

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

SC HEALTHCARE HOLDING, LLC *et al.*,

Debtors.¹

Chapter 11

Case No. 24-10443 (TMH)

Jointly Administered

NOTICE OF AGENDA FOR HEARING OF MATTERS
SCHEDULED FOR MAY 13, 2024 AT 9:30 A.M. (ET)

HEARING INSTRUCTIONS

This proceeding will be conducted in-person in Courtroom 7. All counsel and witnesses are expected to attend unless permitted to appear remotely via Zoom. Please refer to Judge Horan's Chambers Procedures and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on who may participate remotely, the method of allowed participation (video or audio), Judge Horan's expectations of remote participants, and the advance registration requirements. Registration is required by May 10, 2024 at 4:00 p.m. (Eastern Time), the business day before the hearing, unless otherwise noticed using the eCourt Appearances tool available on the Court's website.

YOU MUST USE YOUR FULL NAME WHEN LOGGING INTO ZOOM OR YOU WILL NOT BE ALLOWED INTO THE MEETING.

CONTESTED MATTERS GOING FORWARD

1. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Certain Critical Vendors and (II) Granting Related Relief [[D.I. 26, 3/21/24](#)]

Objection Deadline: April 16, 2024 at 4:00 p.m. (ET), *extended for the Official Committee of Unsecured Creditors to May 9, 2024 at 11:00 a.m. (ET)*

Related Documents:

- A. Interim Order (I) Authorizing the Debtors to Pay Prepetition Claims of Certain Critical Vendors and (II) Granting Related Relief [[D.I. 85, 3/22/24](#)]

¹ The last four digits of SC Healthcare Holding, LLC's tax identification number are 2584. The mailing address for SC Healthcare Holding, LLC is c/o Petersen Health Care Management, LLC 830 West Trailcreek Dr., Peoria, IL 61614. Due to the large number of debtors in these Chapter 11 Cases, whose cases are being jointly administered, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information is available on a website of the Debtors' claims and noticing agent at <http://www.kccllc.net/Petersen>.



Objections Filed:

- A. Reservation of Rights of the Official Committee of Unsecured Creditors to Certain of the Debtors' Second Day Motion [[D.I. 176](#), 4/19/24]

Status: This matter is going forward.

2. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 38](#), 3/21/24]

Objection Deadline: April 16, 2024 at 4:00 p.m. (ET), *extended for the Office of the United States Trustee to April 19, 2024 at 12:00 p.m. (ET), extended for the Patient Care Ombudsman to May 7, 2024 at 4:00 p.m. (ET), extended for the U.S. Department of Urban Housing and Development to May 8, 2024 at 4:00 p.m. (ET), extended for the Official Committee of Unsecured Creditors to May 9, 2024 at 11:00 a.m. (ET) and extended for Lument Real Estate Capital, LLC, Grandbridge Real Estate Capital LLC, Berkadia Commercial Mortgage LLC, and Wells Fargo, N.A. to May 10, 2024 at 12:00 p.m. (ET), subject to Court approval*

Related Documents:

- A. Declaration of Luke Andrews in Support of Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 39](#), 3/21/24]
- B. Declaration of David R. Campbell in Support of Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 40](#), 3/21/24]
- C. Declaration of Jeff Deines in Support of X-Caliber Funding LLC's (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11

Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee; (B) Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b); and (C) Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 62, 3/21/24](#)]

- D. Exhibit G to Declaration of Jeff Dienes [[D.I. 63, 3/21/24](#)]
- E. Declaration of Paige B. Tinkham in Support of X-Caliber Funding LLC's (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee; (B) Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b); and (C) Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 64, 3/21/24](#)]
- F. Amended Declaration of Luke Andrews in Support of Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 68, 3/22/24](#)]
- G. Amended Interim Order (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 97, 3/26/24](#)]
- H. Debtors' Reply Regarding the Priming Dispute and in Support of the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the

Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 129, 4/8/24](#)]

- I. Declaration of Mark L. Myers in Support of Debtors (X) Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief; and (Y) Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) For Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. Section 543(a) & (b) [[D.I. 258, 4/29/24](#)]
- J. Notice of Extension of Debtors' Authority to Use DIP Proceeds and Cash Collateral [[D.I. 269, 5/3/24](#)]
- K. Column Financial, Inc.'s Witness and Exhibit List for Hearing on May 13 and 14, 2024 [[D.I. 279, 5/9/24](#)]
- L. Witness and Exhibit List of Lument Real Estate Capital LLC [[D.I. 280, 5/9/24](#)]
- M. Witness and Exhibit List of Grandbridge Real Estate Capital LLC and Berkadia Commercial Mortgage LLC [[D.I. 282, 5/9/24](#)]
- N. Amended Declaration Of Mark L. Myers In Support Of Debtors' (X) Motion For Entry Of Interim And Final Orders (I) Authorizing The Debtors To Obtain Postpetition Financing, (II) Granting Security Interests And Superpriority Administrative Expense Status, (III) Granting Adequate Protection To Certain Prepetition Secured Credit Parties, (IV) Modifying The Automatic Stay, (V) Authorizing The Debtors To Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use Of Cash Collateral, (VII) Scheduling A Final Hearing, And (VIII) Granting Related Relief; And (Y) Omnibus Objection To (A) The Emergency Motion For An Order (I) Dismissing The Subject Chapter 11 Cases, (II) For Abstention, Or (Iii) Appointment Of Receiver As The Chapter 11 Trustee And (B) The Emergency Motion To Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 288, 5/9/24](#)]

Objections:

- A. Objection of Lument Real Estate Capital, LLC to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 57, 3/21/24](#)]
- B. X-Caliber Funding LLC's Preliminary Objection to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 61, 3/21/24](#)]
- C. Objection of Grandbridge Real Estate Capital LLC and Berkadia Commercial Mortgage LLC to Debtors' DIP Motion and Joinder to Lument Real Estate Capital LLC's Objection to DIP Motion [[D.I. 73, 3/22/24](#)]
- D. Column Financial, Inc's Limited Objection to: Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 78, 3/22/24](#)]
- E. Objection and Reservation of Rights of GMF Petersen Note, LLC to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 163, 4/16/24](#)]
- F. United States Trustee's Objection and Reservation of Rights in Response to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the

Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 174, 4/19/24](#)]

- G. Limited Objection Of Hickory Point Bank & Trust to Debtors Motion For Entry Of Interim And Final Orders (I) Authorizing The Debtors To Obtain Postpetition Financing, (II) Granting Security Interests And Superpriority Administrative Expense Status, (III) Granting Adequate Protection To Certain Prepetition Secured Credit Parties, (IV) Modifying The Automatic Stay, (V) Authorizing The Debtors To Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use Of Cash Collateral, (VII) Scheduling A Final Hearing, And (VIII) Granting Related Relief [[D.I. 272, 5/6/24](#)]
- H. Column Financial, Inc.'s Supplemental Objection to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 273, 5/6/24](#)]
- I. Objection of Bank of Rantoul to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 277, 5/6/24](#)]
- J. Objection of the Official Committee of Unsecured Creditors to the Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 283, 5/9/24](#)]

- K. Joint Reservation of Rights of HUD Lenders to Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 285, 5/9/24](#)]

Status: This matter is going forward.

3. Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to (A) Continue to Use Their Bank Accounts, (B) Honor Prepetition Obligations Related Thereto, (C) Maintain the Refund Programs, (D) Perform Intercompany Transactions, (E) Maintain Existing Business Forms; and (II) Granting Related Relief [[D.I. 41, 3/21/24](#)]

Objection Deadline: April 16, 2024 at 4:00 p.m. (ET), *extended for the Official Committee of Unsecured Creditors to May 9, 2024 at 11:00 a.m. (ET)*

Related Documents:

- A. Interim Order (I) Authorizing the Debtors to (A) Continue to Use Their Bank Accounts, (B) Honor Prepetition Obligations Related Thereto, (C) Maintain the Refund Programs, (D) Perform Intercompany Transactions, (E) Maintain Existing Business Forms; and (II) Granting Related Relief [[D.I. 87, 3/22/24](#)]
- B. Second Interim Order (I) Authorizing the Debtors to (A) Continue to Use Their Bank Accounts, (B) Honor Prepetition Obligations Related Thereto, (C) Maintain the Refund Programs, (D) Perform Intercompany Transactions, (E) Maintain Existing Business Forms; and (II) Granting Related Relief [[D.I. 230, 4/23/24](#)]

Objections Filed:

- A. Informal Response from Office of the United States Trustee
- B. Reservation of Rights of the Official Committee of Unsecured Creditors to Certain of the Debtors' Second Day Motion [[D.I. 176, 4/19/24](#)]

Status: This matter is going forward.

4. Emergency Motion of X-Caliber Funding LLC to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 59, 3/21/24](#)]

Objection Deadline: April 16, 2024 at 4:00 p.m. (ET), *extended for the Receivership Debtors to April 17, 2024 at 4:00 p.m. (ET)*

Related Documents:

- A. Declaration of Jeff Deines in Support of X-Caliber Funding LLC's (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee; (B) Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b); and (C) Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 62, 3/21/24](#)]
- B. Exhibit G to Declaration of Jeff Dienes [[D.I. 63, 3/21/24](#)]
- C. Declaration of Paige B. Tinkham in Support of X-Caliber Funding LLC's (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee; (B) Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b); and (C) Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 64, 3/21/24](#)]
- D. Order Approving Stipulation to Amend Briefing Schedule [[D.I. 139, 4/11/24](#)]
- E. Declaration of David R. Campbell in Support of Debtors' Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 167, 4/17/24](#)]
- F. Declaration of Carrie V. Hardman in Support of Debtors' Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 168, 4/17/24](#)]

- G. X-Caliber Funding LLC's Omnibus Reply in Support of its (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases and (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 188, 4/21/24](#)]
- H. [SEALED] Declaration of Michael F. Flanagan in Support of (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases and (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [D.I. 189, 4/21/24]
- I. [REDACTED] Declaration of Michael F. Flanagan in Support of (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases and (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 191, 4/21/24](#)]
- J. X-Caliber Funding LLC's Witness List [[D.I. 255, 4/29/24](#)]
- K. Committee's Witness List [[D.I. 256, 4/29/24](#)]
- L. Debtors' Witness List [[D.I. 257, 4/29/24](#)]
- M. Declaration of Mark L. Myers in Support of Debtors (X) Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief; and (Y) Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) For Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. Section 543(a) & (b) [[D.I. 258, 4/29/24](#)]
- N. X-Caliber Funding LLC's Amended Witness and Exhibit List [[D.I. 281, 5/9/24](#)]
- O. Debtors' Witness and Exhibit List [[D.I. 286, 5/9/24](#)]
- P. Committee's Amended Witness and Exhibit List [[D.I. 287, 5/9/24](#)]
- Q. Amended Declaration Of Mark L. Myers In Support Of Debtors' (X) Motion For Entry Of Interim And Final Orders (I) Authorizing The Debtors To Obtain Postpetition Financing, (II) Granting Security Interests And Superpriority Administrative Expense Status, (III) Granting Adequate Protection To Certain Prepetition Secured Credit Parties, (IV) Modifying

The Automatic Stay, (V) Authorizing The Debtors To Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use Of Cash Collateral, (VII) Scheduling A Final Hearing, And (VIII) Granting Related Relief; And (Y) Omnibus Objection To (A) The Emergency Motion For An Order (I) Dismissing The Subject Chapter 11 Cases, (II) For Abstention, Or (III) Appointment Of Receiver As The Chapter 11 Trustee And (B) The Emergency Motion To Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 288, 5/9/24](#)]

