IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	)	
	)	
Noble Supply & Logistics, LLC, *et al.*,	)	Chapter 11
	)	Case No. 26-11369 (CTG)
	)	
Debtors.[1]	)	(Jointly Administered)
	)	
Noble Supply & Logistics, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. Proc. No. 26-50885 (CTG)
	)	
	)	
Defense Logistics Agency,	)	Re: Adv. D.I. 17, 18
	)	
Defendant.	)	
	)	

UNITED STATES' MOTION FOR AN ORDER (I) SHORTENING TIME FOR PLAINTIFF TO RESPOND TO MOTION TO DISMISS AND CROSS-MOTION FOR SUMMARY JUDGMENT AND (II) SCHEDULING A HEARING ON THE SAME FOR OCTOBER 28, 2026

The United States of America, on behalf of the Defense Logistics Agency ("DLA"), moves under Bankruptcy Rule 9006(c)(1) and Local Rules 7007-1(a) and 9006-1(e) for an order, substantially in the form attached as Exhibit A, setting a briefing schedule on its motion to dismiss the complaint filed by Noble Supply & Logistics, LLC ("Noble") and its cross-motion for summary judgment that matches the briefing schedule this Court set for Noble's motion for partial

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Noble Supply & Logistics, LLC (7926); COTS Solutions, LLC (4477); Federal Resources Supply Company, LLC (3636); FRS Holdings, LLC (2327); K.D. Analytical Consulting, LLC (6637); KDA Acquisition, LLC (5870); Noble Defense Corporation (N/A); Noble Equity Holdings, LLC (0851); Noble.com, LLC (4712); Noble Mission Support, LLC (7908); and Tactical & Survival Specialties, LLC (2266).

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summary judgment [Adv. D.I. 3] (the "Motion"). Filed contemporaneously herewith are the United States' motion to dismiss the complaint [Adv. D.I. 17] and, in the alternative, its cross-motion for summary judgment [Adv. D.I. 18] (together, the "U.S. Motions"). The United States asks that Noble's answering brief to the U.S. Motions be due with its reply to the Motion, on October 27, 2026 at 12:00 p.m. (ET), and that the U.S. Motions be heard with the Motion on October 28, 2026, at 2:00 p.m. (ET).

STATEMENT REGARDING JURISDICTION, VENUE AND CONSENT

1. Noble alleges that this Court has jurisdiction under 28 U.S.C. §§ 157 and 1334, that this proceeding is core under 28 U.S.C. § 157(b)(2), and that venue is proper in this District under 28 U.S.C. § 1409. Adv. D.I. 1 ¶¶ 4–5. The United States disputes that this Court has subject matter jurisdiction over Noble's claims, that Congress waived sovereign immunity for them, and that they are core, as its brief in opposition to the Motion and in support of the U.S. Motions [Adv. D.I. 19] (the "U.S. Brief") explains in Parts I, II, and VII. A federal court "always has jurisdiction to determine its own jurisdiction," *United States v. Ruiz*, 536 U.S. 622, 628 (2002), so this Court may set the schedule for deciding that question. The bases for the relief requested are Bankruptcy Rule 9006(c)(1) and Local Rules 7007-1(a) and 9006-1(e).

2. Under Bankruptcy Rule 7012(b) and Local Rule 7012-1, the United States does not consent to the entry of final orders or judgment by this Court in this adversary proceeding, and it does not consent by filing this motion. By filing this motion, the United States does not waive, and expressly preserves, its sovereign immunity and all of its defenses to this Court's jurisdiction.

BACKGROUND

3. Noble filed this adversary proceeding and the Motion on October 6, 2026. Adv. D.I. 1, 3. The same day, it moved to expedite briefing on the Motion, stating that absent an

expedited resolution, "the Debtors will exhaust their liquidity during the first week of November 2026." Adv. D.I. 6 ¶ 10. This Court then shortened the United States' deadline to respond to the Motion from November 20 to October 20, set Noble's reply for October 27 at 12:00 p.m., and set the hearing for October 28, 2026 at 2:00 p.m. Adv. D.I. 15 (the "Scheduling Order").

4. The U.S. Motions rest on the same grounds as the United States' opposition to the Motion. The Court must dismiss the complaint because (i) this Court lacks subject matter jurisdiction, (ii) Noble has not shown that Congress waived sovereign immunity, and (iii) the complaint fails to state a claim upon which relief can be granted, or, alternatively, enter summary judgment for the United States on both counts. Each reason is grounds to deny the Motion. Further, the United States filed one brief that opposes the Motion and serves as the opening brief on the U.S. Motions. U.S. Brief ¶ 2, Parts I–IV; Del. Bankr. L.R. 7007-1(a)(i).

5. The Scheduling Order addresses only the Motion. Absent a further order, Local Rule 7007-1(a) would give Noble 14 days to answer the U.S. Motions and the United States seven days to reply. Briefing would therefore close on November 10, 2026, almost two weeks after the October 28 hearing on the Motion.

RELIEF REQUESTED

6. The United States asks this Court to enter an order (a) requiring Noble to file any answering brief on the U.S. Motions by October 27, 2026 at 12:00 p.m. (ET), the deadline for its reply on the Motion, and permitting Noble to combine the two in a single brief within the 30-page limit for an answering brief, Del. Bankr. L.R. 7007-2(a)(iv); and (b) setting the U.S. Motions for hearing with the Motion on October 28, 2026 at 2:00 p.m. (ET). To keep the two schedules consistent, the United States waives its right to file a reply brief on the U.S. Motions, *see* Del. Bankr. L.R. 7007-1(a)(iv).

