Docket #0793 Date Filed: 07/08/2026

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
Vanderbilt Minerals, LLC,	Case No. 26-60110 (WAK)
Debtor.[1]	

SECOND MOTION FOR ENTRY OF AN ORDER FURTHER EXTENDING THE PERIOD WITHIN WHICH THE DEBTOR MAY REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND RULE 9027 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

The above-captioned debtor and debtor in possession (the "Debtor"), by and through its undersigned counsel, hereby moves the Court (this "Motion") for entry of an order, in substantially the form attached hereto as ***Exhibit A***, pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure, further extending the period within which the Debtor may remove actions pursuant to 28 U.S.C. § 1452 and Rule 9027 (the "Removal Period") through and including February 19, 2027. In support of this Motion, the Debtor respectfully states as follows:

JURISDICTION

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. The statutory and rule-based predicates for the relief requested herein are 28 U.S.C. § 1452 ("Section 1452") and Rules 9006 and 9027 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

[1] The Debtor is Vanderbilt Minerals, LLC (EIN 13-1432885). The Debtor's noticing address in this Chapter 11 Case is 33 Winfield Street, Norwalk, Connecticut 06855.

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BACKGROUND

3. On February 16, 2026 (the "Petition Date"), the Debtor commenced a case under chapter 11 of the Bankruptcy Code (the "Chapter 11 Case"). The Debtor is authorized to continue to operate its business and manage its properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

4. The Debtor is a global supplier of mineral products, operating mines and processing facilities in six different states. The Debtor mines bentonite clay, kaolin clay, pyrophyllite and wollastonite and processes and sells products used in industrial applications (e.g., construction coatings, ceramics and refractories) and life sciences (e.g., pharmaceuticals, personal care, animal care, agriculture and horticulture). Prior to 2008, a predecessor in interest to the Debtor mined and sold talc for use in industrial applications, which is the source of the litigation and judgments that have led to the commencement of this Chapter 11 Case.

5. On March 3, 2026, the Office of the United States Trustee appointed an official committee of unsecured creditors (the "Committee") pursuant to section 1102 of the Bankruptcy Code [Docket No. 111]. As of the date of this filing, no other official committees have been appointed or designated.

6. A comprehensive description of the Debtor's business and operations, capital structure and the events leading to the commencement of the Chapter 11 Case can be found in the *Declaration of Dean Vomero, Chief Restructuring Officer of Vanderbilt Minerals, LLC, in Support of First Day Motions of Debtor and Debtor in Possession* [Docket No. 9] (the "First Day Declaration"), which is incorporated by reference.

7. On May 21, 2026, the Court entered the *Order Extending the Period Within Which the Debtor May Remove Actions Pursuant to 28 U.S.C. § 1452 and Rule 9027 of the Federal Rules*

of Bankruptcy Procedure [Docket No. 661] (the "First Removal Extension Order"),[2] pursuant to which the Removal Period was extended through and including August 19, 2026. The First Removal Extension Order was entered without prejudice to the Debtor's ability to seek further extensions.

RELIEF REQUESTED

8. The Debtor is involved in several legal actions, including as a named defendant in more than 1,400 pending lawsuits through which plaintiffs seek to establish liability arising from or relating to allegations of exposure to talc products mined and sold by the Debtor or its predecessors (the "Pending Actions"). The Pending Actions may be subject to removal pursuant to 28 U.S.C. § 1452, and, as of the date of this Motion, the Removal Period has not yet expired.

9. By this Motion, the Debtor seeks the entry of an order, in substantially the form attached hereto as ***Exhibit A***, pursuant to Bankruptcy Rule 9006(b) further extending the Removal Period by approximately 120 days, through and including February 19, 2027, to the extent that the time period for filing any notices of removal expires on or before such date.

10. The relief requested in this Motion is without prejudice to the Debtor's right to (i) take any position regarding the applicability of section 362 of the Bankruptcy Code to any given civil action pending against the Debtor and (ii) seek further extensions of the Removal Period from this Court.

