

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

In re:

BANGO OIL LLC,¹

Reorganized Debtor.

Chapter 11

Case No. 24-90508 (CML)

**REORGANIZED DEBTOR'S AND VERTEX GUC TRUST'S
JOINT MOTION FOR AN ORDER (A) APPROVING OMNIBUS
CLAIMS OBJECTION PROCEDURES; (B) WAIVING THE REQUIREMENT
OF BANKRUPTCY RULE 3007(e)(6); AND (C) GRANTING RELATED RELIEF**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTIES TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTIES CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTIES. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS MOTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

Bango Oil LLC, as reorganized debtor in the above captioned chapter 11 case (the “**Reorganized Debtor**”) and U.S. Bank Trust Company, National Association, solely in its capacity as the trustee (the “**GUC Trustee**”) of the Vertex GUC Trust (the “**GUC Trust**”), by and through their respective undersigned counsel, hereby submit this Motion (this “**Motion**”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”):

¹ The Reorganized Debtor's service address for purposes of this chapter 11 case is: 9107 West Russell Road, Suite 100, Las Vegas, Nevada 89148. The Reorganized Debtor's chapter 11 case was previously jointly administered under the chapter 11 case of Vertex Energy, Inc., Case No. 24-90507 (CML).



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(a) approving the omnibus claims objection procedures attached to the Proposed Order as Annex 1 (the “**Objection Procedures**”); (b) waiving the requirement of Bankruptcy Rule 3007(e)(6); and (c) granting related relief. In support of this Motion, the Reorganized Debtor and GUC Trust respectfully state as follows:

JURISDICTION AND VENUE

1. 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 and Article XI of the *Second Amended Joint Chapter 11 Plan of Vertex Energy, Inc. and its Debtor Affiliates* (Docket No. 564) (as supplemented and otherwise amended, the “**Plan**”).² This is a core proceeding pursuant to 28 U.S.C. § 157. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested in this Motion are sections 502(a) and 105(a) of the Bankruptcy Code, rule 3007 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), rules 3007-1 and 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “**Bankruptcy Local Rules**”), and paragraphs 33 and 34 of the Procedures for Complex Cases in the Southern District of Texas, effective September 18, 2024 (the “**Complex Case Procedures**”).

BACKGROUND

A. General Background

3. On September 24, 2024 (the “**Petition Date**”), Vertex Energy, Inc. and certain of its affiliates (collectively, the “**Debtors**” or “**Reorganized Debtors**,” as applicable) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code. From and after the Petition

² Capitalized terms used but not defined in this Motion have the meanings ascribed to them in the Plan.

Date, the Debtors operated their businesses and managed their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

4. On October 25-30, 2024, the Debtors filed their Schedules and Statements of Financial Affairs (Docket Nos. 260-308, 336-341).

5. On December 20, 2024, the Court entered the *Order Confirming the Second Amended Joint Chapter 11 Plan of Vertex Energy, Inc. and Its Debtor Affiliates* (the “**Confirmation Order**”) (Docket No. 578). The Plan became effective on January 21, 2025 (the “**Effective Date**”) and, on the same day, the Debtors filed the *Notice of (i) Entry of an Order Confirming the Second Amended Joint Chapter 11 Plan of Vertex Energy, Inc. and its Debtor Affiliates and (ii) Occurrence of the Effective Date* (Docket No. 646).

6. The Plan and Confirmation Order established the GUC Trust on the Effective Date pursuant to the terms of the GUC Trust Agreement (the “**Trust Agreement**”).³ On the Effective Date, the GUC Trustee was appointed to administer the GUC Trust.

7. Article VII of the Plan provides that, “after the Effective Date, the Reorganized Debtors and the GUC Trustee (solely with respect to General Unsecured Claims and 2027 Convertible Notes Claims), as applicable, have the exclusive authority to (a) File, withdraw, or litigate to judgment any objections to Claims, (b) settle or compromise any such objections to Claims without further notice to or action, order, or approval of the Bankruptcy Court, and (c) administer and adjust the Claims Register to reflect such settlements or compromises without further notice to or action, order, or approval of the Court.” *See* Plan at Art. VII.B.

³ The substantially final form of the Trust Agreement was filed on December 17, 2024 as part of a Plan Supplement. (Docket No. 544).

8. Pursuant to, and in accordance with, the Plan and Trust Agreement, the GUC Trust is authorized, among other things, to:

- (a) hold, manage, sell, and invest GUC Trust Net Assets;
- (b) calculate and make distributions of the GUC Trust Net Assets to its beneficiaries;
- (c) commence, pursue, prosecute, enforce, abandon, waive, settle, compromise, release, or withdraw, as appropriate, any and all GUC Causes of Action; and
- (d) review, reconcile, allow, object to, compromise, settle, withdraw, prosecute and resolve objections to Asserted GUC Trust Claims⁴ in furtherance of the Unsecured Claims Reconciliation Process.

See Trust Agreement, at §§ 3.1.2, 3.1.5, 3.1.6 and 3.1.8.

9. The GUC Trust has the primary responsibility for the Unsecured Claims Reconciliation Process; provided, that the Debtors, Reorganized Debtors and Consenting Term Loan Lenders, in consultation with the GUC Trust, have the express right to object to and prosecute objections to Claims not allowed under the Plan. See Plan at Art. IV.I.2.

10. On April 1, 2025, the Court entered the *Final Decree Closing Certain of the Chapter 11 Cases* [Docket No. 760] (the “Final Decree”), which, among other things, closed all chapter 11 cases except for the above-captioned chapter 11 case of the Reorganized Debtor. Pursuant to the Final Decree, the Court retains jurisdiction and authority with regard to, among other remaining matters, the claims reconciliation process, and any actions with regard to the claims reconciliation process shall be filed, administered, and/or adjudicated in the Reorganized Debtor’s chapter 11 case. Final Decree ¶ 5.

