UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:	Case No. 26-48494
FIELDSTONE A&E, LLC,	Chapter 11
Debtor.	Judge Thomas J. Tucker

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CALBEN CORPORATION'S
MOTION TO ALLOW LATE PROOF OF CLAIM

Calben Corporation, Mattamy Florida LLC, Mattamy Tampa/Sarasota LLC, Mattamy Naples LLC, and Mattamy Southwest FL LLC (collectively, "Mattamy" or "Movant"), by and through its counsel, Schafer and Weiner, PLLC, and for their *Motion to Allow Late Proof of Claim* (the "Motion") state as follows:

INTRODUCTION

1. Counsel for the Movant verified and calendared the proof of claim deadline in this Case as November 25, 2026. Counsel did this the same way it does in every case where it represents a creditor -- by going into Pacer and looking at the upper right hand corner and verifying the claim deadline. Counsel did not search the entire docket to see if there was an order entered that changed the date and made the date appearing on Pacer wrong.

2. Unbeknownst to counsel for Movant, the Court entered an Order setting the claim bar date for October 22, 2026. While the Order was entered and served in

accordance with its provisions, the claims deadline on Pacer did not change – Pacer continued to show that the proof of claim deadline was November 25, 2026.

3. At 4:26 p.m. on October 22, 2026, the Debtor filed a stipulation extending the claims deadline for certain HOAs only to November 4, 2026. Counsel for Movant did not review that stipulation until very early the next morning. Upon review, counsel was initially confused by an extension to November 4, 2026 when Pacer reflected that November 25, 2026 was the claims deadline.

4. Movant's counsel immediately reviewed the docket and eventually discovered that a bar date motion had been filed and granted by the Court, and that the claims deadline had expired only hours earlier. Movant's counsel immediately reached out to Debtor's counsel (8:23 am) and was able to speak with Debtor's counsel at 9:17 am. Movant's counsel conveyed the confusion caused by the inaccurate Pacer date, and requested an extension to November 4, 2026 (the same as the HOAs). Debtor's counsel requested an email so that he could discuss the matter with his client, which was sent at 10:30 am that morning. At 3:34 pm that afternoon, Debtor's counsel responded to the email and indicated that he needed to speak with his client and expected to have a substantive response "after the weekend".

5. Movant initially held off filing this Motion waiting for that substantive response in light of the Debtor's October 28, 2026 plan deadline. Movant has still not received a response to its request, so it is now filing this Motion.

BACKGROUND

6. On July 30, 2026 (the "Petition Date"), Fieldstone A&E, LLC ("Debtor") filed its voluntary petition under chapter 11.

7. On July 31, 2026, a notice of Debtor's 341 meeting, which indicated that the last day to file claims was November 25, 2026, was served on all of Debtor's creditors.

8. On August 12, 2026, the Debtor filed a motion to shorten the claims deadline (the "Bar Date Motion"; Docket No. 44), and subsequently on August 25, 2026, the Court entered an Order setting the deadline to file claims for October 22, 2026 (the "Bar Date Order"; Docket No. 64).

9. On September 2, 2026, Debtor served the Bar Date Order[1].

10. Movant's counsel was retained right around the time the Bar Date Order was entered and served.

11. Upon retention, counsel logged into Pacer and calendared the claims deadline as it incorrectly appeared on the Court's Pacer system as November 25, 2026.

12. As of the date of the filing of this Motion, Pacer still incorrectly indicates that the claims deadline is November 25, 2026.

[1] The Bar Date Order was mailed to Movant, but counsel for Movant did not receive a copy because counsel had not yet filed an appearance or reached out to Debtor's counsel.

RELIEF REQUESTED

13. By this Motion, the Movant seeks entry of an Order, substantially in the form attached as **Exhibit A**, allowing Movant until two business days after this Court enters the proposed Order to file a proof of claim.

JURISDICTION & VENUE

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

15. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

BASIS FOR RELIEF

16. Movant acknowledges that the deadline in the Bar Date Order governs the deadline to file proofs of claim.

17. Movant argues that where the Court's official Pacer system shows the wrong deadline and counsel for movant calendared that incorrect deadline, good cause exists to allow a late filed proof of claim.

18. Under Fed. R. Bankr. P. 9006(b)(1)(B), a bankruptcy court may allow a late-filed proof of claim where the creditor's failure to timely file the claim "was the result of excusable neglect."

