

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

FISKER INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Hearing Date:

July 16, 2024, at 11:00 a.m. (ET)

Objection Deadline:

July 9, 2024, at 4:00 p.m. (ET)

MOTION OF DEBTORS FOR ENTRY OF AN ORDER EXTENDING TIME TO FILE (I) SCHEDULES OF ASSETS AND LIABILITIES, (II) SCHEDULES OF CURRENT INCOME AND EXPENDITURES, (III) SCHEDULES OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES, (IV) STATEMENTS OF FINANCIAL AFFAIRS, AND (V) BANKRUPTCY RULE 2015.3 FINANCIAL REPORTS

Fisker Inc. and certain of its affiliates (collectively, the “**Debtors**”),² each of which is a debtor and debtor in possession in the above-captioned chapter 11 cases (the “**Chapter 11 Cases**”), hereby file this *Motion of Debtors for Entry of an Order Extending Time to File (I) Schedules of Assets and Liabilities, (II) Schedules of Current Income and Expenditures, (III) Schedules of Executory Contracts and Unexpired Leases, (IV) Statements of Financial Affairs, and (V) Bankruptcy Rule 2015.3 Financial Reports* (this “**Motion**”). In further support of this Motion, the Debtors respectfully state as follows:

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors’ corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

² The Debtors and their direct and indirect non-Debtor subsidiaries are collectively referred to herein as “**Fisker.**”



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Relief Requested

1. By this Motion, and pursuant to sections 105(a) and 521 of title 11 of the United States Code (the “**Bankruptcy Code**”) and rules 1007(c), 2015.3, and 9006(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), the Debtors seek entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), extending (a) the deadline by which the Debtors must file their (i) schedules of assets and liabilities, (ii) schedules of current income and expenditures, (iii) schedules of executory contracts and unexpired leases, and (iv) statements of financial affairs (collectively, the “**Schedules and Statements**”) by 45 days, for a total of 59 days from the Petition Date (as defined below), through and including August 15, 2024 and (b) the deadline by which the Debtors must file their initial reports of financial information with respect to entities in which the Debtors hold a controlling or substantial interest, as required under Bankruptcy Rule 2015.3 (the “**2015.3 Reports**” and, together with the Schedules and Statements, the “**Disclosures**”), through and including the later of (i) 14 days after the meeting of creditors to be held pursuant to section 341 of the Bankruptcy Code (the “**341 Meeting**”) or (ii) 45 days after the Petition Date (*i.e.*, August 1, 2024), in each case, without prejudice to the Debtors’ ability to request additional extensions or modifications to or waivers of any Disclosure requirements.

Jurisdiction, Venue, and Authority

2. The United States Bankruptcy Court for the District of Delaware (the “**Court**”) has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012.

3. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). In addition, the Debtors confirm their consent, pursuant to rule 9013-1(f) of the Local Rules for the

United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), to the entry of a final order by the Court in connection with this Motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter a final order or judgment in connection herewith consistent with Article III of the United States Constitution.

4. Venue of the Chapter 11 Cases and related proceedings is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

5. On June 17 and 19, 2024 (collectively, the “**Petition Date**”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors remain in possession of their property and continue to operate and manage their business as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request has been made for the appointment of a trustee or examiner, and no official committee has been appointed in the Chapter 11 Cases.

6. The Chapter 11 Cases are being jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b) and the *Order Directing Joint Administration of Chapter 11 Cases* entered by the Court on June 21, 2024, in each of the Chapter 11 Cases.³

7. Fisker is an American automotive company that designs, develops, markets, and sells electric vehicles. Passionately driven by a vision of a clean future for all, Fisker created the world’s most sustainable and emotional electric vehicles. Headquartered in California, Fisker operates in several countries (including the United States, Austria, Germany, China, and India) and conducts sales operations in North America and throughout Europe.

³ See D.I. 51, 10, 3, 3, 3, and 3, in the Chapter 11 Case of Fisker Inc., Fisker Group Inc., Fisker TN LLC, Blue Current Holding, LLC, Platinum IPR LLC, and Terra Energy Inc., respectively.