⁴ “**Asserted GUC Trust Claims**” means any General Unsecured Claim or 2027 Convertible Notes Claim that is (i) scheduled in the Debtors’ Schedules as a General Unsecured Claim or 2027 Convertible Notes Claim that is contingent, unliquidated, and/or disputed, (ii) based on a proof of claim that asserts to be a General Unsecured Claim or 2027 Convertible Notes Claim, or (iii) determined, or pending determination, by Final Order of the Court, to be a General Unsecured Claim or 2027 Convertible Notes Claim

B. Claims Reconciliation Process

11. On October 28, 2024, the Court entered the *Order (I) Establishing Deadlines for the Filing of Proofs of Claim, (II) Approving Form and Manner of Notice Thereof, (III) Approving the Form and Manner for Filing Proofs of Claim, and (IV) Granting Related Relief* (the “**Bar Date Order**”) (Docket No. 312). Among other things, the Bar Date Order established (i) November 27, 2024 at 4:00 p.m. as the deadline for creditors to file Proofs of Claim to assert claims that arose before the Petition Date against any of the Debtors (the “**General Bar Date**”) and (ii) March 24, 2025 at 4:00 p.m. as the deadline for Governmental Units to file Proofs of Claim to assert claims that arose before the Petition Date against any of the Debtors (the “**Governmental Bar Date**”). The Bar Date Order also set the deadline to file a Proof of Claim relating to the Debtors’ rejection of an executory contract or unexpired lease as the later of (a) the General Bar Date or Government Bar Date, as applicable, and (b) thirty (30) days after entry of any order authorizing the rejection of such executory contract or unexpired lease.

12. To date, approximately 620 Proofs of Claim have been filed in the chapter 11 cases, in addition to approximately 642 scheduled Claims, all totaling over \$1.3 billion in asserted or scheduled Claims. Approximately, 446 Proofs of Claim, and 640 scheduled Claims totaling over \$899.9 million have been initially identified as Asserted GUC Trust Claims. As to Administrative and Priority Tax and Other Priority Claims, approximately 87 Administrative Claims have been filed in the Chapter 11 Cases, asserting Administrative Claims totaling over \$11.3 million, and approximately 42 Priority Tax and Other Priority Claims have been filed, asserting Priority Tax and Other Priority Claims totaling over \$30.7 million.

13. As the Reorganized Debtor and the GUC Trust review and analyze the Claims they are responsible to administer under the Plan, they undoubtedly will determine that a

meaningful number of Proofs of Claim were filed with defects or flaws which are grounds for such Claims to be disallowed or modified. As discussed below, many of these objectionable characteristics—but not all—are grounds for an omnibus objection under Bankruptcy Rule 3007(d).

REQUEST FOR RELIEF

14. In order to allow the Reorganized Debtor and GUC Trust to file objections to Claims to facilitate and expedite distributions to creditors in a timely, efficient, fair and cost-effective manner, the Reorganized Debtor and GUC Trust bring this Motion to establish omnibus claim objection procedures based on the grounds set forth in Bankruptcy Rule 3007(d), and on the following additional grounds (the “**Additional Grounds**”):

- (a) Claims that were paid prepetition or paid postpetition pursuant to an order entered by the Court, or are satisfied by payment in full or in part on account of such Claim from a party that is not a Debtor;
- (b) Claims that fail to specify the asserted Claim amount (or only list the Claim amount as “unliquidated”);
- (c) Claims that seek recovery of amounts for which the Debtors are not liable, including but not limited to Rejection Damages Claims, that exceed the maximum allowable amount of such Claims under 11 U.S.C. § 502(b)(6);
- (d) Claims that are incorrectly or improperly classified, *provided that*, the Omnibus Objection states the reason for the reclassification;
- (e) Claims that have been withdrawn by informal writing (including email, text, or similar such means) between (i) the Reorganized Debtor or the GUC Trust and (ii) the claimant, but have not been withdrawn via any filing on the docket,

provided that a copy of such informal writing be filed concurrently with the Omnibus Objection;⁵

- (f) Claims that are filed against non-Debtors, the incorrect Debtor, or multiple Debtors;
- (g) Claims that are disallowed or subordinated to all Claims or interests senior to or equal to the asserted Claim or interest arising out of the purchase or sale of a security of a Debtor or affiliate thereof pursuant to section 510(b) of the Bankruptcy Code;
- (h) Claims that fail to specify the Debtor(s) against whom the Claim is asserted;
- (i) Claims that are disallowed pursuant to, or asserted in an amount, priority, or on terms that are otherwise inconsistent with, the Plan;
- (j) Claims that are inconsistent with the Debtors' books and records; or
- (k) Claims that fail to sufficiently specify the basis for the Claim or provide sufficient supporting documentation.

15. Consistent with Bankruptcy Rule 3007(f), the Reorganized Debtor and the GUC Trust request that any order sustaining an Omnibus Objection (defined below) on one or more of the Additional Grounds be a final order with respect to the Claims referenced in such order as if an individual objection had been filed for each Claim.

16. Through the proposed Objection Procedures, the Reorganized Debtor and the GUC Trust will be able to object to more than one claim (and potentially in excess of 100 claims) per objection. To minimize the costs the Reorganized Debtor or the GUC Trust, as applicable, would otherwise incur in preparing and filing individual objections on a claim-by-claim basis, the Reorganized Debtor or the GUC Trust, as applicable, will object to Claims on the

⁵ For the avoidance of doubt, this Additional Ground shall not prevent the Reorganized Debtor or the GUC Trust, as applicable, from reconciling and resolving claims informally with the applicable claimant without further Order of this Court.

grounds set forth in Bankruptcy Rule 3007(d) and herein seek authority to (a) object to certain Claims on the Additional Grounds in an omnibus objection format, and (b) join objections to various Claims on multiple bases into a single omnibus objection, in accordance with the proposed Objection Procedures.

PROPOSED OBJECTION PROCEDURES

17. The Objection Procedures attached to the Proposed Order as Annex 1 describe the key aspects of the Reorganized Debtor's and the GUC Trust's proposed claims objection process, including, among other things:

- (a) the form of omnibus objection (each, an "**Omnibus Objection**") to be filed by the Reorganized Debtor or the GUC Trust, as applicable;
- (b) the types of exhibits and supporting documentation the GUC Trust or the Reorganized Debtor, as applicable, will include with each Omnibus Objection;
- (c) where reasonably available, the information necessary for affected creditors to attempt to resolve the Omnibus Objection as to their Claim and/or to file a formal response thereto, and the implications of failing to timely resolve or respond to an Omnibus Objection;
- (d) information regarding the Reorganized Debtor's or the GUC Trust's right to file a formal reply to a filed response; and
- (e) information regarding discovery and hearings on Omnibus Objections.