19. Courts have developed five factors to be considered in order to determine whether a creditor has satisfied Fed. R. Bankr. P. 9006(b)'s requirement

of excusable neglect. Those factors are: (1) whether granting the delay will prejudice the debtor; (2) the length of the delay and its impact on efficient court administration; (3) whether the delay was beyond the reasonable control of the person whose duty it was to perform; (4) whether the creditor acted in good faith; and (5) whether clients should be penalized for their counsel's mistake or neglect. See In re Pioneer Inv. Servs. Co., 943 F.2d 673, 677 (6th Cir. 1991).

No Prejudice to Debtor

20. As to the first factor, allowing the Movant's proof of claim will not prejudice the Debtor. Movant is well aware of the claims raised in pending litigation in Florida and additional notices it has received of pending litigation. The claim Movant will bring will be a small subset of that existing litigation and claims.

21. Movant acted as the general contractor for the projects at issue in Florida. Debtor acted as the architect for those projects. Movant's claim will be that to the extent Movant has any liability and such liability is attributable to Debtor, Movant has a claim against Debtor. These very claims will also be included in the claims that the HOAs will file on or before November 4, 2026, so any delay does not prejudice Debtor.

22. Additionally, Debtor just filed its Plan on October 28, 2026, which proposes to pay unsecured creditors each their pro rata share of a fixed quarterly

payment. Accordingly, if the current Plan is confirmed Debtor pays the exact same amount either with or without Movant's claim.

23. Accordingly, there is no prejudice to the Debtor by allowing Movant to file a late claim.

Length of Delay was Minimal

24. Movant contact Debtor at 8:23 am the morning after the deadline to file set forth in the Bar Date Order and explained the cause of the delay and requested an extension.

25. Movant only waited 6 days to file this Motion, because counsel for Debtor sent an email indicating that he would follow up with a substantive response.

26. Accordingly, the length of delay in this case is as short as it could possibly be.

Beyond Reasonable Control

27. Movant acknowledges that the Bar Date Order was available on Pacer, and a review of the entire docket would have revealed this information. However, Counsel for Movant followed its usual procedure of reviewing Pacer and calendaring the claims deadline appearing on Pacer[2].

[2] Based on the discovery in this case, counsel has reviewed numerous other cases in this District and other Districts in which it has been involved where a bar date is changed by court order and has determined that when the bar date is changed most but not all of the time Pacer is also changed. Counsel had no knowledge of the

28. There is no purpose for listing the deadlines related to a bankruptcy case on Pacer other than to permit counsel and parties to easily refer to and discovery the various deadlines in a bankruptcy case, and obviate the need to search the entire docket in order to determine the applicable scheduling dates. Movant asserts that it acted reasonably in determining the claims bar date by doing so.

29. Accordingly, Movant acted reasonably and therefore this error was beyond its reasonable control.

Movant Acted in Good Faith

30. Movant incorrectly relied upon a source for the claims deadline that Movant in good faith believed was official and correct. Within an hour of the actual claim deadline and within minutes of discovering this mistake, counsel for Movant reached out to counsel for Debtor to explain the situation and request an extension.

31. These are not the actions of a party acting in bad faith.

Movant Should Not be Penalized for Acts of its Counsel

32. Counsel for Movant believes it acted reasonably and in good faith and therefore, there is no basis to penalize anyone. However, to the extent that this Court finds that counsel's conduct was improper, there is no basis to penalize Movant by disallowing its claim.

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issue prior to this case, and believed that Pacer accurately reflected the proof of claim deadline.

33. Each of the above factors weighs in favor of allowing granting this Motion.

WHEREFORE, the Movant respectfully requests that this Honorable Court enter an order substantially in the form attached as **Exhibit A**.

Respectfully submitted,

SCHAFER AND WEINER, PLLC

By: /s / Howard Borin .

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Dated: November 3, 2026

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:	Case No. 26-48494
FIELDSTONE A&E, LLC,	Chapter 11
Debtor.	Judge Thomas J. Tucker

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ORDER GRANTING CALBEN CORPORATION'S
MOTION TO ALLOW LATE PROOF OF CLAIM

Calben Corporation, Mattamy Florida LLC, Mattamy Tampa/Sarasota LLC, Mattamy Naples LLC, and Mattamy Southwest FL LLC (collectively, "Mattamy" or "Movant"), by and through its counsel, Schafer and Weiner, PLLC, filed its *Motion to Allow Late Proof of Claim* (the "Motion"); no objections to the Motion have been filed, or if objections were filed, said objections have been resolved; the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the Motion is Granted.

IT IS FURTHER ORDERED that the deadline for Mattamy[1] to file its proof of claim is two business days after the entry of this Order.

[1] As defined in the Motion.