8. Additional information about the Debtors' business and affairs, capital structure, and prepetition indebtedness, and the events leading up to the Petition Date, can be found in the *Declaration of John C. DiDonato as Chief Restructuring Officer of the Debtors in Support of Debtors' Chapter 11 Proceedings and First Day Pleadings* [D.I. 37] (the "**DiDonato Declaration**"), which is incorporated herein by reference.

Basis for Relief

9. Pursuant to section 521 of the Bankruptcy Code and Bankruptcy Rule 1007, the Debtors are required to file the Schedules and Statements within 14 days of the Petition Date. However, pursuant to Bankruptcy Rules 1007(c) and 9006(b), the Court is authorized to grant an extension to the deadline for filing the Schedules and Statements "for cause." *See* Fed. R. Bankr. P. 1007(c) (providing that "any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee . . . , trustee, examiner, or other party as the court may direct"); Fed. R. Bankr. P. 9006(b) (providing that "when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefore is made before the expiration of the period originally prescribed or as extended by a previous order").

10. In addition, Bankruptcy Rule 2015.3(b) requires the Debtors to file their first 2015.3 Reports within seven days of the first date set for the 341 Meeting and then periodically thereafter (but not less than every six months). *See* Fed. R. Bankr. P. 2015.3(b). The 2015.3 Reports are "periodic financial reports of the value, operations, and profitability of each entity that is not a publicly traded corporation or a debtor in a case under title 11, and in which the estate holds a substantial or controlling interest." Fed. R. Bankr. P. 2015.3(b). However, here, too, pursuant to

Bankruptcy Rules 2015.3(d) and 9006(b), the Court is authorized to grant an extension to the deadline for filing the 2015.3 Reports “for cause.” *See* Fed. R. Bankr. P. 2015.3(d) (after notice and a hearing, the court may modify Bankruptcy Rule 2015.3’s reporting requirements for cause, including that the debtor is “not able, after a good faith effort, to comply with those reporting requirements, or that the information . . . is publicly available); Fed. R. Bankr. P. 9006(b).

11. Finally, section 105(a) of the Bankruptcy Code confers the Court with broad equitable powers to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Accordingly, the Court has expansive equitable powers to fashion any order or decree that is in the interest of preserving or protecting the value of the Debtors’ assets. *See In re Nixon*, 404 F. App’x 575, 578 (3d Cir. 2010) (“It is well settled that the court’s power under § 105(a) is broad.” (citation omitted)); *In re Nortel Networks, Inc.*, 532 B.R. 494, 554 (Bankr. D. Del. 2015) (“The Third Circuit has construed [section 105 of the Bankruptcy Code] to give bankruptcy courts ‘broad authority’ to provide appropriate equitable relief to assure the orderly conduct of reorganization proceedings, and to ‘craft flexible remedies that, while not expressly authorized by the Code, effect the result the Code was designed to obtain.’” (citations omitted)); *Patrick v. Dell Fin. Servs. (In re Patrick)*, 344 B.R. 56, 58 (Bankr. M.D. Pa. 2005) (“There is no doubt that § 105(a) is a ‘powerful [and] versatile tool’ designed to empower bankruptcy courts to fashion orders in furtherance of the Bankruptcy Code.” (quoting *Joubert v. ABN AMRO Mortg. Grp., Inc. (In re Joubert)*, 411 F.3d 452, 455 (3d Cir. 2005))).

12. Collectively, the Debtors have more than 300 creditors. Moreover, as detailed in the DiDonato Declaration and the corporate structure chart contained therein, the Debtors “control or own at least a 20 percent interest” in at least 18 non-Debtor subsidiaries located outside the U.S., each of which would therefore require, absent an order from the Court to the contrary, a

2015.3 Report. *See* Fed. R. Bankr. P. 2015.3(c). Sufficient cause exists here for the requested reporting extensions, because requiring the Debtors to file the Disclosures within the statutory deadlines proscribed by the Bankruptcy Rules would divert management's time and attention from ensuring a smooth transition into chapter 11 and focusing their efforts on quickly emerging from chapter 11.