Objections Filed:

- A. Debtors' Omnibus Objection (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b) [[D.I. 166, 4/17/24](#)]
- B. Objection and Reservation of Rights of the United States Trustee in Response to the Emergency Motion of X-Caliber Funding LLC to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b) [[D.I. 171, 4/18/24](#)]
- C. Omnibus Objection of the Official Committee of Unsecured Creditors to the: (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b) [[D.I. 172, 4/19/24](#)]

Status: This matter is going forward.

- 5. Emergency Motion of X-Caliber Funding LLC for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee [[D.I. 60, 3/21/24](#)]

Objection Deadline: April 16, 2024 at 4:00 p.m., *extended for the Receivership Debtors to April 17, 2024 at 4:00 p.m. (ET)*

Related Documents:

- A. Declaration of Jeff Deines in Support of X-Caliber Funding LLC's (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee; (B) Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b); and (C) Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral,

(VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 62, 3/21/24](#)]

- B. Exhibit G to Declaration of Jeff Dienes [[D.I. 63, 3/21/24](#)]
- C. Declaration of Paige B. Tinkham in Support of X-Caliber Funding LLC's (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee; (B) Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b); and (C) Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief [[D.I. 64, 3/21/24](#)]
- D. Order Approving Stipulation to Amend Briefing Schedule [[D.I. 139, 4/11/24](#)]
- E. Declaration of David R. Campbell in Support of Debtors' Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 167, 4/17/24](#)]
- F. Declaration of Carrie V. Hardman in Support of Debtors' Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 168, 4/17/24](#)]
- G. X-Caliber Funding LLC's Omnibus Reply in Support of its (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases and (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 188, 4/21/24](#)]
- H. [SEALED] Declaration of Michael F. Flanagan in Support of (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases and (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [D.I. 189, 4/21/24]
- I. [REDACTED] Declaration of Michael F. Flanagan in Support of (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11

Cases and (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 191, 4/21/24](#)]

- J. X-Caliber Funding LLC's Witness List [[D.I. 255, 4/29/24](#)]
- K. Committee's Witness List [[D.I. 256, 4/29/24](#)]
- L. Debtors' Witness List [[D.I. 257, 4/29/24](#)]
- M. Declaration of Mark L. Myers in Support of Debtors (X) Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Granting Security Interests and Superpriority Administrative Expense Status, (III) Granting Adequate Protection to Certain Prepetition Secured Credit Parties, (IV) Modifying the Automatic Stay, (V) Authorizing the Debtors to Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use of Cash Collateral, (VII) Scheduling a Final Hearing, and (VIII) Granting Related Relief; and (Y) Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) For Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance With 11 U.S.C. Section 543(a) & (b) [[D.I. 258, 4/29/24](#)]
- N. X-Caliber Funding LLC's Amended Witness and Exhibit List [[D.I. 281, 5/9/24](#)]
- O. Debtors' Witness and Exhibit List [[D.I. 286, 5/9/24](#)]
- P. Committee's Amended Witness and Exhibit List [[D.I. 287, 5/9/24](#)]
- Q. Amended Declaration Of Mark L. Myers In Support Of Debtors' (X) Motion For Entry Of Interim And Final Orders (I) Authorizing The Debtors To Obtain Postpetition Financing, (II) Granting Security Interests And Superpriority Administrative Expense Status, (III) Granting Adequate Protection To Certain Prepetition Secured Credit Parties, (IV) Modifying The Automatic Stay, (V) Authorizing The Debtors To Enter Into Agreements With JMB Capital Partners Lending, LLC, (VI) Authorizing Non-Consensual Use Of Cash Collateral, (VII) Scheduling A Final Hearing, And (VIII) Granting Related Relief; And (Y) Omnibus Objection To (A) The Emergency Motion For An Order (I) Dismissing The Subject Chapter 11 Cases, (II) For Abstention, Or (Iii) Appointment Of Receiver As The Chapter 11 Trustee And (B) The Emergency Motion To Excuse Receiver's Compliance With 11 U.S.C. § 543(a) & (b) [[D.I. 288, 5/9/24](#)]

