Docket #0951 Date Filed: 10/02/2026

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FILED
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CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

In re:
HIGHER GROUND EDUCATION, INC.,
Reorganized Debtor.

Chapter 11
Case No. **25-80121 (MVL)**

CLAIMANT BYRON ADAMS'S RESPONSE TO LIQUIDATING TRUSTEE'S SECOND OMNIBUS OBJECTION TO CERTAIN PROOFS OF CLAIM (LATE-FILED CLAIMS) [DOCKET NO. 932]

Byron Adams ("Adams"), appearing pro se and as holder of Proof of Claim No. 537, respectfully submits this Response to the Liquidating Trustee's Second Omnibus Objection to Certain Proofs of Claim (Late-Filed Claims) [Docket No. 932] (the "Objection"), and states as follows:

1. Adams filed Proof of Claim No. 537 against Higher Ground Education, Inc. in the amount of $22,280.00. The claim is identified in Schedule 1 to the Objection as a general unsecured claim.

2. The Liquidating Trustee seeks to disallow Claim No. 537 solely on the ground that it was filed on October 8, 2025, after the August 7, 2025 General Bar Date.

3. Adams respectfully opposes disallowance of Claim No. 537.

4. Prior to the bankruptcy filing, Adams held a convertible-note investment in Higher Ground Education and communicated repeatedly with Jonathan McCarthy, a Higher Ground board representative, regarding the status of that investment and the steps Adams should take to protect his interests.

5. On January 28, 2025, Adams specifically asked McCarthy for information concerning "next steps" for the investment. On January 29, 2025, McCarthy informed Adams that Higher Ground's board was working to secure capital to avoid a bankruptcy filing and that, in a potential transaction, outstanding debt might be converted to equity. McCarthy also advised that convertible-note investors could suffer impairment.

6. On May 29, 2025, Adams again sought formal documentation regarding his investment and specifically asked whether there was legal counsel or another person he should contact. McCarthy responded that he was "generally still the best point of contact for HGE," while also identifying Higher Ground's external counsel and an independent director whom Adams could contact.

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7. Adams contacted the individuals identified by McCarthy but did not receive a response. Adams informed McCarthy of this on June 29, 2025 and again asked whom he should contact.

8. On June 29, 2025, McCarthy then provided Adams with what McCarthy described as the "formal notice" regarding Higher Ground's bankruptcy. That communication advised Adams that Higher Ground had filed Chapter 11 on June 17, 2025, identified the bankruptcy case and First Day Hearing, provided links to certain court filings, and directed Adams to the Verita Global case website.

9. The June 29 communication did not identify August 7, 2025 as a proof-of-claim bar date, did not advise Adams that he was required to file a proof of claim by that date, and did not state that failure to do so could result in disallowance of his claim.

10. On July 13, 2025, Adams again contacted McCarthy and specifically requested information about "where things will shake out for us" and asked whether there was "any kind of formal documentation" he could review concerning the status of his investment. McCarthy arranged another conversation with Adams. The written communications between Adams and McCarthy before the General Bar Date did not identify the August 7, 2025 deadline.

11. Adams ultimately filed Proof of Claim No. 537 on October 8, 2025, approximately two months after the General Bar Date.

12. Claim No. 537 was nevertheless filed well before confirmation of Higher Ground's chapter 11 plan on November 26, 2025 and before the Plan's December 16, 2025 Effective Date.

13. The circumstances demonstrate that Adams was actively and repeatedly attempting to understand the status of his investment and protect his rights. His filing was not the product of bad faith or an effort to disregard the bankruptcy process.

BASIS FOR RELIEF

14. Federal Rule of Bankruptcy Procedure 9006(b)(1) permits the Court, for cause shown, to permit an act after expiration of a deadline where the failure to act timely resulted from "excusable neglect."

15. In *Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380, 395 (1993), the Supreme Court held that the determination of excusable neglect is an equitable one that considers all relevant circumstances, including: (1) the danger of prejudice to the debtor; (2) the length of the delay and its potential effect on the proceedings; (3) the reason for the delay, including whether it was within the reasonable control of the claimant; and (4) whether the claimant acted in good faith. The Fifth Circuit applies these factors to requests to permit late proofs of claim. See *In re Eagle Bus Mfg., Inc.*, 62 F.3d 730, 737 (5th Cir. 1995).

16. These considerations favor preservation of Claim No. 537. Adams repeatedly sought guidance from Higher Ground concerning his investment before and after the bankruptcy filing. The direct bankruptcy communication provided to Adams by Higher Ground's board

representative did not identify the proof-of-claim deadline. Adams continued seeking formal information about his investment shortly before the bar date.

17. Adams also acted in good faith. His written communications show sustained efforts to obtain information and determine what steps were required of him.

18. The delay was limited. Claim No. 537 was filed approximately 62 days after the General Bar Date and, importantly, before confirmation of the Plan and before the Plan became effective.

19. The relatively small amount of Claim No. 537 and its filing before plan confirmation also weigh against a finding of material prejudice resulting from allowance of the claim.

20. The Objection asserts generally that the claimants identified on Schedule 1 received proper notice and cites certificates of service. Adams does not concede that he received a separate Notice of Deadline to File Proof of Claim before August 7, 2025. To the extent the Liquidating Trustee relies on a specific mailing or other service upon Adams, Adams respectfully requests that the Trustee identify the date, manner, and address at which the applicable bar-date notice was served on him.

21. Under these circumstances, disallowing Adams's claim in its entirety would be inequitable. Adams respectfully requests that the Court overrule the Objection with respect to Proof of Claim No. 537 and permit Claim No. 537 to remain on the claims register. To the extent necessary, Adams alternatively requests relief under Federal Rule of Bankruptcy Procedure 9006(b)(1) allowing Claim No. 537 notwithstanding its filing after the General Bar Date.

WHEREFORE, Byron Adams respectfully requests that the Court deny the Liquidating Trustee's Second Omnibus Objection to Certain Proofs of Claim as it relates to Proof of Claim No. 537, allow Claim No. 537 to remain on the claims register, and grant such other and further relief as the Court determines appropriate.

Respectfully submitted,

Byron Adams, Pro Se
1323 W Norwood Street, Chicago, IL 60660
byronadams@gmail.com

404-435-6611

Dated: September 9, 2026

CERTIFICATE OF SERVICE

I certify that on September 14, 2026, I served a true and correct copy of the foregoing Response by First-Class U.S. Mail, postage prepaid, upon:

Jason S. Brookner
Gray Reed
1845 Woodall Rodgers Fwy., Suite 1300
Dallas, Texas 75201

Counsel to John P. Madden, Trustee of the HGE Liquidating Trust

I also transmitted a courtesy copy by email to jbrookner@grayreed.com, akaufman@grayreed.com, acarson@grayreed.com, and bbryan@grayreed.com.

Name: Byron Adams

Signature: [signature]

Date: 9/27/2026