

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

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In re: : Chapter 11
: :
MODIVCARE INC., *et al.*, : Case No. 25-90309 (ARP)
: :
Debtors.¹ : (Jointly Administered)
: :
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**DEBTORS' MOTION FOR ENTRY OF AN ORDER EXTENDING
THE EXCLUSIVE PERIODS TO FILE AND SOLICIT A PLAN**

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txsb.uscourts.gov/> within twenty-one days from the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk within twenty-one days from the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

ModivCare Inc. and its debtor affiliates in the above-captioned cases, as debtors and debtors in possession (collectively, the “*Debtors*”) respectfully state as follows in support of this motion (the “*Motion*”):

RELIEF REQUESTED

1. By this Motion, the Debtors seek entry of an order, substantially in the form attached hereto (the “*Proposed Order*”), extending by approximately 61 days (a) the period during which the Debtors have the exclusive right to file a chapter 11 plan (the “*Exclusive Filing Period*”) through and including February 17, 2026, and (b) the period during which the Debtors have the

¹ A complete list of each of the Debtors in these chapter 11 cases (the “*Chapter 11 Cases*”) and the last four digits of each Debtor’s taxpayer identification number (if applicable) may be obtained on the website of the Debtors’ claims and noticing agent at <https://www.veritaglobal.net/ModivCare>. Debtor ModivCare Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 6900 E. Layton Avenue, Suite 1100 & 1200, Denver, Colorado 80237.



exclusive right to solicit a plan (the “**Exclusive Solicitation Period**” and, together with the Exclusive Filing Period, the “**Exclusive Periods**”) through and including April 20, 2026, without prejudice to the Debtors’ rights to seek further extensions of the Exclusive Periods.² The Debtors’ initial Exclusive Filing Period and Exclusive Solicitation Period are currently set to expire on December 18, 2025, and February 16, 2026, respectively.

2. On December 15, 2025, the Court entered the *Order (I) Confirming Second Amended Joint Chapter 11 Plan of Reorganization of ModivCare Inc. and Its Debtor Affiliates and (II) Denying Motions of Official Committee of Unsecured Creditors for Leave, Derivative Standing, and Authority to Commence and Prosecute Certain Causes of Action on Behalf of Debtors’ Estates* [Docket No. 1055] (the “**Confirmation Order**”). The Debtors are filing this Motion out of an abundance of caution given that the occurrence of the “Effective Date” under the Plan is not expected to occur until after the expiration of the current Exclusive Filing Period on December 18, 2025.

JURISDICTION AND VENUE

3. The United States Bankruptcy Court for the Southern District of Texas (the “**Court**”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b), and the Court may enter a final order consistent with Article III of the United States Constitution. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The bases for the relief requested herein are section 1121 of title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”), rule 9006 of the Federal Rules of

² Pursuant to Section K of the Complex Case Procedures (as defined herein), the filing of this Motion prior to the expiration of the Exclusive Periods automatically extends such periods until a ruling on this Motion.

Bankruptcy Procedure (the “**Bankruptcy Rules**”), rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “**Bankruptcy Local Rules**”), and the Procedures for Complex Cases in the Southern District of Texas (the “**Complex Case Procedures**”).

BACKGROUND

5. On August 20, 2025 (the “**Petition Date**”), the Debtors each filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “**Chapter 11 Cases**”). The factual background regarding the Debtors, including their business, their capital structure, and the events leading to the commencement of the Chapter 11 Cases is set forth in the *Declaration of Chad J. Shandler in Support of Chapter 11 Petitions and First Day Relief* (the “**First Day Declaration**”) [Docket No. 14].³

6. The Debtors continue to operate their businesses and manage their properties as debtors in possession under sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or an examiner has been made in the Chapter 11 Cases.

7. On December 5, 2025, the Debtors filed their *Second Amended Joint Chapter 11 Plan of Reorganization of ModivCare Inc. and Its Debtor Affiliates* [Docket No. 959] (the “**Plan**”). On December 15, 2025, the Court entered the Confirmation Order. The Effective Date is scheduled to occur on or before December 24, 2025. Accordingly, the Debtors are filing this Motion to extend their Exclusive Periods out of an abundance of caution given the current Exclusive Filing Period expires on December 18, 2025.

BASIS FOR RELIEF

8. The Bankruptcy Code provides for an initial period of 120 days after the commencement of a chapter 11 case during which a debtor has the exclusive right to file a

³ Capitalized terms used but not otherwise defined herein have the meaning assigned to them in the First Day Declaration.

chapter 11 plan. 11 U.S.C. § 1121(b). The Bankruptcy Code further provides that if a debtor files a plan within that 120-day period, it has a 180-day period from its petition date to solicit acceptance of its plan. 11 U.S.C. § 1121(c)(3). This time of exclusivity affords a debtor an opportunity to propose a chapter 11 plan and solicit acceptances thereof without the potential value deterioration and disruption to business operations that would ensue from the filing and solicitation of competing plans by non-debtor parties.