18. The Reorganized Debtor or the GUC Trust, as applicable, will provide affected claimants with a form of notice of the Omnibus Objection, which will conform substantially to the form notice attached to the Proposed Order as Annex 2 (the "**Objection Notice**").⁶

⁶ While the Objection Notice generally will be in the form attached to the Proposed Order, it may be tailored to address issues specific to particular creditors, Claims, or objections as necessary and appropriate.

19. To protect the due process rights of creditors, the Reorganized Debtor and the GUC Trust will comply with, and the Objection Procedures will preserve, the procedural safeguards for omnibus claim objections set forth in Bankruptcy Rule 3007(e) (with the exception of Bankruptcy Rule 3007(e)(6)) and Bankruptcy Local Rule 3007-1, as required by paragraphs 33 and 34 of the Complex Case Procedures). Any affected creditors served with an Omnibus Objection will be served with an Objection Notice, which will include, among other things, information regarding the Omnibus Objection, the response deadline, and procedures for responding to the Omnibus Objection if the claimant disagrees with the proposed treatment of its Claim.

20. Additionally, to minimize costs and facilitate an efficient claims resolution process, the Reorganized Debtor and the GUC Trust request a waiver of Bankruptcy Rule 3007(e)(6) so that the Reorganized Debtor or the GUC Trust, as applicable, may include more than 100 claims in a single Omnibus Objection. The Reorganized Debtor and the GUC Trust believe that allowing Omnibus Objections to contain greater than 100 claims will make the claims objection process more efficient and streamlined, thereby decreasing costs and confusion to creditors.

BASIS FOR RELIEF

I. The Court Is Authorized to Establish the Objection Procedures Pursuant to Bankruptcy Rule 3007 and the Complex Case Procedures.

21. Pursuant to section 502(a) of the Bankruptcy Code, a filed proof of claim is deemed allowed, unless a party in interest objects. *See* 11 U.S.C. § 502(a). Bankruptcy Rule 3001(f) states that “[a] proof of claim executed and filed in accordance with [the Bankruptcy Rules] shall constitute *prima facie* evidence of the validity and amount of the claim.” Fed. R. Bankr. P. 3001(f). Under section 1111(a) of the Bankruptcy Code, scheduled claims that are not

designated as disputed, contingent, or unliquidated are treated as proofs of claim.⁷ As such, all filed and scheduled Claims in these Chapter 11 Cases must be reviewed by the Reorganized Debtor and the GUC Trust, as applicable, as part of the claims reconciliation process established under the Plan.

22. Bankruptcy Rule 3007 requires that an objection to a proof of claim must be made in writing and that the claimant receive not less than thirty (30) days' notice of the hearing to be held in respect of such objection. *See* Fed. R. Bankr. P. 3007(a). Bankruptcy Rule 3007(c) prohibits joining multiple objections into an omnibus claim objection, “[u]nless otherwise ordered by the court or permitted by subdivision (d)” of the rule. Bankruptcy Rule 3007(d), in turn, provides that:

[O]bjections to more than one claim may be joined in an omnibus objection if all the claims were filed by the same entity, or the objections are based solely on the grounds that the claims should be disallowed, in whole or in part, because:

- (1) they duplicate other claims;
- (2) they have been filed in the wrong case;
- (3) they have been amended by subsequently filed proofs of claim;
- (4) they were not timely filed;
- (5) they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order;
- (6) they were presented in a form that does not comply with applicable rules, and the objection states that the objector is unable to determine the validity of the claim because of the noncompliance;

⁷ *See* 11 U.S.C. § 1111(a) (“A proof of claim . . . is deemed filed under section 501 of this title for any claim . . . that appears in the schedules . . . except a claim . . . that is scheduled as disputed, contingent, or unliquidated.”).

- (7) they are interests, rather than claims; or
- (8) they assert priority in an amount that exceeds the maximum amount under § 507 of the Code.

Fed. R. Bankr. P. 3007(d).

23. Bankruptcy Local Rule 3007-1 contemplates the establishment of procedures for claim objections, including noticing procedures. *See* Bankruptcy Local Rule 3007-1. Moreover, the Complex Case Procedures contemplate the establishment of procedures to handle omnibus claim objections, so long as the procedures do not shift the burden of proof or alter discovery rights or pleading requirements for claim objections. *See* Complex Case Procedures, at ¶ 34.

24. Accordingly, the Objection Procedures and the individualized noticing process described therein protect creditors' due process rights by implementing the same safeguards for omnibus objections set forth in Bankruptcy Rule 3007(e) (with the exception of Bankruptcy Rule 3007(e)(6)) and Bankruptcy Local Rule 3007-1). Furthermore, and in conformity with the Complex Case Procedures, the Objection Procedures do not seek to shift the burden of proof, discovery rights or burdens, or pleading requirements.

25. In addition to the specific grounds for filing omnibus objections to claims in Bankruptcy Rule 3007(d), Bankruptcy Rule 3007(c) authorizes the Court to allow omnibus objections on other grounds.⁸ As set forth above, the Reorganized Debtor and GUC Trust expect to object to a number of claims both on the grounds enumerated in Bankruptcy Rule 3007(d) and the Additional Grounds.

⁸ *See* Fed. R. Bankr. P. 3007(c) ("Unless otherwise ordered by the court or permitted by subdivision (d), objections to more than one claim shall not be joined in a single objection.").

26. To minimize the cost and confusion otherwise attendant to preparing and filing individual claim objections, the Reorganized Debtor and GUC Trust request authority pursuant to Bankruptcy Rule 3007(c) to file Omnibus Objections with respect to the Additional Grounds. Indeed, the Court has granted a waiver of Bankruptcy Rule 3007(e)(6) and authorized the filing of omnibus objections to claims on grounds similar to the Additional Grounds in other large chapter 11 cases.⁹

27. Accordingly, for the foregoing reasons, the Reorganized Debtor and the GUC Trust submit that the Objection Procedures comply with Bankruptcy Rule 3007 and the Complex Case Procedures and respectfully request that the Court approve them.

