

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)
)				

NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING FOR AUGUST 25, 2023 AT 10:00 A.M. (ET)

This hearing will be conducted in-person in Courtroom #7, 3rd Floor. All parties, including witnesses, are expected to attend in person unless permitted to appear via Zoom. Participation at the in-person court proceeding using Zoom is allowed only in the following circumstances: (i) a party who files a responsive pleading intends to make only a limited argument; (ii) a party who has not submitted a pleading but is interested in observing the hearing; or (iii) other extenuating circumstances as determined by Judge Goldblatt. All participants over Zoom must register in advance. Please register via the Zoom link below no later than August 24, 2023 at 4:00 p.m. (ET):

<https://debuscourts.zoomgov.com/meeting/register/vJItd-2rrjoiHIPoSfyt9ogSlSdrsE5CLU4>

After registering your appearance by Zoom, you will receive a confirmation email containing information about joining the hearing.

UNCONTESTED MATTERS GOING FORWARD:

1. Fourth Omnibus Motion of the Debtors for Entry of an Order Authorizing the Rejection of Certain Executory Contracts, Effective as of the Rejection Date, and Granting Related Relief [Docket No. 340; Filed 8/8/2023]

Related Documents:

- A. Certificate of No Objection [Docket No. 396; Filed 8/23/2023]
- B. Proposed Order

Status: A Certificate of No Objection has been filed. This matter is going forward unless otherwise directed by the Court.

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. Fifth Omnibus Motion of the Debtors for Entry of an Order Authorizing the Rejection of Certain Executory Contracts, Effective as of the Rejection Date, and Granting Related Relief [Docket No. 345; Filed 8/9/2023]

Related Documents:

- A. Certificate of No Objection [Docket No. 397; Filed 8/23/2023]
- B. Proposed Order

Status: A Certificate of No Objection has been filed. This matter is going forward unless otherwise directed by the Court.

CONTESTED MATTERS:

3. Motion of Debtors for Entry of Orders (I) (A) Approving Bidding Procedures for Substantially All of the Debtors' Assets, (B) Authorizing the Debtors to Enter into One or More Stalking Horse Agreements and to Provide Bidding Protections Thereunder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, and (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof; (II) (A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Lease; and (III) Granting Related Relief [Docket No. 66; Filed 6/6/2023]

Related Documents:

- A. Order (I)(A) Approving Bidding Procedures for the Sale of Substantially All of the Debtors' Assets; (B) Authorizing the Debtors to Enter into One or More Stalking Horse Agreements and to Provide Bidding Protections Thereunder; (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof; (D) Approving Assumption and Assignment Procedures; and (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Lease; and (III) Granting Related Relief [Docket No. 331; Filed 8/4/2023]
- B. Notice of Sale by Auction and Sale Hearing [Docket No. 335; Filed 8/4/2023]
- C. Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 336; Filed 8/4/2023]
- D. Proof of Publication by The New York Times [Docket No. 341; Filed 8/9/2023]

- E. Notice of (I) Cancellation of Auction and (II) Filing of Proposed Sale Orders [Docket No. 356; Filed 8/14/2023]
- F. Omnibus Reply of Debtors in Support of the Proposed Sale Transactions [Docket No. 391; Filed 8/22/2023]
- G. Declaration of Neil A. Augustine in Support of the (I) Reply of Debtors in Support of the Proposed Sale Transactions and (II) Debtors' Objection to the Motion of the United States of America to Convert Chapter 11 Cases to Chapter 7 [Docket No. 392; Filed 8/22/2023]
- H. Statement in Support and Joinder by Blue Torch Finance LLC to the Debtors' Omnibus Reply in Support of the Proposed Sale Transactions [Docket No. 393; Filed 8/22/2023]
- I. Debtors' Witness and Exhibit List for Hearing Set for August 25, 2023 at 10:00 a.m. [Docket No. 394; Filed 8/23/2023]
- J. Notice of Intent to Call Witnesses for Hearing Scheduled for August 25, 2023 at 10:00 a.m. (ET) [Docket No. 395; Filed 8/23/2023]

Response Deadline: August 18, 2023 at 4:00 p.m.; extended until 5:00 p.m. for United States Dept. of Justice only; extended until August 22, 2023 at noon for the US Trustee only; reply deadline consensually extended until August 22, 2023, at 11:59 p.m.

Responses Received:

- A. Maricopa County Treasurer's Objection to Motion of Debtors for Entry of Orders (I)(A) Approving Bidding Procedures for Substantially All of the Debtors' Assets, (B) Authorizing the Debtors to Enter into One or More Stalking Horse Agreements and to Provide Bidding Protections Thereunder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, and (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Lease; and (III) Granting Related Relief [Docket No. 360; Filed 8/16/2023]
- B. Limited Objection and Reservations of Rights of ServiceNow, Inc. to Notice to Contract Parties to Potentially Assumed Executory Contract and Unexpired Leases [Docket No. 362; Filed 8/16/2023]
- C. Limited Objection of Experian Marketing Solutions, LLC and Experian Information Solutions, Inc. to Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 367; Filed 8/18/2023]

