) of executory contracts and unexpired leases to be designated by the Purchaser as “Assumed Contracts” pursuant to the Sale Orders, the Progexion APA, the Lexington Law APA, and sections 363 and 365 of the Bankruptcy Code, subject to, and effective as of, the closing of the Sale Transactions (the date of the closing being the “Closing Date”). The Closing Date occurred on September 28, 2023.

7. On December 26, 2023, the Court entered the *Findings of Fact, Conclusions of Law, and Order Approving the Debtors’ Disclosure Statement for, and Confirming the Second Amended Joint Chapter 11 Plan of PGX Holdings, Inc., and its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 681] (the “Confirmation Order”) that confirmed the *Second Amended Joint Plan of PGX Holdings, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 570] (the “Plan”). On December 26, 2023, the Effective Date of the Plan occurred. The Plan designated Mark A. Roberts of Alvarez & Marsal North America, LLC as the Plan Administrator. Under the Plan, the Plan Administrator is authorized to administer claims on the Debtors’ behalf.

8. On December 29, 2023, the Debtors filed the *Notice of (I) Entry of Confirmation Order, (II) Occurrence of the Effective Date, and (III) Related Bar Dates* (D.I. 687) indicating, *inter alia*, the Effective Date, as defined in the Plan, occurred on December 29, 2023.

9. Pursuant to Article VII B. of the Plan, the right to prosecute objections to Claims vested in the Plan Administrator.

10. Pursuant to Article XI of the Plan, this Court retained exclusive jurisdiction to, among other things, allow, disallow, determine, liquidate, classify, estimate, or establish the priority, Secured or unsecured status, or amount of any Claim or Interest, including the resolution of any request for payment of any Administrative Claim and the resolution of any and all objections to the Secured or unsecured status, priority, amount, or allowance of Claims or Interests.”

11. Pursuant to Article VII E. of the Plan, the Plan Administrator is required to file and serve objections to Claims by the later of (1) one-hundred eighty (180) days after the Effective Date and (2) such other period of limitation as may be specifically fixed by a Final Order of the Bankruptcy Court, subject to a notice and objection period, for objecting to such Claims (the “Claims Objection Bar Date”). Because the Plan became effective on December 29, 2024, the original Claims Objection Bar Date is June 26, 2024.

12. Since the Effective Date in these Chapter 11 Cases, the Plan Administrator has worked closely with counsel on the further investigation and drafting of claims objections and has filed eight omnibus claims objections thus far. No distributions have been made at this time.

13. The Plan Administrator anticipates finalizing and filing any remaining objections to Claims within the extended period requested herein.

Relief Requested

14. By this Motion, the Plan Administrator respectfully requests the entry of an order, substantially in the form attached hereto as **Exhibit A**, extending the Claims Objection Bar Date

for an additional approximately 180 days, through and including December 31, 2024, without prejudice to any request for a further extension and filing final objections.

Basis for Relief

15. The Plan contemplates that the Court may extend the Claims Objection Bar Date. *See* Article VII E. In addition, the Court has broad authority pursuant to section 105(a) of the Bankruptcy Code to issue orders necessary to implement the provisions of the Plan and the Bankruptcy Code. *See* 11 U.S.C. § 105(a) (“The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].”).

16. Moreover, Bankruptcy Rule 9006(b) provides that the Court may extend a time period provided under the Bankruptcy Rules or order of the Court. Bankruptcy Rule 9006 provides, in pertinent part, as follows:

Except as provided in paragraphs (2) and (3) of this subdivision when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion 687(1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.

FED. R. BANKR. P. 9006(b)(1).

17. The proposed extension of the Claims Objection Bar Date sought herein is well within the range of extensions granted by other courts in this jurisdiction. *See, e.g., In re Promise Healthcare Group, LLC*, Case No. 18-12491 (CTG) (Bankr. D. Del. Aug. 25, 2021) (D.I. 2478) (extending the claims objection by 180 days); *In re Maxus Energy Corporation, et al.*, Case No. 16-11501 (CSS) (Bankr. D. Del. July 15, 2021) (D.I. 2400) (extending the claims objection deadline by 180 days); *In re Quicksilver Resources Inc., et al.*, Case No. 15-10585 (LSS) (Bankr. D. Del. Aug. 17, 2021) (D.I. 2275) (extending the claims objection deadline by 180 days); *In re*

Superior Air Charter, LLC, Case No. 20-11007 (CSS) (Bankr. D. Del. Feb. 11, 2021) (D.I. 318) (extending the claims objection deadline by more than 180 days).

18. As described above, the Plan Administrator is continuing his mandate of reconciliation of the Claims and requires additional time to complete its review and prepare and litigate any Claims objections. The Plan Administrator believes that he is reaching the conclusion of the claims objection process, but a limited extension is necessary to complete the process.