II. Approving the Objection Procedures Is an Appropriate Exercise of the Court's Discretion Under Section 105(a).

28. Section 105(a) of the Bankruptcy Code allows a bankruptcy court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of the [Bankruptcy Code].” 11 U.S.C. § 105(a). Section 105(a) gives the Court broad equitable powers to fashion any order or decree that is in the interest of preserving or protecting the value of a debtor’s estate, so long as the Court exercises its discretion “in a manner that is consistent with the Bankruptcy Code.”¹⁰

⁹ See, e.g., *In re Dreamwell, Ltd.*, No. 23-90024 (CML) (Docket No. 60); *In re IEH Auto Parts Holding LLC, et al.*, No. 23-90054 (CML) (Docket No. 850); *In re Surgalign Holdings, Inc., et al.*, No. 23-90731 (CML) (Docket No. 403); *In re Core Scientific, Inc., et al.*, No. 22-90341 (DRJ) (Docket No. 899) (Bankr. S.D. Tex. May 18, 2023) (approving omnibus claims objection procedures and authorizing substantive omnibus objection to claims); see also *In re Brazos Elec. Power Coop., Inc.*, No. 21-30725 (DRJ) (Docket No. 2722) (Bankr. S.D. Tex. Mar. 10, 2023); *In re Sungard As New Holdings, LLC, et al.*, No. 22-90018 (DRJ) (Docket No. 513) (Bankr. S.D. Tex. July 25, 2022); *In re Strike, LLC, et al.*, No. 21-90054 (DRJ) (Docket No. 854) (Bankr. S.D. Tex. Mar. 17, 2022).

¹⁰ *Stern v. Stern (In re Stern)*, 204 F.3d 1117 (5th Cir. 1999) (internal citation omitted); see also *Comm. of Equity Sec. Holders v. Lionel Corp. (In re Lionel Corp.)*, 722 F.2d 1063, 1069 (2d Cir. 1983) (“[A] bankruptcy judge must have substantial freedom to tailor his orders to meet differing circumstances.”).

29. Approving the Objection Procedures is an appropriate exercise of the Court's discretion under section 105(a). The Objection Procedures are consistent with the Bankruptcy Rules, Bankruptcy Local Rules, Complex Case Procedures, and the underlying goals of balancing the due process rights of creditors with the efficient administration of large chapter 11 cases such as these. Moreover, the Objection Procedures provide a cost-effective and efficient framework to reconcile and resolve Disputed Claims by, among other things: (a) promoting the consensual resolution of objections or, alternatively, establishing an efficient and fair mechanism to liquidate Claims before the Court; and (b) reducing the cost and time required to prosecute objections to large numbers of similar Claims.

30. The Objection Procedures will allow the Reorganized Debtor and the GUC Trust to (a) object to Claims on the Additional Grounds in an omnibus format; and (b) join objections on multiple bases into a single Omnibus Objection, while making clear which Claims are subject to objection on different bases, which will save the Reorganized Debtor and the GUC Trust and their respective professionals the time and expense of potentially having to file scores of individual claim objections. Accordingly, approving the Objection Procedures will allow the Reorganized Debtor and the GUC Trust to run an efficient and cost-effective Claims objection process, thereby benefitting the holders of Claims by minimizing the Reorganized Debtor's and the GUC Trust's respective costs.

31. For these reasons, the Reorganized Debtor and the GUC Trust submit that the relief requested herein is in the best interest of all stakeholders, and thus should be approved.

RESERVATION OF RIGHTS

32. Nothing in this Motion is intended or shall be deemed: (a) an admission of the amount, basis, priority or validity of any Claim; (b) an impairment or waiver of the right of the Reorganized Debtor, the GUC Trust, or any other party in interest, to dispute any Claim on any

grounds or to assert counterclaims, rights of offset, or recoupment or other defenses to any Claim or to seek to estimate any Claim; (c) a promise or requirement to pay any Claim; (d) an impairment or waiver of the rights of the Reorganized Debtor, the GUC Trust, or any other party in interest, under the Bankruptcy Code or other applicable law; or (e) prejudicial to the Reorganized Debtor's and the GUC Trust's rights to object to any Claim on an individual basis.

NOTICE

33. Notice of this Motion shall be provided to (i) the Reorganized Debtor's Master Service List, (ii) the Office of the United States Trustee for the Southern District of Texas, Houston Division; (iii) all entities requesting notice pursuant to Bankruptcy Rule 2002; and (iv) any other party entitled to notice pursuant to Bankruptcy Local Rule 9013-1(d). The Reorganized Debtor and the GUC Trust submit that, under the circumstances, no other or further notice is required.

WHEREFORE, the Reorganized Debtor and the GUC Trust respectfully request that the Court enter the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and proper.

Houston, Texas
April 7, 2025

/s/ Jason G. Cohen

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EXHIBIT A

Proposed Order

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

In re:

BANGO OIL LLC,¹

Reorganized Debtor.

Chapter 11

Case No. 24-90508 (CML)

**ORDER (A) APPROVING OMNIBUS CLAIMS
OBJECTION PROCEDURES; (B) WAIVING THE REQUIREMENT OF
BANKRUPTCY RULE 3007(e)(6); AND (C) GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)² of the Reorganized Debtor and the GUC Trust for entry of an order (this “**Order**”) (a) approving the omnibus claims objection procedures set forth herein and attached hereto as Annex 1 (the “**Objection Procedures**”), (b) waiving the requirement in Bankruptcy Rule 3007(e)(6) that Omnibus Objections contain objections to no more than 100 claims, and (c) granting related relief; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that this Court may enter a final order consistent with Article III of the United States Constitution; and it appearing that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that notice of the Motion and opportunity for a hearing on the Motion was appropriate under the circumstances and that no other further notice need be provided; and this Court having reviewed the Motion; and all objections, if any, to the Motion having been withdrawn, resolved, or

¹ The Reorganized Debtor’s service address for purposes of this chapter 11 case is: 9107 West Russell Road, Suite 100, Las Vegas, Nevada 89148. The Reorganized Debtor’s chapter 11 case was previously jointly administered under the chapter 11 case of Vertex Energy, Inc., Case No. 24-90507 (CML).

² Capitalized terms used but not defined in this Order shall have the meanings ascribed to them in the Motion.

overruled; and this Court having held a hearing on the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; it appearing that the relief requested in the Motion is in the best interest of the estates and creditors; and upon all of the proceedings before this Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Reorganized Debtor and the GUC Trust, as applicable, are authorized, but not directed, pursuant to sections 502(a) and 105(a) of the Bankruptcy Code, to file Omnibus Objections that include objections to Claims on any basis provided for in Bankruptcy Rule 3007(d) and/or the Additional Grounds.

2. The Reorganized Debtor and the GUC Trust, as applicable, may object to more than 100 Claims in a single Omnibus Objection on any of the bases set forth in Bankruptcy Rule 3007(d) and/or the Additional Grounds.