- D. Limited Objection of Capitol Indemnity Corporation to the Debtors' Motion for Entry of Orders (I)(A) Approving Bidding Procedures for Substantially All of the Debtors' Assets, (B) Authorizing the Debtors to Enter into One or More Stalking Horse Agreements and to Provide Bidding Protections Thereunder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, and (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors' Assets Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Lease; and (III) Granting Related Relief [Docket No. 368; Filed 8/18/2023]
- E. Limited Objection of TransUnion Interactive, Inc. to Debtors' Proposed Cure Amounts on Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 370; Filed 8/18/2023]
- F. Objection of Fair Isaac Corporation to Debtors' Notice of Cure Amounts in Connection with Contracts and Leases [Docket No. 371; Filed 8/18/2023]
- G. Objection of HooDoo Digital, LLC to the Debtors' Notice to Contract Parties to Potentially Assume Executory Contracts or Unexpired Leases and Cure Amounts and Reservation of Rights with Respect to the Debtors' Sale Motion [Docket No. 374; Filed 8/18/2023]
- H. United States of America's Objection to the Sale of Substantially All of the Debtors' Assets and Memorandum of Law in Support of its Motion to Convert Chapter 11 Cases to Chapter 7 [Docket No. 375; Filed 8/18/2023]
- I. United States Trustee's Reservation of Rights With Respect to Motion of the Debtors for Entry of Orders (I)(A) Approving Bidding Procedures for Substantially All of the Debtors Assets, (B) Authorizing the Debtors to Enter Into One or More Stalking Horse Agreements and to Provide Bidding Protections Thereunder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, and (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof; (II)(A) Approving the Sale of the Debtors Assets Free and Clear of Liens, Claims, Interests and Encumbrances and (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases; and (III) Granting Related Relief [Docket No. 383; Filed 8/22/2023]
- J. Limited Objection and Reservation of Rights of Capitol Indemnity Corporation to the Debtors' Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases [Docket No. 389; Filed 8/22/2023]

- K. Informal objections to the proposed cure amount from each of (i) Experian Marketing Solutions, LLC and (ii) CenturyLink Comms., LLC (d/b/a Lumen Techs. Group) and an informal reservation of rights from 257 East Salt Lake, LLC

Status: This matter is going forward with respect to the approval of the sale. Objections to cure amounts or assumption and assignment issues will be heard at a later date to the extent not consensually resolved.

- 4. Motion of the United States of America to Convert Chapter 11 Cases to Chapter 7 [Docket No. 233; Filed 7/24/2023]

Related Documents:

- A. Notice of Motion and Hearing [Docket No. 333; Filed 8/4/2023]
- B. Notice of Deposition of Chad Wallace [Docket No. 376; Filed 8/18/2023]
- C. Order Granting the Motion of the United States of America to Limit Notice of its Motion to Convert the Chapter 11 Cases to Chapter 7 Cases [Docket No. 385; Filed 8/22/2023]
- D. Debtors' Witness and Exhibit List for Hearing Set for August 25, 2023 at 10:00 a.m. [Docket No. 394; Filed 8/23/2023]
- E. Notice of Intent to Call Witnesses for Hearing Scheduled for August 25, 2023 at 10:00 a.m. (ET) [Docket No. 395; Filed 8/23/2023]

Response Deadline: August 18, 2023 at 4:00 p.m.; extended until 5:00 p.m. for the Debtors only; extended until August 22, 2023 at noon for the US Trustee only; reply deadline consensually extended to August 22, 2023, at 11:59 p.m.

Responses Received:

- A. Debtors' Objection to Motion of the United States of America to Convert Chapter 11 Cases to Chapter 7 [Docket No. 369; Filed 8/18/2023]
- B. Statement in Support and Joinder to Debtors' Objection to Motion of the United States of America to Convert Chapter 11 Cases to Chapter 7 [Docket No. 372; Filed 8/18/2023]
- C. United States of America's Objection to the Sale of Substantially All of the Debtors' Assets and Memorandum of Law in Support of its Motion to Convert Chapter 11 Cases to Chapter 7 [Docket No. 375; Filed 8/18/2023]

- D. Joinder and Objection by Blue Torch Finance LLC to the Debtors' Objection to Motion of the United States of America to Convert Chapter 11 Cases to Chapter 7 [Docket No. 377; Filed 8/18/2023]
- E. The United States of America's Reply in Support of Its Motion to Convert Chapter 11 Cases to Chapter 7 [Docket No. 388; Filed 8/22/2023]

Status: This matter is going forward.

Dated: August 23, 2023
Wilmington, Delaware

/s/ Michael W. Yurkewicz

KLEHR HARRISON HARVEY
BRANZBURG LLP
Domenic E. Pacitti (DE Bar No. 3989)
Michael W. Yurkewicz (DE Bar No. 4165)
919 North Market Street, Suite 1000
Wilmington, Delaware 19801
Telephone: (302) 426-1189
Facsimile: (302) 426-9193
Email: dpacitti@klehr.com
myurkewicz@klehr.com

-and-

Morton R. Branzburg (*pro hac vice* pending)
1835 Market Street, Suite 1400
Philadelphia, Pennsylvania 19103
Telephone: (215) 569-3007
Facsimile: (215) 568-6603
Email: mbranzburg@klehr.com

Co-Counsel to the Debtors and Debtors in Possession

KIRKLAND & ELLIS LLP
KIRKLAND & ELLIS INTERNATIONAL LLP
Joshua A. Sussberg, P.C. (*admitted pro hac vice*)
601 Lexington Ave
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: joshua.sussberg@kirkland.com

- and -

Spencer Winters (*admitted pro hac vice*)
Whitney C. Fogelberg (*admitted pro hac vice*)
Alison J. Wirtz (*admitted pro hac vice*)
300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
Email: spencer.winters@kirkland.com
whitney.fogelberg@kirkland.com
alison.wirtz@kirkland.com

Co-Counsel to the Debtors and Debtors in Possession