13. Due to the complexity and scope of their operations, the number of contracts to which Fisker is party, the extent and global scope of Fisker's business, and the numerous other matters that the Debtors must attend to in connection with filing the Chapter 11 Cases, the Debtors anticipate that (a) they will be unable to complete the Schedules and Statements for the six Debtor entities in the 14 days required under Bankruptcy Rule 1007(c) and (b) it will be difficult for them to strictly comply with the statutory deadlines for filing the initial 2015.3 Reports. To prepare the Disclosures, the Debtors must compile information from books, records, financial statements, and documents of each Fisker entity relating to creditor claims and the Debtors' assets, executory contracts, and unexpired leases. This information is voluminous and located in numerous places throughout the Fisker's organization—including outside the United States. Collecting the necessary information requires a significant expenditure of time and effort on the part of the Debtors, their employees, and their professional advisors in the near term, when these resources would be best used to stabilize and improve the Debtors' business operations. In addition, employee efforts during the initial post-petition period are critical, and the Debtors must devote their time and attention to business operations to maximize the value of the Debtors' estates during the critical months following the Petition Date. Finally, with respect to the Schedules and Statements in particular, because not all of the invoices related to prepetition goods and services have yet been received by the Debtors and/or entered into the Debtors' accounting system, it may

be some time before the Debtors have access to all of the required information to accurately prepare the Schedules and Statements.

14. The Debtors, therefore, respectfully submit that good and sufficient cause exists for granting the requested reporting extensions. Unavoidably, the Debtors' primary focus in the days leading up to the Petition Date has been on stabilizing business operations, commencing the postpetition sale process, and reacting to the events surrounding the filings. While the Debtors, with the help of their professional advisors, have mobilized their employees to work diligently and expeditiously on the preparation of the Disclosures, resources are strained. Not only have the same employees with the expertise to complete the Disclosures been diligently preparing for the chapter 11 filings, but they have also been heavily engaged on numerous other workstreams, including preservation of relationships with creditors and other parties in interest and ensuring the Debtors' smooth transition into chapter 11 during a sensitive time.

15. In view of the amount of work entailed in completing the Disclosures and the competing demands on the Debtors' employees and professionals to assist in efforts to stabilize business operations during the initial post-petition period, the Debtors will be (a) unable to complete the Schedules and Statements for the six Debtor entities in the 14 days required under Bankruptcy Rule 1007(c) and (b) hard-pressed to strictly comply with the statutory deadlines for filing the initial 2015.3 Reports.

16. Accordingly, the Debtors request that the Court extend (a) the 14-day period for the Schedules and Statements for an additional 45 days (making the Schedules and Statements due on or before 59 days after the Petition Date) and (b) the deadline by which the Debtors must file their initial 2015.3 Reports to and including the later of (i) 14 days after the 341 Meeting or (ii) 45 days

after the Petition Date (*i.e.*, August 1, 2024), in each case, without prejudice to the Debtors' ability to request additional extensions or modifications to or waivers of any Disclosure requirements.⁴

17. The Debtors respectfully submit that the proposed extensions of the Disclosure deadlines would not prejudice creditors and other parties in interest because the Debtors would work with the Office of the United States Trustee for the District of Delaware (the "U.S. Trustee") and any official committee appointed in the Chapter 11 Cases to make available sufficient financial data and creditor information to permit at least an initial meeting to be timely held.

18. In fact, courts in this district routinely grant similar relief to that requested herein. *See, e.g., In re AmeriFirst Fin., Inc.*, No. 23-11240 (TMH) (Bankr. D. Del. Sept. 27, 2023) [D.I. No. 166] (granting debtors a total of 49 days from the petition date to file schedules and statements); *In re Yellow Corp.*, No. 23-11069 (CTG) (Bankr. D. Del. Sept. 12, 2023) [D.I. No. 493] (36 days from the petition date); *In re Amyris, Inc.*, No. 23-11131 (TMH) (Bankr. D. Del. Sept. 12, 2023) [D.I. No. 240] (42 days from the petition date); *In re PGX Holdings, Inc.*, No. 23-10718 (CTG) (Bankr. D. Del. July 19, 2023) [D.I. No. 197] (58 days from the petition date); *In re Allegiance Coal USA Ltd.*, No. 23-10234 (CTG) (Bankr. D. Del. May 8, 2023) [D.I. 163] (58 days from the petition date); *In re CBC Rest. Corp.*, No. 23-10245 (KBO) (Bankr. D. Del. Apr. 24, 2023) [D.I. No. 381] (65 days from the petition date to file Schedule G and 51 days from the petition date to file all other schedules and statements); *In re Stanadyne LLC*, No. 23-10207 (TMH) (Bankr. D. Del. Mar. 31, 2023) [D.I. No. 151] (60 days from the petition date); *In re Vesta Holdings, LLC*, No. 22-11019 (LSS) (Bankr. D. Del. Nov. 1, 2022) [D.I. No. 54] (44 days from the petition date); *In re EYP Grp. Holdings, Inc.*, No. 22-10367 (TMH) (Bankr. D. Del. May 23,