3. The Objection Procedures attached as Annex 1 to this Order are hereby approved, and the Reorganized Debtor and the GUC Trust, as applicable, are authorized to file and prosecute Omnibus Objections in accordance with the Objection Procedures and the other procedural safeguards set forth in Bankruptcy Rule 3007(e) (with the exception of Bankruptcy Rule 3007(e)(6)) and Bankruptcy Local Rule 3007-1).

4. Each Omnibus Objection will separately identify (i) the basis or bases for objection and (ii) each Claim subject to objection on the Applicable Grounds.

5. The form of Objection Notice, attached hereto as Annex 2, is hereby approved.

6. Nothing in this Order affects the Reorganized Debtor's or the GUC Trust's, as applicable, authority to pay Claims to the extent authorized by a separate order of this Court.

7. Nothing in this Order shall obligate the Reorganized Debtor or the GUC Trust to settle or pursue settlement of any particular Claim. Settlements of Claims may be negotiated and compromised by the Reorganized Debtor or the GUC Trust, as applicable, in their sole discretion, in accordance with the terms of the Plan and the Trust Agreement.

8. Each Omnibus Objection shall be filed with this Court and served via first-class mail on each affected claimant.

9. For the avoidance of doubt, the Reorganized Debtor and the GUC Trust, as applicable, may include objections to scheduled Claims in Omnibus Objections.

10. Nothing in this Order, the Motion, or the Objection Procedures shall be deemed: (a) an admission of the amount, basis, priority or validity of any Claim; (b) an impairment or waiver of the rights of the Reorganized Debtor, the GUC Trust, or any other party in interest, to dispute any Claim on any grounds or to assert counterclaims, rights of offset or recoupment or other defenses to any Claim or to seek to estimate any Claim; (c) a promise or requirement to pay any Claim; (d) a waiver of the rights of the Reorganized Debtor, the GUC Trust, or any other party in interest, under the Bankruptcy Code or other applicable law; or (e) prejudicial to the Reorganized Debtor's or the GUC Trust's rights to object to any Claim on an individual basis.

11. Notice of the Motion is adequate under Bankruptcy Rule 6004(a).

12. Notwithstanding the provisions of Bankruptcy Rule 6004(h), this Order shall be immediately effective and enforceable upon its entry.

13. The Reorganized Debtor and GUC Trust, as applicable, are authorized to take all steps necessary or appropriate to carry out the relief granted in this Order.

14. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2025
Houston, Texas

HONORABLE CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE

Annex 1

Objection Procedures

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

In re:

BANGO OIL LLC,¹

Reorganized Debtor.

Chapter 11

Case No. 24-90508 (CML)

PROCEDURES FOR FILING AND RESOLVING OMNIBUS CLAIMS OBJECTIONS

1. Grounds for Omnibus Objections. In addition to those grounds expressly set forth in Bankruptcy Rule 3007(d), Bango Oil LLC, as reorganized debtor in the above captioned chapter 11 case (the “**Reorganized Debtor**”), and the Vertex GUC Trust (the “**GUC Trust**”)² may file omnibus objections (each, an “**Omnibus Objection**”) to Claims on the grounds that such Claims, in part or in whole:

- (a) were paid prepetition or paid postpetition pursuant to an order entered by the Court, or are satisfied by payment in full or in part on account of such claim from a party that is not a Debtor;
- (b) fail to specify the asserted Claim amount (or only list the Claim amount as “unliquidated”);
- (c) seek recovery of amounts for which the Debtors are not liable, including but not limited to Rejection Damages Claims, that exceed the maximum allowable amount of such Claims under 11 U.S.C. § 502(b)(6);
- (d) are incorrectly or improperly classified, *provided that*, the Omnibus Objection states the reason for the reclassification;

¹ The Reorganized Debtor’s service address for purposes of this chapter 11 case is: 9107 West Russell Road, Suite 100, Las Vegas, Nevada 89148. The Reorganized Debtor’s chapter 11 case was previously jointly administered under the chapter 11 case of Vertex Energy, Inc., Case No. 24-90507 (CML).

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in *Reorganized Debtors’ and Vertex GUC Trust’s Joint Motion for an Order (A) Approving Omnibus Claims Objection Procedures; (B) Waiving the Requirement of Bankruptcy Rule 3007(e)(6); and (C) Granting Related Relief*. Docket No. [●].

- (e) have been withdrawn by informal writing (including email, text, or similar such means) between (i) the Reorganized Debtor or the GUC Trust and (ii) the claimant, but have not been withdrawn via any filing on the docket, *provided that* a copy of such informal writing be filed concurrently with the Omnibus Objection;³
- (f) are filed against non-Debtors, the incorrect Debtor, or multiple Debtors;
- (g) are disallowed or subordinated to all Claims or interests senior to or equal to the asserted Claim or interest arising out of the purchase or sale of a security of a Debtor or affiliate thereof pursuant to section 510(b) of the Bankruptcy Code;
- (h) fail to specify the Debtor(s) against whom the Claim is asserted;
- (i) are disallowed pursuant to, or asserted in an amount, priority, or on terms that are otherwise inconsistent with, the Plan;
- (j) are inconsistent with the Debtors' books and records; or
- (k) fail to sufficiently specify the basis for the Claim or provide sufficient supporting documentation.

2. Form of Omnibus Objection. Omnibus Objections filed by the Reorganized Debtor or the GUC Trust, as applicable, will be numbered consecutively and set forth in the title of the Omnibus Objection the basis or bases for the objection (*i.e.*, late-filed, amended and superseded, overstated, etc.).

3. Supporting Documentation. To the extent appropriate, Omnibus Objections will include a supporting declaration providing the factual basis for the Reorganized Debtor's or the GUC Trust's, as applicable, objection to the Claims in accordance with Bankruptcy Local Rule 3007-1(a). Such supporting declaration may be from an individual with personal knowledge of the Debtors' books and records and the manner in which they are maintained, which states that

³ For the avoidance of doubt, this Additional Ground shall not prevent the Reorganized Debtor or the GUC Trust, as applicable, from reconciling and resolving claims informally with the applicable claimant without further Order of this Court.

the declarant (or persons under the declarant's direction) has reviewed the applicable Claims included therein and supporting information and documentation provided therewith, made reasonable efforts to research the Claims on the Debtors' books and records, and determined that the books and records do not reflect the debt or the amount of debt that is alleged in the Claims.

