Docket #0556 Date Filed: 07/08/2026

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	)	Chapter 11
ASCEND ELEMENTS, INC. *et al.*,[1]	)	Case No. 26-90440 (CML)
Debtors.	)	(Jointly Administered)

DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) EXTENDING THE TIME WITHIN WHICH THE DEBTORS MAY REMOVE ACTIONS AND (II) GRANTING RELATED RELIEF

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Ascend Elements, Inc. and Ascend Elements US, LLC (collectively, the "Debtors"), as debtors and debtors in possession in the above-captioned chapter 11 cases, file this *Motion for Entry of an Order (I) Extending the Time Within Which the Debtors May Remove Actions and (II) Granting Related Relief* (the "Motion"). In support of this Motion, the Debtors respectfully

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Ascend Elements, Inc. (2893) and Ascend Elements US, LLC (8309). The location of the Debtors' service address is: 133 Flanders Road, Westborough, MA 01581.

state as follows:

RELIEF REQUESTED

1. The Debtors seek entry of an order, substantially in the form attached hereto (the "Order"), extending the deadline to remove actions (the "Removal Deadline") for a period of one hundred and twenty (120) days, through and including[2] November 5, 2026.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b).

3. Venue of the Debtors' cases in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are Section 1452 of title 28 of the United States Code (the "Judicial Code"), Bankruptcy Rules 9006 and 9027, Rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the "Bankruptcy Local Rules"), and the Procedures for Complex Chapter 11 Cases in the Southern District of Texas (the "Complex Case Procedures").

5. This Court has constitutional authority to enter final orders with respect to the relief requested herein. The Debtors further confirm their consent to this Court's entry of final orders or judgments on this Motion if it is later determined that, in the absence of the consent of the parties, this Court does not have constitutional authority to enter final orders or judgments.

[2] The current removal deadline is July 8, 2026. Rule G.18 of the *Procedures for Complex Cases in the Southern District of Texas* provides that "if a motion is filed that complies with Bankr. Loc. R. 9013-1 to extend the time to take any action before the expiration of the period prescribed by the Bankruptcy Code, the Bankruptcy Rules, or the Bankruptcy Local Rules, the time for taking the action is automatically extended until the Court rules on the motion." By filing this Motion prior to the expiration of the Removal Deadline, such deadline is automatically extended until the Court resolves the Motion.

FACTUAL BACKGROUND

6. On April 9, 2026 (the "Petition Date"), the Debtors commenced these chapter 11 cases by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code. The Debtors have continued in possession of their property and have continued to operate and manage their business as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

7. On April 26, 2026, the Office of the United States Trustee (the "U.S. Trustee") appointed an Official Committee of Unsecured Creditors (the "Committee"). *See* Dkt. No. 139.

8. Additional information about the Debtors' business and affairs, capital structure, prepetition indebtedness, and the events leading up to the Petition Date can be found in the *Declaration of Linh Austin in Support of Chapter 11 Petitions and Emergency First-Day Motions* (the "First Day Declaration") [Dkt. No. 11], which is incorporated herein by reference.

BASIS FOR RELIEF

9. Section 1452 of title 28 of the United States Code and Bankruptcy Rule 9027 govern the removal of pending civil actions. Specifically, 28 U.S.C. § 1452(a) provides:

> A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

28 U.S.C. § 1452(a).

10. Bankruptcy Rule 9027(a)(2) sets forth the time period for filing notices to remove claims or causes of actions and provides, in pertinent part:

> If the claim or cause of action in a civil action is pending when a case under the [Bankruptcy] Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the [Bankruptcy] Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the [Bankruptcy] Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

FED. R. BANKR. P. 9027(a)(2).

11. With respect to post-petition actions, Bankruptcy Rule 9027(a)(3) provides that a notice of removal may be filed:

> [O]nly within the shorter of (A) 30 days after receipt, through service or otherwise, of a copy of the initial pleading setting forth the claim or cause of action sought to be removed, or (B) 30 days after receipt of the summons if the initial pleading has been filed with the court but not served with the summons.

FED. R. BANKR. P. 9027(a)(3).

12. Bankruptcy Rule 9006(b)(1) further provides that the Court may extend the unexpired time periods, such as the Debtors' Removal Deadline, without notice, upon a showing for cause:

> [W]hen 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 . . . 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).

