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Proposed Counsel to the Debtor and Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

In re: CASHCALL, INC., Debtor.	Case No. 26-03102-JBM11 Chapter 11 **DEBTOR'S *EX PARTE* MOTION FOR ONE-DAY RETROACTIVE EXTENSION TO FILE SCHEDULES** Date: Time: Place: Name of Judge: Judge J. Barrett Marum

TO THE HONORABLE J. BARRETT MARUM, UNITED STATES BANKRUPTCY JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL CREDITORS, PARTIES REQUESTING SPECIAL NOTICE:

CashCall, Inc. (the "Debtor"), the debtor and debtor-in-possession in the above-captioned bankruptcy case, by and through its counsel, hereby submits this Motion (the "Motion") for entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), 9006(b) of the Federal Rules of Bankruptcy Procedure retroactively extending the deadline to file Schedules of Assets and Liabilities and Statement of Financial Affairs(the "Schedules") to August 20, 2026.

In further support of this Motion, the Debtor respectfully represents as follows:

I. INTRODUCTION

The Debtor filed the Schedules on the morning of August 20, 2026, the day after the extended deadline set by this Court [Docket No. 27]. .

The Debtor first and foremost apologizes to the Court and commits to strict adherence to all future deadlines and respectfully submits this *ex parte* motion seeking a retroactive extension pursuant to Section 9006(b)(1) of the Federal Rules of Bankruptcy Procedure.

No creditor faces prejudice from this brief delay (less than 3 business hours). Allowing this case to advance without dismissal or conversion is in the best interest of the estate and all other parties. In light of this balance of the equities, the Debtor believes this short extension is appropriate.

II. JURISDICTION AND VENUE

This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

III. BASIS FOR RELIEF

Bankruptcy Courts have considerable discretion to enlarge the time period for the filing of schedules under Bankruptcy Rule 1007. Indeed, even after expiration of the deadline, such extensions normally will be granted in the absence of bad faith or prejudice. *Bryant v. Smith*, 165 B.R. 176 (W.D. Va. 1994). Extensions should be granted liberally and considered flexibly, examining whether there is "a showing of good faith by the party seeking enlargement, a reasonable basis for non-compliance within the specified period, and a lack of prejudice resulting to the opposing party." *In re Murphy*, 1 B.R. 736, 738-

39 (S.D. Cal. 1979) (granting extension for one day delay in filing adversary complaint). Here, all three factors suggest that a retroactive application of a one-day extension is the appropriate remedy.

First, as to good faith, the Debtor immediately corrected its error and proactively took steps to alert both the Court and UST of its filing of the Schedules. Less than one-half day passed (indeed, less than 3 business hours) before the Debtor filed the Schedules. This is not an instance where the Debtor sat on its hands or stood to benefit from a delay. Failing to file them would only hurt the Debtor's chances of successfully restructuring. Far from a calculated decision to ignore this Court's order, this was a good-faith miscommunication that the Debtor assures this Court will not happen again.

Second, the Debtor's failure to meet the Court-ordered deadline arose due to a miscommunication. Although miscommunication is not always a justification for a finding of excusable neglect, it is not the rule that "cases of inadvertence or miscommunication can never satisfy the excusable neglect standard." *See In re Cathode Ray Tube (CRT) Antitrust Litig.*, 2014 WL 4446294, at *5, n.5 (N.D. Cal. Sep. 8, 2014).

Third, while regrettable, no party was prejudiced by the Debtor's delay. The Schedules were filed by the end of the morning. The hearing on the Debtor's DIP Financing Motion is still a week away. All parties have sufficient time to review the filings and informedly participate in the hearing and all other matters in this case.

With full recognition of its conduct, the Debtor respectfully submits that "justiciable matters" such as this bankruptcy" should "be substantively considered and not be barred by procedural technicalities, unless some important purpose is served." *Murphy*, 1 B.R. at 739. To date, the Debtor has devoted significant time and energy to this case. The Debtor appeared before this Court, secured DIP financing, retained professionals, a chief restructuring officer and an independent director. The Debtor intends to develop a comprehensive plan to address all estate assets and liabilities. This case may represent the only opportunity the Debtor has to secure the full benefit of a chapter 11 proceeding.

More critically, dismissal or conversion would have a devastating effect on the estate and creditors. As set forth in the Debtor's Omnibus Reply [Docket No. 67], the Debtor's financial situation is difficult at best. Dismissal or conversion would disrupt what stands to be an orderly Chapter 11 proceeding and trigger a free fall liquidation resulting in creditors receiving nothing. In sum, a balance of equities favors this Court's broad equitable authority to fashion relief for the Debtor's brief delay.

IV. NO PREVIOUS REQUEST

No previous request for the relief sought herein has been made, other than the previously filed Motion for an Order Extending Time to file Schedules of Assets and Liabilities and of Statements of Financial Affairs [Docket No. 9], which this Court granted [Docket No. 27].

V. NOTICE

Notice of this Motion has been provided to: (i) the Office of the United States Trustee; (ii) any party whose interests are directly affected by this specific pleading; (iii) those persons who have formally appeared and requested notice and service in this proceeding pursuant to Bankruptcy Rules 2002 and 3017; (iv) counsel for the proposed DIP Lender; (v) the consolidated 20 largest unsecured creditors of the Debtor; and (vi) all governmental agencies having a regulatory or statutory interest in this Chapter 11 Case. No other or further notice need be provided.

VI. CONCLUSION

WHEREFORE, the Debtor respectfully requests that the Court grant this Motion, enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, and grant such other and further relief as the Court deems just and proper.

Dated: August 20, 2026

MANATT, PHELPS & PHILLIPS, LLP

By: */s/ Patrick L. DuBois*

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Proposed Counsel to the Debtor and Debtor-in-Possession

Exhibit A

CSD 1001A [07/01/18]

Name, Address, Telephone No. & I.D. No.

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re CashCall, Inc. Debtor.	BANKRUPTCY NO. 26-03102-JBM11 Date of Hearing: Time of Hearing: Name of Judge: Judge J. Barrett Marum

ORDER ON

Debtor's Ex Parte Motion for One-Day Retroactive Extension to File Its Schedules

The court orders as set forth on the continuation pages attached and numbered 2 through 2 with exhibits, if any, for a total of 2 pages. Motion/Application Docket Entry No. _____.

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DATED:

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Judge, United States Bankruptcy Court

The Court, having considered the Ex Parte Motion for One-Day Retroactive Extension to File Schedules (the "Motion") filed by CashCall, Inc. ("Debtor"), the Chapter 11 debtor and debtor in possession in the above-captioned Chapter 11 bankruptcy case, and the Court having found that it has jurisdiction to consider the Motion and the relief requested therein, and finding good cause to grant the Motion:

HEREBY ORDERS

1. The Debtor's Ex Parte Motion for One-Day Retroactive Extension to File Schedules is GRANTED as set forth herein;

2. The Debtor is retroactively granted a one-day extension of time through and including August 20, 2026 to file its Schedules of Assets and Liabilities and Statements of Financial Affairs.

3. This Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

End of Order