19. Accordingly, to facilitate the efficient continued administration of the Plan Administrator requests an extension of the Claims Objection Bar Date for an additional approximately 180 days, through and including December 31, 2024, without prejudice to any request for a further extension, if necessary.

Reservation of Rights

20. The Plan Administrator reserves the right to seek further extensions of the Claims Objection Bar Date, if necessary.

Notice

21. The Plan Administrator will provide notice of this motion to: (a) the U.S. Trustee; (b) counsel for the Committee; (c) counsel to the Prepetition First Lien Lenders and DIP Lenders; and (d) those parties requesting notice pursuant to Bankruptcy Rule 2002. The Plan Administrator submits that, in light of the nature of the relief requested, no other or further notice need be given.

No Prior Request

22. No prior request for the relief sought herein has been made to this or any other court.

WHEREFORE, the Debtors respectfully request that the Court enter the Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested in this Motion and granting such other and further relief as is appropriate under the circumstances.

Dated: June 25, 2024
Wilmington, Delaware

/s/ Domenic E. Pacitti

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Co-Counsel to Plan Administrator

**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)
)	
)	Obj. Deadline: July 9, 2024 at 4:00 p.m. (ET)
)	Hearing Date: August 14, 2024 at 1:00 p.m. (ET)

**NOTICE OF PLAN ADMINISTRATOR’S MOTION FOR ENTRY
OF AN ORDER EXTENDING THE CLAIMS OBJECTION BAR DATE**

PLEASE TAKE NOTICE THAT on June 25, 2024, the Plan Administrator (the “Plan Administrator”) of the above-captioned debtors (the “Debtors”), filed the *Plan Administrator’s Motion for Entry of an Order Extending the Claims Objection Bar Date* (the “Motion”) with the United States Bankruptcy Court for the District of Delaware (“Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that any responses to the Motion must be in writing and filed with the Clerk of the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Third Floor, Wilmington, Delaware 19801, and served upon the following: (a) counsel for the Plan Administrator, (i) Kirkland & Ellis LLP, 300 North LaSalle, Chicago, Illinois 60654 (Attn: Spencer Winters (spencer.winters@kirkland.com)); and Alison J. Wirtz (alison.wirtz@kirkland.com)) and (ii) Klehr Harrison Harvey Branzburg LLP, 919 N. Market Street, Suite 1000, Wilmington, DE 19801 (Attn: Domenic E. Pacitti

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.

(dpacitti@klehr.com) and Michael W. Yurkewicz (myurkewicz@klehr.com)); (b) counsel for the Prepetition First Lien Lenders and DIP Lenders, (i) King & Spalding, 1185 Avenue of the Americas, New York, NY 10036 (Attn: Roger Schwartz, Esq. (rschwartz@kslaw.com); Geoffrey Michael King, Esq. (gking@kslaw.com) and Timothy Fesenmyer, Esq. (tfesenmyer@kslaw.com); and (ii) Morris, Nichols, Arsht & Tunnell LLP, 1201 N. Market Street, Suite 1600, Wilmington, Delaware 19801, (Attn: Robert J. Dehney (rdehney@morrisonichols.com)); so as to be received **on or before 4:00 p.m. on July 9, 2024.**

PLEASE TAKE FURTHER NOTICE that if you fail to respond in accordance with this Notice, the Court may grant the relief demanded by the Motion without further notice or hearing.

PLEASE TAKE FURTHER NOTICE that if an objection is properly filed and served in accordance with the above procedure, a hearing will be held on **August 14, 2024 at 1:00 p.m.** before the Honorable Craig T. Goldblatt, United States Bankruptcy Judge for the District of Delaware, 824 North Market Street, 3rd Floor, Court Room #7, Wilmington, Delaware 19801. Only objections made in writing and timely filed will be considered by the Bankruptcy Court at such hearing only objections made in writing and timely filed will be considered by the Bankruptcy Court at such hearing.

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Dated: June 25, 2024
Wilmington, Delaware

/s/ Domenic E. Pacitti

**KLEHR HARRISON HARVEY
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Co-Counsel to the Plan Administrator

EXHIBIT A

Proposed Order

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

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

ORDER EXTENDING THE CLAIMS OBJECTION BAR DATE

Upon consideration of the *Plan Administrator’s Motion for Entry of an Order Extending the Claims Objection Bar Date* (the “Motion”); and the Court having found that (i) the Court has 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 that this Court may enter a final order consistent with Article III of the United States Constitution, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion and opportunity for a hearing was sufficient under the circumstances; and after due deliberation the Court having determined that the relief requested in the Motion is necessary and essential for the administration of the Debtors’ confirmed chapter 11 Plan and such relief is in the best interests of the Plan Administrator, the Reorganized Debtors, the Debtors’ estates, their creditors and all other parties in interest; and the legal and factual bases set forth in the Motion having

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established just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The Claims Objection Bar Date is hereby extended 180 days, through and including December 31, 2024, without prejudice to any request for a further extension.
3. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).
4. The Plan Administrator is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.
5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.