4. Claims Exhibits. The proposed order for each Omnibus Objection will attach an exhibit listing the Claims that are subject to the Omnibus Objection. Each exhibit will include only the Claims for which there is a common basis for the objection. Claims for which there are more than one basis for the objection will be referenced on each applicable exhibit. By including a Claim on one exhibit, the Reorganized Debtor and the GUC Trust will not waive their respective rights to object to the Claim on an additional basis or bases. The exhibits will include, without limitation, the following information, alphabetized by claimant:

- (a) the Claims that are included in the Omnibus Objection and the Proof of Claim numbers assigned to them on the Claims Register;
- (b) the asserted amount of the Claim;
- (c) the grounds for the objection; and
- (d) other relevant information, as applicable, including, but not limited to, (i) the particular basis to disallow, reduce, or modify each Claim, (ii) the proposed or reduced Claim amount the Reorganized Debtor or the GUC Trust seeks to fix and allow for any Claim, or (iii) the surviving Claims of affected claimants.

5. Objection Notice. Each Omnibus Objection will be accompanied by an objection notice, substantially in the form of Annex 2 to the Court's Order approving these procedures (the "**Objection Notice**"), which will:

- (a) describe the basic nature of the Omnibus Objection;
- (b) inform creditors that their rights may be affected by the Omnibus Objection;
- (c) describe the procedures for filing a written response (each, a "**Response**") to the Omnibus Objection, including all relevant dates and deadlines;

- (d) include an exhibit listing the names of all creditors that are subject to the Omnibus Objection, along with a reference to the particular exhibits of the Omnibus Objection on which their Claims are listed;
- (e) identify the Hearing (as defined below) date, if applicable; and
- (f) describe how copies of any Proof of Claim, the Omnibus Objection and other pleadings filed in the Debtors' chapter 11 cases may be obtained.

6. Notice and Service. Each Omnibus Objection will be filed with the Court and served electronically using the Court's electronic filing system. Each Omnibus Objection (along with a copy of the Objection Notice, proposed form of order and any relevant supporting declaration or affidavit) will be mailed to each creditor, or, if available, its attorney of record that is subject to the Omnibus Objection.

7. Omnibus Claims Objection Hearings. Each Omnibus Objection may be set for a hearing no less than 30 days after service of the Omnibus Objection (each, a "**Hearing**"), unless the Court orders otherwise. In the Reorganized Debtor's or the GUC Trust's, as applicable, discretion, each Omnibus Objection may be filed either (i) with a Hearing date already scheduled in coordination with the Court or (ii) filed without a Hearing date with the intent of scheduling a Hearing date in the event one or more Responses are filed. Hearings will be conducted according to Bankruptcy Local Rule 3007-1(d) such that, unless otherwise ordered by the Court or by consent of the parties, the initial Hearing will be non-evidentiary and used as a scheduling conference. In the sole discretion of the Reorganized Debtor or the GUC Trust, as applicable, after notice to the affected claimant, the Reorganized Debtor or the GUC Trust, as applicable, may (without further order of the Court) adjourn a Hearing on an Omnibus Objection to a subsequent hearing date by filing a notice or statement on the docket.

8. Entry of an Order Without a Hearing. For Claims subject to an Omnibus Objection for which no Response is filed and no appearance is made at a scheduled Hearing (if

any), or a Response is filed in accordance with the proposed response procedures but such Response is resolved prior to the scheduled Hearing (if any), the Reorganized Debtor or the GUC Trust, as applicable, may request at the scheduled Hearing, if any, that the Court enter an order granting the Omnibus Objection with respect to such Claims. Furthermore, if no Hearing has been scheduled, the Reorganized Debtor or the GUC Trust, as applicable, may seek entry of an order granting the Omnibus Objection without further notice to the claimant or a Hearing with respect to any Claim for which a Response was not filed in accordance with these procedures or for which a Response was consensually resolved with the claimant. Contested Claims for which a Response is filed but not resolved before the Hearing may be heard at the Hearing or adjourned to a subsequent hearing date at the sole discretion of the Reorganized Debtor or the GUC Trust, as applicable. If a subsequent Hearing is necessary, the Reorganized Debtor or the GUC Trust, as applicable, shall file with the Court and serve on the affected claimant(s) a notice of the subsequent Hearing (the date of which shall be determined in consultation with the affected claimant(s) or announced on the record). Notwithstanding the foregoing, nothing in these procedures shall prejudice the right of the Reorganized Debtor or the GUC Trust, as applicable, to seek entry of an order sustaining the Omnibus Objection as to any or all Claims contained therein pursuant to Section “Q” of the Complex Case Procedures.

9. Contested Matter. Each Claim subject to an Omnibus Objection and any Response thereto will constitute a separate contested matter under Bankruptcy Rule 9014, and any order entered by the Court will be deemed a separate order with respect to each affected Claim. The Reorganized Debtor or the GUC Trust, as applicable, may, in its discretion and in accordance with other orders of the Court and the provisions of the Bankruptcy Code and Bankruptcy Rules,

settle the amount and validity of any contested Claims with the affected creditor without any further notice to, or action, order, or approval of, the Court.

RESPONSES TO OMNIBUS OBJECTIONS

10. Parties Required to File a Response. Any party who disagrees with an Omnibus Objection is required to (i) file a Response in accordance with these procedures and (ii) appear at any scheduled Hearing regarding its Claim. If a claimant whose Claim is subject to an Omnibus Objection does not file a Response in compliance with these procedures or fails to appear at any Hearing on its claim, the Court may, in its discretion, grant the Omnibus Objection with respect to the Claim without further notice to the claimant.

11. Response Contents. Each Response must contain the following (at a minimum):

- (a) a caption stating the name of the Court, the case number, and the title of the Omnibus Objection to which the Response is directed, and, if applicable, the Proof of Claim number(s) assigned to the Claim(s) on the Claims Register;
- (b) a concise statement setting forth the reasons why the Court should not grant the Omnibus Objection with respect to the Claim(s), including the factual and legal bases upon which the claimant will rely in opposing the Omnibus Objection; and
- (c) contact information for the responding party, including:
 - (i) the name, address, telephone number, and email address of the responding claimant or the name, address, telephone number, and email address of the claimant's attorney or designated representative on whom the Reorganized Debtor or the GUC Trust, as applicable, should serve its reply to the Response, if any; and
 - (ii) the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the Omnibus Objection on the claimant's behalf.