9. Under section 1121(d)(1) of the Bankruptcy Code, the Court may extend the Exclusive Periods “for cause.” Bankruptcy courts are accorded broad discretion in determining whether an extension of exclusivity is likely to promote the orderly, consensual, and successful reorganization of a debtor’s affairs and, therefore, cause for such extension exists. *See, e.g., In re Timbers of Inwood Forest Assocs., Ltd.*, 808 F.2d 363, 372 (5th Cir. 1987) (observing that “cause” under section 1121 should be viewed in context of the Bankruptcy Code’s goal of fostering reorganization); *In re Mirant Corp.*, 2004 WL 2250986, at *2 (N.D. Tex. Sept. 30, 2004) (recognizing that an extension is often granted where “debtor has shown substantial progress toward reorganization”).

10. The Debtors submit that ample cause exists to extend the Exclusive Periods. On December 15, 2025, the Court entered the Confirmation Order confirming the Debtors’ Plan. While the Debtors believe that the Plan will become effective on or before December 24, 2025, out of an abundance of caution, the Debtors seek the relief requested herein to maintain their Exclusive Periods.

11. The extension requested herein will support the Debtors’ efforts to preserve and maximize the value of their estates and progress the Chapter 11 Cases. Termination of the Exclusive Periods may disincentivize stakeholders from negotiating with the Debtors and would

certainly undermine the Debtors' efforts toward an efficient emergence from the Chapter 11 Cases. Moreover, the proposal and solicitation of any competing plan would greatly complicate and increase the cost of administering the Chapter 11 Cases. Accordingly, good cause exists to extend the Exclusive Periods pursuant to section 1121(d) of the Bankruptcy Code.

NOTICE

12. Notice of this Motion will be given to the parties on the Debtors' Master Service List, and all parties that have requested or that are required to receive notice pursuant to Bankruptcy Rule 2002. The Debtors submit that, under the circumstances, no other or further notice is required.

13. A copy of the Motion is available on (a) the Court's website, at www.txs.uscourts.gov, and (b) the website maintained by the Debtors' claims and noticing agent, Kurtzman Carson Consultants, LLC d/b/a Verita Global, at <https://www.veritaglobal.net/ModivCare>.

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WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, granting the relief requested in this Motion and such other and further relief as may be just and proper.

Dated: December 17, 2025
Houston, Texas

Respectfully submitted,

/s/ Timothy A. ("Tad") Davidson II

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Co-Counsel for the Debtors

and Debtors in Possession

CERTIFICATE OF SERVICE

I certify that on December 17, 2025, 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.

/s/ Timothy A. ("Tad") Davidson II
Timothy A. ("Tad") Davidson II

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

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In re:	:	Chapter 11
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MODIVCARE INC., <i>et al.</i> ,	:	Case No. 25-90309 (ARP)
	:	
Debtors. ¹	:	(Jointly Administered)
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**ORDER EXTENDING THE DEBTORS'
EXCLUSIVE PERIODS TO FILE AND SOLICIT A PLAN**
[Relates to Docket No. ____]

Upon the motion (the “***Motion***”)² of the above-captioned debtors and debtors in possession (the “***Debtors***”) for entry of an order (this “***Order***”) extending the Exclusive Periods, all as more fully set forth in the Motion; and the Court having reviewed the Motion; and the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, their creditors, and other parties in interest; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b) and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. § 1408; and the Court having found that the Debtors provided appropriate notice of the Motion and the opportunity for a hearing on the Motion under the circumstances and that no other

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² Capitalized terms used but not defined herein have the meanings given to them in the Motion.

or further notice is necessary; and all objections, if any, to the Motion having been withdrawn, resolved, or overruled; and the Court having determined that the legal and factual bases set forth in the Motion and the hearing, if any, with respect to the Motion establish just cause for the relief granted herein; and after due deliberation thereon; and good and sufficient cause appearing therefor, it is hereby

ORDERED, ADJUDGED AND DECREED THAT:

1. The Exclusive Filing Period is extended through and including February 17, 2026.
2. The Exclusive Solicitation Period is extended through and including April 20, 2026.
3. The extension of the Exclusive Periods granted herein is without prejudice to the Debtors' right to seek further extensions pursuant to section 1121(d) of the Bankruptcy Code.
4. All time periods set forth in the Motion or this Order shall be calculated in accordance with Rule 9006(a) of the Federal Rules of Bankruptcy Procedure.
5. Notice of the Motion as provided therein is good and sufficient notice of such Motion, and the requirements of the Bankruptcy Rules and the Bankruptcy Local Rules are satisfied by such notice.
6. The Debtors are authorized to take all reasonable actions necessary to effectuate the relief granted in this Order in accordance with the Motion.
7. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: _____, 2025

Alfredo R. Pérez
United States Bankruptcy Judge