BASIS FOR RELIEF REQUESTED

11. The removal of civil actions pending against a bankruptcy debtor is governed by Bankruptcy Rule 9027 and Section 1452. Section 1452 provides, in relevant part, as follows:

[2] Prior to entry of the First Removal Extension Order, on May 8, 2026, the Court entered a text order [Docket No. 573] adjourning the hearing on the first extension motion to May 21, 2026 and directing counsel to submit a bridge order confirming same. On May 12, 2026, the Court entered the bridge order [Docket No. 584] (the "Bridge Order") extending the Removal Period through and including May 21, 2026.

> 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).

12. Bankruptcy Rule 9027 sets forth the time periods for filing notices to remove claims or causes of action. With respect to actions pending prepetition, Bankruptcy Rule 9027 provides, in relevant 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 [in the bankruptcy court] 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).

13. With respect to actions filed post-petition, Bankruptcy Rule 9027 provides, in relevant part:

> If the claim or cause of action is asserted in another court after the commencement of a case under the [Bankruptcy] Code, a notice of removal may be filed with the clerk only 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).

14. Bankruptcy Rule 9006(b) permits a court to extend time periods that are not expired, including the Removal Period established by Bankruptcy Rule 9027, for cause shown,

and specifically states:

> [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).

15. The Court is authorized pursuant to Bankruptcy Rule 9006(b) to extend the Removal Period provided by Section 1452 and Bankruptcy Rule 9027. *See*, *e.g.*, *In re Fairfield Sentry Ltd. Litigation*, 458 B.R. 665, 692 (S.D.N.Y. 2011) ("Bankruptcy Rule 9006(b)(1)(1) allows the bankruptcy court to enlarge the time for removal before the time for removal expires *sua sponte*."); *In re Boyer*, 108 B.R. 19, 26 (Bankr. N.D.N.Y. 1988) (explaining that a motion under Bankruptcy Rule 9006(b) is required to extend the removal period under Bankruptcy Rule 9027.); *In re World Fin. Servs. Ctr., Inc.*, 81 B.R. 33, 39 (Bankr. S.D. Cal. 1987) ("Pursuant to Bankr. R. 9006(b), this court has the discretion to extend the filing period for an application for removal ...."); *Caperton v. A.T. Massey Coal Co.*, 251 B.R. 322, 325 (S.D.W. Va. 2000)(same).

16. The Debtor respectfully submits that "cause" exists to grant the Motion and further extend the Removal Period as set forth herein. Since the entry of the First Removal Extension Order, the Debtor and its key personnel have remained actively engaged in the administration of this complex Chapter 11 Case, including (a) closing the sale transaction approved by the *Order (I) Approving the Sale of the Debtor's Assets Free and Clear of All Liens, Claims, Interests and Encumbrances, (II) Authorizing the Assumption and Assignment of Executory Contracts and Unexpired Leases and (III) Granting Related Relief* [Docket No. 576] (the "Sale Order"), (b) obtaining a general bar date for the filing of proofs of claim other than with respect to direct talc claims [Docket No. 773] (the "Bar Date Order"), and (c) continuing to work with the Committee

and other parties in interest toward formulating a chapter 11 plan providing for distributions to creditors.

17. Accordingly, the Debtor has not had an adequate opportunity to determine whether to remove any actions that may be subject to removal. The Debtor remains a named-defendant in the Pending Actions, and given the significant number of such actions, as well as the critical matters the Debtor continues to address in this Chapter 11 Case—including administering the claims process following entry of the Bar Date Order and formulating a chapter 11 plan—the Debtor respectfully submits that it requires additional time to evaluate whether the removal of any action under Section 1452 is appropriate under the circumstances of each individual action. The Debtor believes that it is prudent to seek a further extension of the time established by Bankruptcy Rule 9027 to protect the rights of the Debtor and its estate to remove the Pending Actions. The extension sought will afford the Debtor a reasonable period to determine whether to remove pending litigation and will ensure that the Debtor does not forfeit valuable rights under 28 U.S.C. § 1452.