12. Filing the Response. A Response must be filed with the Court and served electronically using the Court's electronic filing system so that it is *actually received* not later than

4:00 p.m. (Central Time) on the day that is thirty (30) calendar days from the date the Omnibus Objection was served (the “**Response Deadline**”) unless otherwise ordered by the Court.

13. Failure to Respond. A Response that is not filed timely and served in accordance with these procedures may not be considered by the Court at the Hearing. **Unless a claimant reaches an agreement with the Reorganized Debtor or the GUC Trust, as applicable, to resolve the Omnibus Objection to its Claim, the failure to timely file and serve a Response or to appear at the Hearing (if any), may result in the Court granting the Omnibus Objection without further notice or hearing to the claimant.** Upon entry of an order sustaining an Omnibus Objection, affected creditors will be served with such order.

14. Reply to a Response. The Reorganized Debtor or the GUC Trust, as applicable, shall be permitted to file a reply to any Response before the Hearing with respect to the relevant Omnibus Objection.

MISCELLANEOUS

15. Additional Information. Copies of these procedures, the Court’s Order approving them or any other pleadings filed in the Debtors’ chapter 11 cases are available at no cost at <https://www.veritaglobal.net/vertex>. Claimants may also obtain copies of any of the pleadings filed in these chapter 11 cases for a fee at the Court’s website at <http://www.txs.uscourts.gov/bankruptcy>. A login identification and password to the Court’s Public Access to Court Electronic Records (“**PACER**”) are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>.

16. Reservation of Rights. Nothing in these Objection Procedures, the Omnibus Objection, or the Objection Notice is intended or will be deemed to be: (a) an admission of the amount, basis, priority or validity of any Claim; (b) an impairment or waiver of the right of the Reorganized Debtor, the GUC Trust, or any other party in interest, to dispute any Claim on any

grounds or to assert counterclaims, rights of offset or recoupment or other defenses to any Claim or to seek to estimate any Claim; (c) a promise or requirement to pay any Claim; (d) a waiver of the rights of the Reorganized Debtor, the GUC Trust, or any other party in interest, under the Bankruptcy Code or other applicable law; or (e) prejudicial to the Reorganized Debtor's or the GUC Trust's right to object to any Claim on an individual basis.

Annex 2

Objection Notice

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

In re:

BANGO OIL LLC,¹

Reorganized Debtor.

Chapter 11

Case No. 24-90508 (CML)

**NOTICE OF [REORGANIZED DEBTOR'S][VERTEX GUC TRUST'S] [NUMBER]
OMNIBUS OBJECTION TO CERTAIN CLAIMS
([LATE FILED, AMENDED/SUPERSEDED, OVERSTATED, ETC.] CLAIMS)**

THIS IS AN OBJECTION TO YOUR CLAIM. THE OBJECTING PARTY IS ASKING THE COURT TO DISALLOW OR MODIFY THE CLAIM THAT YOU FILED IN THESE BANKRUPTCY CASES. YOU SHOULD IMMEDIATELY CONTACT THE OBJECTING PARTY TO RESOLVE THE DISPUTE. IF YOU DO NOT REACH AN AGREEMENT, YOU MUST FILE A RESPONSE TO THIS OBJECTION AND SEND A COPY OF YOUR RESPONSE TO THE OBJECTING PARTY WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE OBJECTION IS NOT VALID. IF YOU DO NOT FILE A RESPONSE WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED OR MODIFIED WITHOUT A HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

[A HEARING HAS BEEN SET ON THIS OBJECTION ON [DATE] AT [TIME] IN COURTROOM 401, 515 RUSK, HOUSTON, TEXAS 77002. YOU MAY PARTICIPATE IN THE HEARING EITHER IN PERSON OR BY AUDIO/VIDEO CONNECTION. AUDIO COMMUNICATION WILL BE THROUGH THE COURT'S DIAL-IN FACILITY. YOU MAY ACCESS THE FACILITY AT (832) 917-1510. YOU WILL BE RESPONSIBLE FOR YOUR OWN LONG DISTANCE CHARGES. ONCE CONNECTED, YOU WILL BE ASKED TO ENTER THE CONFERENCE ROOM NUMBER. JUDGE LOPEZ'S CONFERENCE ROOM NUMBER IS 590153.

YOU MAY VIEW VIDEO VIA GOTOMEETING. TO USE GOTOMEETING, THE COURT RECOMMENDS THAT YOU DOWNLOAD THE FREE GOTOMEETING APPLICATION. TO CONNECT, YOU SHOULD ENTER THE MEETING CODE "JUDGE LOPEZ" IN THE GOTOMEETING APP OR CLICK THE LINK ON JUDGE LOPEZ'S HOME PAGE ON THE SOUTHERN DISTRICT OF TEXAS WEBSITE. ONCE CONNECTED, CLICK THE SETTINGS ICON IN THE UPPER RIGHT CORNER AND ENTER YOUR NAME UNDER THE PERSONAL INFORMATION SETTING. HEARING APPEARANCES MUST BE MADE ELECTRONICALLY IN ADVANCE OF THE HEARING. TO MAKE YOUR ELECTRONIC APPEARANCE, GO TO THE SOUTHERN DISTRICT OF TEXAS WEBSITE AND SELECT "BANKRUPTCY COURT" FROM THE TOP MENU. SELECT "JUDGES"

¹ The Reorganized Debtor's service address for purposes of this chapter 11 case is: 9107 West Russell Road, Suite 100, Las Vegas, Nevada 89148. The Reorganized Debtor's chapter 11 case was previously jointly administered under the chapter 11 case of Vertex Energy, Inc., Case No. 24-90507 (CML).

PROCEDURES,” THEN “VIEW HOME PAGE” FOR JUDGE LOPEZ. UNDER “ELECTRONIC APPEARANCE (COMPLEX CASES)” SELECT “CLICK HERE TO SUBMIT ELECTRONIC APPEARANCE”. SELECT THE CASE NAME, COMPLETE THE REQUIRED FIELDS AND CLICK “SUBMIT” TO COMPLETE YOUR APPEARANCE.^{2]}

THIS OBJECTION SEEKS TO DISALLOW AND EXPUNGE OR MODIFY CERTAIN PROOFS OF CLAIM. CLAIMANTS RECEIVING THIS OBJECTION SHOULD LOCATE THEIR NAMES AND CLAIMS ON SCHEDULES [●] THROUGH [●] TO THE ORDER FILED WITH THIS OBJECTION.