⁴ Pursuant to Local Rule 9006-2, if a motion to extend time to take any action is filed before the expiration of the period prescribed, the time shall automatically be extended until the Court acts on the motion, without the necessity of a bridge order.

2022) [D.I. No. 127] (40 days from the petition date); *In re PWM Prop. Mgmt. LLC*, No. 21-11445 (MFW) (Bankr. D. Del. Dec. 1, 2021) [D.I. No. 188] (88 days from the petition date); *In re Alpha Latam Mgmt., LLC*, No. 21-11109 (JKS) (Bankr. D. Del. Sept. 1, 2021) [D.I. No. 140] (75 days from the petition date); *In re Hertz Corp.*, No. 20-11218 (MFW) (Bankr. D. Del. June 24, 2020) [D.I. No. 540] (80 days from the petition date); *In re Southcross Energy Partners, L.P.*, No. 19-10702 (MFW) (Bankr. D. Del. May 3, 2019) [D.I. No. 182] (73 days from the petition date).

Notice

19. Notice of this Motion will be provided to the following parties: (a) the Office of the United States Trustee for the District of Delaware; (b) those creditors holding the 30 largest unsecured claims against the Debtors' estates (on a consolidated basis); (c) White & Case LLP, as counsel to CVI Investments, Inc.; and (d) any party that has requested notice pursuant to Bankruptcy Rule 2002 (collectively, the "**Notice Parties**").

20. A copy of this Motion and any order entered in respect thereto will also be made available on the Debtors' case information website located at <https://veritaglobal.net/Fisker>. Based on the circumstances surrounding this Motion and the nature of the relief requested herein, the Debtors respectfully submit that no other or further notice is required.

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WHEREFORE, the Debtors respectfully request that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as the Court deems just and proper.

Dated: July 1, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Evanthea Hammer
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Proposed Counsel to the Debtors and Debtors in Possession

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FISKER INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Hearing Date:

July 16, 2024, at 11:00 a.m. (ET)

Objection Deadline:

July 9, 2024, at 4:00 p.m. (ET)

**NOTICE OF MOTION OF DEBTORS FOR ENTRY OF AN ORDER
EXTENDING TIME TO FILE (I) SCHEDULES OF ASSETS AND
LIABILITIES, (II) SCHEDULES OF CURRENT INCOME AND
EXPENDITURES, (III) SCHEDULES OF EXECUTORY CONTRACTS
AND UNEXPIRED LEASES, (IV) STATEMENTS OF FINANCIAL
AFFAIRS, AND (V) BANKRUPTCY RULE 2015.3 FINANCIAL REPORTS**

PLEASE TAKE NOTICE that on July 1, 2024, the above-captioned debtors and debtors in possession (the “**Debtors**”) filed the *Motion of Debtors for Entry of an Order Extending Time to File (I) Schedules of Assets and Liabilities, (II) Schedules of Current Income and Expenditures, (III) Schedules of Executory Contracts and Unexpired Leases, (IV) Statements of Financial Affairs, and (V) Bankruptcy Rule 2015.3 Financial Reports* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that any responses or objections to approval of the relief requested in the Motion must be (a) in writing; (b) filed with the Clerk of the Bankruptcy Court, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, on or before **July 9, 2024, at 4:00 p.m. (ET)** (the “**Objection Deadline**”); and (c) served so as to be received on or before the Objection Deadline by the undersigned proposed counsel to the Debtors.

PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE MOTION WILL BE HELD ON JULY 16, 2024, AT 11:00 A.M. (ET) BEFORE THE HONORABLE BRENDAN L. SHANNON AT THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE, 824 MARKET STREET, 6th FLOOR, COURTROOM #1, WILMINGTON, DELAWARE 19801.