Cause Exists to Extend the Removal Deadline

13. It is well settled that the Court is authorized to extend, for cause, the removal period provided under 28 U.S.C. § 1452 and Bankruptcy Rule 9027. Courts in this district and other districts have regularly granted relief similar to that requested herein. *See, e.g., In re Gulfport Energy Corp. al*., No. 20-35562 (DRJ) (Bankr. S.D. Tex. Jan. 26, 2021) (granting an additional 120-day extension without prejudice to the debtors' ability to seek additional extension); *In re Valaris PLC et al*., No. 34114 (MI) (Bankr. S.D. Tex. April 16, 2021) (same); *In re EP Energy Corp*., No. 19-35654 (MI) (Bankr. S.D. Tex. Feb. 10, 2020) (same); *In re Fieldwood Energy LLC*, No. 20-33948 (MI) (Bankr. S.D. Tex. Dec. 2, 2020) (same); *In re Weatherford International plc,* No. 19-33694 (DRJ) (Bankr. S.D. Tex. Sept. 26, 2019) (same).

14. Cause exists to extend the Removal Deadline in these chapter 11 cases from the current deadline of July 8, 2026, to and including November 5, 2026. Since the Petition Date, the Debtors and their advisors have focused on stabilizing operations, obtaining first-day and cash collateral relief, conducting an extensive court-supervised sale process, consummating the Poland/IP and Hopkinsville sales, obtaining approval of the Covington sale, and transitioning from asset monetization to an orderly wind down of the remaining estates.

15. Despite that progress, the Debtors and their advisors remain engaged in substantial wind down work, and, on July 8, 2026, the Debtors filed a combined plan and disclosure statement. Accordingly, the Debtors believe the current Removal Deadline would not provide sufficient time for the Debtors to determine conclusively which actions, if any, they should seek to remove.

16. The Debtors are parties to, or may hold interests in, a number of civil actions, arbitrations, and related proceedings (collectively, the "Civil Actions"). The Debtors' analysis regarding which, if any, of these Civil Actions they should seek to remove depends on a number of factors, including but not limited to: (i) the importance of the Civil Action to the resolution of these chapter 11 cases, (ii) the relationship between the Civil Action and matters to be considered in these chapter 11 cases, (iii) the presence of federal subject matter jurisdiction, and (iv) the timing required to complete the Civil Action in its current venue. An extension of the Removal Deadline will afford the Debtors an opportunity to make more fully informed decisions concerning the removal of any Civil Action and will ensure that the Debtors and their estates do not forfeit valuable rights under 28 U.S.C. § 1452.

17. Therefore, the Debtors believe it is prudent to seek an extension of the time prescribed under Bankruptcy Rule 9027(a) for filing notices of removal from the current deadline of July 8, 2026, to and including November 5, 2026. Furthermore, an extension would not prejudice the rights of the Debtors' adversaries in the Civil Actions because any party to

an action that is removed may seek to have the action remanded to state court pursuant to 28 U.S.C. § 1452(b).

18. The Debtors further request that the order approving this Motion be without prejudice to (i) any position the Debtors may take regarding whether section 362 of the Bankruptcy Code applies to stay any given Civil Action pending against any of the Debtors and (ii) the right of the Debtors to seek further extensions of the Removal Deadline.

19. For the reasons stated above, the Debtors submit that cause exists to grant this Motion and that the relief requested herein is appropriate and in the Debtors' and their estates' best interests.

NOTICE

20. Notice of this Motion will be provided by first class mail and/or e-mail or facsimile to those parties on the Master Service List and the parties to the Civil Actions. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

PRAYER

WHEREFORE, the Debtors respectfully request that the Court enter an order granting the relief requested in this Motion and granting such other and further relief as is appropriate under the circumstances.

Dated: July 8, 2026
Houston, Texas

/s/ Ryan Manns

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Counsel to the Debtors and Debtors in Possession

CERTIFICATE OF SERVICE

I certify that on July 8, 2026, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas. Additionally, the foregoing document will be served as set forth in a forthcoming affidavit filed by the Debtors.

/s/ Ryan Manns
Ryan Manns

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	)	Chapter 11
ASCEND ELEMENTS, INC. *et al.*,[1]	)	Case No. 26-90440 (CML)
Debtors.	)	(Jointly Administered)

ORDER (I) EXTENDING THE TIME WITHIN WHICH THE DEBTORS MAY REMOVE ACTIONS AND (II) GRANTING RELATED RELIEF

[Relates to Dkt. No. ___]

Upon the motion (the "Motion")[2] of the above-captioned Debtors for entry of an order (this "Order"), (i) extending the time period within which the Debtors may remove Actions and (ii) granting related relief pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and 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 permissible 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 under the circumstances 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

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[2] Capitalized terms used and not defined herein have the meanings ascribed to them in the Motion

this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The period within which the Debtors may seek removal of the Actions pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027 is extended by 120 days, through and including November 5, 2026, without prejudice to the Debtors' right to seek further extensions.

2. Adequate notice of, and an opportunity for a hearing on, the Motion has been provided, and such notice satisfies the requirements of Bankruptcy Rule 6004(a).

3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

4. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

5. The Debtors are authorized to take such actions as are necessary to effectuate the relief granted in this Order.

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