Important Information Regarding the Objection

Omnibus Objection. [Bango Oil LLC, as reorganized debtor in the above captioned chapter 11 case (the “**Reorganized Debtor**”)] [the Vertex GUC Trust (the “**GUC Trust**”)] hereby files the attached objection (the “**Omnibus Objection**”), to the claims listed on the exhibit(s) attached to the proposed order attached to the Omnibus Objection.

Grounds for the Objection. By the Omnibus Objection, the [Reorganized Debtor][GUC Trust] is seeking to [disallow/expunge/reclassify/reduce/subordinate] your claim(s) listed in the [attached schedule] on the grounds that your claim(s) [is/are] []. All of the claim(s) subject to the Omnibus Objection may also be found on the schedules attached to the form of order accompanying the Omnibus Objection, a copy of which is provided with this notice.

Objection Procedures. On [•], 2025, the United States Bankruptcy Court for the Southern District of Texas (the “**Court**”) entered an order approving procedures for filing and resolving objections to claims asserted against the Debtors in these chapter 11 cases (the “**Objection Procedures**”). A copy of the Objection Procedures is included with this notice. **Please review the Objection Procedures carefully to ensure your response to the Omnibus Objection, if any, is timely and correctly filed and served.**

Resolving the Omnibus Objection

Parties Required to File a Response. If you disagree with the Omnibus Objection as it relates to your claim, you must file a response (a “**Response**”) with the Court by 4:00 p.m. (Central Time) on [●]. Please review the Objection Procedures carefully to ensure your response to the Omnibus Objection, if any, is filed timely and correctly.

Contents of Response. Each Response must contain, at a minimum, the following:

- (a) caption stating the name of the Court, the names of the Reorganized Debtor, the case number, and the Omnibus Objection to which the Response is directed, and, if applicable, the Proof of Claim number(s) related thereto from the Claims register;

² Information regarding appearance at a hearing will only be included to the extent the applicable omnibus objection is filed with a hearing date already scheduled.

- (b) a concise statement setting forth the reasons why the Court should not grant the objection with respect to your claim, including the factual and legal bases upon which you will rely in opposing the Omnibus Objection; and
- (c) either (i) the name, address, telephone number, and email address of the party responding on your behalf or the name, address, telephone number, and email address of your attorney or designated representative to whom the attorneys for the [Reorganized Debtor][GUC Trust] should serve a reply to the Response, if any; or (ii) the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the objection on your behalf.

Notice and Service. Your Response must be filed with the Court and served electronically using the Court's electronic filing system so as to be **actually received** by 4:00 p.m. (Central Time) on [●] (the "**Response Deadline**").

Failure to Respond. A Response that is not filed and served in accordance with the Objection Procedures may not be considered by the Court at any hearing that may be scheduled with respect to your claim. **Unless you reach an agreement with the [Reorganized Debtor][GUC Trust] to resolve its objection to your claim, the failure to timely file and serve a Response pursuant to the Objection Procedures and to appear at the Hearing, if one is scheduled, may result in the Court granting the Omnibus Objection as to your claim without further notice or hearing.** The [Reorganized Debtor][GUC Trust] will serve a copy of any order the Court may enter granting the Omnibus Objection on each affected creditor.

Hearing.³ If a Response is timely filed, the Court will hold an initial hearing on the Omnibus Objection to your claim. The [Reorganized Debtor][GUC Trust] will serve a notice on you with the date and time of the initial hearing. The initial hearing will be non-evidentiary and used as a scheduling conference. Failure to appear at the initial hearing may result in the summary disposition of the Objection.

[OR]

A hearing (the "**Hearing**") on the Omnibus Objection will be held on [Date], at [Time] Central Time, before the Honorable Christopher M. Lopez, United States Bankruptcy Judge, in Courtroom 401, 515 Rusk, Houston, Texas 77002. You may participate in the Hearing via audio/video connection with the instructions included at the top of this Notice. The Hearing may be adjourned to a later date in the [Reorganized Debtor][GUC Trust]'s sole discretion. Unless you have resolved your claim with the [Reorganized Debtor][GUC Trust], you must attend the Hearing if you disagree with the Omnibus Objection and have filed a Response.

Discovery. If the [Reorganized Debtor][GUC Trust] determines that discovery is necessary to adjudicate your claim, the [Reorganized Debtor][GUC Trust] will serve a notice on you and your counsel of record (if any) that a scheduling order regarding your claim will be

³ This section will be altered to reflect whether a Hearing has been scheduled in advance of the filing of the applicable Omnibus Objection.

requested at the Hearing. Such notice may be incorporated into the agenda for the hearing, or may be provided by separate notice.

Additional Information

Questions or Information. Copies of the Objection Procedures, the Omnibus Objection, or any other pleadings filed in the Debtors' chapter 11 cases are available at no cost at <https://www.veritaglobal.net/vertex>. You may also obtain copies of any of the pleadings filed in these chapter 11 cases for a fee at the Court's website at <http://www.txs.uscourts.gov/bankruptcy>. A login identification and password to the Court's Public Access to Court Electronic Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. Please do not contact the Court to discuss the merits of any claim or any Omnibus Objection.

Reservation of Rights

NOTHING IN THE OMNIBUS OBJECTION OR THIS OBJECTION NOTICE IS INTENDED OR WILL BE DEEMED TO BE (A) AN ADMISSION OF THE AMOUNT, BASIS, PRIORITY OR VALIDITY OF ANY CLAIM; (B) AN IMPAIRMENT OR WAIVER OF THE [REORGANIZED DEBTOR'S][GUC TRUST'S] RIGHTS TO DISPUTE ANY CLAIM ON ANY GROUNDS OR TO ASSERT COUNTERCLAIMS, RIGHTS OF OFFSET OR RECOUPMENT OR OTHER DEFENSES TO ANY CLAIM OR TO SEEK TO ESTIMATE ANY CLAIM; (C) A PROMISE OR REQUIREMENT TO PAY ANY CLAIM; (D) A WAIVER OF ANY RIGHT OF THE [REORGANIZED DEBTOR][GUC TRUST] UNDER THE BANKRUPTCY CODE OR OTHER APPLICABLE LAW; OR (E) PREJUDICIAL TO THE REORGANIZED DEBTOR'S OR THE GUC TRUST'S RIGHTS TO OBJECT TO ANY CLAIM ON AN INDIVIDUAL BASIS.

Dated: [●]

[COUNSEL INFO]