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors’ corporate headquarters is 14 Centerpointe Dr, La Palma, CA 90623.

PLEASE TAKE FURTHER NOTICE THAT ONLY OBJECTIONS MADE IN WRITING AND TIMELY FILED AND RECEIVED IN ACCORDANCE WITH THE PROCEDURES ABOVE WILL BE CONSIDERED BY THE COURT AT SUCH HEARING.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: July 1, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Evanthea Hammer
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Proposed Counsel to the Debtors and Debtors in Possession

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

FISKER INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11390 (TMH)

(Jointly Administered)

Re: Docket No. _____

**ORDER EXTENDING TIME TO FILE (I) SCHEDULES OF ASSETS AND
LIABILITIES, (II) SCHEDULES OF CURRENT INCOME AND
EXPENDITURES, (III) SCHEDULES OF EXECUTORY CONTRACTS
AND UNEXPIRED LEASES, (IV) STATEMENTS OF FINANCIAL
AFFAIRS, AND (V) BANKRUPTCY RULE 2015.3 FINANCIAL REPORTS**

Upon the motion (the “**Motion**”)² of Fisker Inc. and certain of its affiliates (collectively, the “**Debtors**”), each of which is a debtor and debtor in possession in the Chapter 11 Cases, for entry of an order, pursuant to sections 105(a) and 521 of the Bankruptcy Code and Bankruptcy Rules 1007(c), 2015.3, and 9006(b) extending (a) the deadline by which the Debtors must file their Schedules and Statements by 45 days, for a total of 59 days from the Petition Date, through and including August 15, 2024, and (b) the deadline by which the Debtors must file their initial 2015.3 Reports through and including the later of (i) 14 days after the 341 Meeting or (ii) 45 days after the Petition Date (*i.e.*, August 1, 2024), in each case, without prejudice to the Debtors’ ability to request additional extensions or modifications to or waivers of any Disclosure requirements, as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers or Delaware file numbers, are as follows: Fisker Inc. (0340); Fisker Group Inc. (3342); Fisker TN LLC (6212); Blue Current Holding LLC (6668); Platinum IPR LLC (4839); and Terra Energy Inc. (0739). The address of the debtors’ corporate headquarters is 14 Centerpointe Drive, La Palma, CA 90623.

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

the relief requested therein pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157; and the Court having found that it may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of the Chapter 11 Cases and related proceedings being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Notice Parties, such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and the Court having reviewed and considered the Motion; and the Court having held a hearing, if necessary, to consider the relief requested in the motion (the “**Hearing**”); and the Court having determined that the legal and factual bases set forth in the Motion and at the hearing, if any, establish just cause for the relief granted herein; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors, their creditors, their estates, and all other parties in interest; and all objections and reservations of rights filed or asserted in respect of the Motion, if any, having been withdrawn, resolved, or overruled; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth in this order (this “**Order**”).
2. The time by which the Debtors shall file the Schedules and Statements is extended by 45 days, for a total of 59 days from the Petition Date, through and including August 15, 2024.

3. The time by which the Debtors shall file the initial 2015.3 Reports is extended to the later of (a) 14 days after the 341 Meeting or (b) 45 days after the Petition Date (*i.e.*, August 1, 2024).

4. Nothing in this Order prejudices, waives, or otherwise impairs the Debtors' rights to request (a) additional extensions of the deadlines described hereby or (b) modifications to or waivers of any Disclosure requirements. All such rights are expressly reserved.

5. The Debtors may obtain further extensions of the deadlines described herein upon either (a) further order of the Court or (b) written consent from the U.S. Trustee and the filing of a notice to such effect on the Court's docket.

6. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

7. Any Bankruptcy Rule or Local Rule that might otherwise delay the effectiveness of this Order is hereby waived, and the terms and conditions of this Order shall be effective and enforceable immediately upon its entry.

8. The Debtors are authorized to take any action necessary or appropriate to implement and effectuate the terms of, and the relief granted in, this Order without seeking further order of the Court.

9. The Court shall retain jurisdiction over any matter arising from or related to the implementation, interpretation, and enforcement of this Order.