18. As such, the Debtor is seeking to further extend the Removal Period, which would otherwise expire on August 16, 2026, to ensure the Debtor's right to remove is preserved.[3]

19. Additionally, the rights of any party to litigation involving the Debtor will not be unduly prejudiced by the requested extension because (i) such litigation is stayed pursuant to section 362 of the Bankruptcy Code, and (ii) each litigation counterparty will receive notice of any extension of the Removal Period. Further, if the Debtor does ultimately seek to remove any action pursuant to Bankruptcy Rule 9027, any party to such action will retain their right upon a showing

[3] The Debtor does not believe there are any issues with the Removal Period for post-petition actions in light of the automatic stay; however, the Debtor nevertheless seeks an extension of the Removal Period with respect to post-petition actions pursuant to Bankruptcy Rule 9027(a)(3) out of an abundance of caution.

of cause to have such action remanded pursuant to Section 1452(b), which provides that "[t]he court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground." Accordingly, no litigation parties will be prejudiced by such an extension because any party to an action that is removed may seek to have it remanded to state court pursuant to 28 U.S.C. § 1452(b).

20. Accordingly, for the reasons set forth herein, the Debtor respectfully submits that cause exists to further extend the Removal Period through and including February 19, 2027.

NOTICE

21. In accordance with Bankruptcy Rule 4001(d), notice of this Motion has been provided to: (i) the Office of the United States Trustee for the Northern District of New York, (ii) counsel for the Committee, and (iii) those parties that have requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, the Debtor respectfully submits that no further notice is required.

NO PRIOR REQUEST

22. Other than with respect to the First Removal Extension Order, no prior request for the relief sought herein has been made to this Court or any other court.

CONCLUSION

WHEREFORE, the Debtor respectfully requests that this Court: enter an order in substantially the form attached hereto as ***Exhibit A***, (i) further extending the Removal Period through and including February 19, 2027, and (ii) grant such other relief as the Court may deem just and proper.

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Dated: July 8, 2026
Syracuse, New York

Respectfully submitted,

/s/ Charles J. Sullivan

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EXHIBIT A

(Proposed Order)

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

In re:	Chapter 11
Vanderbilt Minerals, LLC,	Case No. 26-60110 (WAK)
Debtor.[1]	

SECOND ORDER FURTHER EXTENDING THE PERIOD WITHIN WHICH THE DEBTOR MAY REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND RULE 9027 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

Upon the *Debtor's Second Motion for Entry of an Order Further Extending the Period Within Which the Debtor May Remove Actions Pursuant to 28 U.S.C. § 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure* (the "Motion"),[2] pursuant to Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 9006(b); the Court having reviewed the Motion and having considered the statements of counsel and the evidence adduced with respect to the Motion at a hearing before the Court (the "Hearing"); the Court finding that (a) the Court has jurisdiction over

[1] The Debtor is Vanderbilt Minerals, LLC (EIN 13-1432885). The Debtor's noticing address in this Chapter 11 Case is 33 Winfield Street, Norwalk, Connecticut 06855.

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

this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), (d) notice of the Motion and the Hearing was sufficient under the circumstances and (e) cause exists under Bankruptcy Rule 9006(b)(1) to grant an extension of the Removal Period established under Bankruptcy Rule 9027(a); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. The time period provided under Bankruptcy Rule 9027 within which the Debtor may file notices of removal of any and all civil actions is further extended through and including February 19, 2027, to the extent that the time period for filing any such notices of removal otherwise would expire before such date.

3. This Order shall be without prejudice to the Debtor's right to (i) take any position regarding the applicability of section 362 of the Bankruptcy Code to any given civil action pending against the Debtor and (ii) seek further extensions of the Removal Period from this Court.

4. This order shall be effective and enforceable immediately upon its entry.

5. The Debtor is hereby authorized to take all actions it determines are necessary to effectuate the relief granted pursuant to this order in accordance with the Motion.

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