Objections Filed:

- A. Debtors' Omnibus Objection to (A) the Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the

Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b) [[D.I. 166, 4/17/24](#)]

- B. United States Trustee's Limited Objection and Reservation of Rights in Response to the Emergency Motion of X-Caliber Funding LLC for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee [[D.I. 170, 4/18/24](#)]
- C. Omnibus Objection of the Official Committee of Unsecured Creditors to the: (A) Emergency Motion for an Order (I) Dismissing the Subject Chapter 11 Cases, (II) for Abstention, or (III) Appointment of Receiver as the Chapter 11 Trustee and (B) the Emergency Motion to Excuse Receiver's Compliance with 11 U.S.C. § 543(a) & (b) [[D.I. 172, 4/19/24](#)]

Status: This matter is going forward.

- 6. Debtors' Motion for Entry of an Order Dismissing the Chapter 11 Case of Petersen MT4, LLC and Granting Related Relief [[D.I. 118, 4/2/24](#)]

Objection Deadline: April 16, 2024 at 4:00 p.m. (ET), *extended for the Official Committee of Unsecured Creditors to May 9, 2024 at 11:00 a.m. (ET)*

Related Documents:

Objections Filed:

- A. X-Caliber Funding LLC's Limited Objection to Certain Relief Sought in Debtors' Motion for Entry of an Order Dismissing the Chapter 11 Case of Petersen MT4, LLC and Granting Related Relief [[D.I. 162, 4/16/24](#)]
- B. Objection of the Official Committee of Unsecured Creditors to the Debtors' Motion for Entry of an Order Dismissing the Chapter 11 Case of Petersen MT4, LLC and Granting Related Relief [[D.I. 284, 5/9/24](#)]

Status: This matter is going forward.

- 7. Debtors' Motion for Entry of an Order (I) Extending the Time to File (A) Schedules and Statements and (B) Rule 2015.3 Financial Reports, (II) Modifying the Requirements for Filing Monthly Operating Reports, (III) Conditionally Modifying Deadlines for the Receivership Debtors, and (IV) Granting Related Relief [[D.I. 132, 4/9/24](#)]

Objection Deadline: April 16, 2024 at 4:00 p.m. (ET), *extended for the Official Committee of Unsecured Creditors to April 19, 2024 at 12:00 p.m. (ET) and extended with respect to the relief sought concerning monthly operating reporting for the Office of the United States Trustee to May 6, 2024 at 4:00 p.m. (ET)*

Related Documents:

- A. Certification of Counsel [[D.I. 218, 4/22/24](#)]

- B. Order (I) Extending the Time to File (A) Schedules and Statements and (B) Rule 2015.3 Financial Reports, (II) Conditionally Modifying Deadlines for the Receivership Debtors, and (III) Granting Related Relief [[D.I. 237, 4/23/24](#)]

Objections Filed:

- A. Informal Response from the Office of the United States Trustee
- B. Reservation of Rights of the Official Committee of Unsecured Creditors to Certain of the Debtors' Second Day Motion [[D.I. 176](#), 4/19/24]

Status: An order partially resolving this matter has been entered. Item (B) is resolved. The Debtors continue to work with the U.S. Trustee to consensually resolve Item (A). This matter is going forward.

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Dated: May 9, 2024
Wilmington, Delaware

Respectfully submitted,

**YOUNG CONAWAY STARGATT &
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/s/ Shella Borovinskaya

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