BASIS FOR RELIEF

7. This Court has authority to set its own briefing schedule. Local Rule 7007-1(a) sets the default briefing schedule "[u]nless otherwise ordered by the Court," and Bankruptcy Rule 9006(c)(1) permits the Court, for cause, to reduce the time to act. That authority reflects "the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Noble relied on the same authority when it asked this Court to shorten the United States' time to respond to the Motion. Adv. D.I. 6 ¶ 13. Local Rule 9006-1(e) supplies the procedure: a written motion that states why shortened time is needed. Cause exists here for three reasons.

8. First, the proposed schedule would not prejudice Noble. The U.S. Motions raise no issue that Noble does not already have to address. The grounds for the relief the United States seeks in the U.S. Motions are the same grounds on which it opposes the Motion, so Noble must address them in its October 27 reply in any event. The proposed schedule gives Noble the same seven days to answer the U.S. Motions that it has to reply to the United States' opposition to the Motion, on the same issues. Noble requested this Court to expedite these proceedings, so granting relief here will not prejudice Noble. Adv. D.I. 6 ¶¶ 10–12.

9. Second, hearing the U.S. Motions with the Motion would let this Court decide the jurisdictional issues together. This Court must first decide whether it has jurisdiction over the complaint before it can reach the merits of the Motion. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94–95 (1998) (rejecting the practice of assuming jurisdiction in order to decide the underlying merits of the relief requested). Without jurisdiction, the Court "must dismiss the action." Fed. R. Civ. P. 12(h)(3); Fed. R. Bankr. P. 7012(b). Having all the related motions heard together on October 28, this Court could enter one ruling and one order. Otherwise, the Court will

have to rule separately on the Motion and the U.S. Motions, and then hear the same oral arguments twice.

10. Third, a consolidated schedule serves Noble's request for a prompt ruling. Noble asked for expedited briefing because it "permits the Court to resolve the issues promptly." Adv. D.I. 6 ¶ 18. Deciding the U.S. Motions with the Motion would resolve every issue raised at one hearing, rather than at two hearings weeks apart, and would spare this Court and the parties a second hearing on the same arguments.

11. If this Court prefers a different schedule, the United States asks that the U.S. Motions be heard on the earliest date convenient to the Court.

AVERMENT UNDER LOCAL RULE 9006-1(e)

12. Counsel for the United States avers that, on October 20, 2026, before filing this motion, it notified counsel for Noble and the Debtors, counsel for the Office of the United States Trustee (the "U.S. Trustee"), and counsel for the Official Committee of Unsecured Creditors (the "Committee") of the relief requested and asked whether they object. Counsel for Noble and the Debtors responded that they are generally inclined to agree to an expedited schedule provided that Noble may file one 30-page brief, which the proposed order allows, but that they would like to review the U.S. Motions before committing and will state their position on October 21, 2026. The U.S. Trustee takes no position. The Committee, which is not a party to this adversary proceeding, objects because it had not yet seen the U.S. Motions. The U.S. Motions are filed with this motion, and they rest on the same grounds as the U.S. Brief.

NOTICE

13. The United States is serving this motion through CM/ECF and by email on counsel for Noble and the Debtors, counsel for the U.S. Trustee, and counsel for the Committee. The United States submits that no other or further notice is required.

WHEREFORE, the United States respectfully requests that this Court enter an order, substantially in the form attached as Exhibit A, granting this motion, requiring Noble to file any response to the U.S. Motions by October 27, 2026 at 12:00 p.m. (ET), setting the U.S. Motions for hearing on October 28, 2026 at 2:00 p.m. (ET), and granting such other relief as is just.

Dated: October 20, 2026

Respectfully submitted,

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ORDER SHORTENING TIME TO RESPOND TO THE UNITED STATES' MOTION TO DISMISS AND CROSS-MOTION FOR SUMMARY JUDGMENT AND SETTING THEM FOR HEARING ON OCTOBER 28, 2026

Upon the United States' Motion for an Order (I) Shortening Time for Plaintiff to Respond to Motion to Dismiss and Cross-Motion for Summary Judgment and (II) Scheduling a Hearing on the Same for October 28, 2026 [Adv. D.I. __] (the "Motion to Shorten"); and this Court having found that cause exists to shorten time and that notice of the Motion to Shorten was sufficient under the circumstances; IT IS HEREBY ORDERED THAT:

[1] The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Noble Supply & Logistics, LLC (7926); COTS Solutions, LLC (4477); Federal Resources Supply Company, LLC (3636); FRS Holdings, LLC (2327); K.D. Analytical Consulting, LLC (6637); KDA Acquisition, LLC (5870); Noble Defense Corporation (N/A); Noble Equity Holdings, LLC (0851); Noble.com, LLC (4712); Noble Mission Support, LLC (7908); and Tactical & Survival Specialties, LLC (2266).

1. The Motion to Shorten is GRANTED.

2. Noble Supply & Logistics, LLC ("Noble") shall file and serve any answering brief on the United States' Motion to Dismiss the Complaint [Adv. D.I. 17] and Cross-Motion for Summary Judgment [Adv. D.I. 18] (together, the "U.S. Motions") by October 27, 2026 at 12:00 p.m. (ET).

3. Noble may combine its answering brief on the U.S. Motions with its reply in support of its motion for partial summary judgment [Adv. D.I. 3] (the "Motion") in a single brief within the page limit for an answering brief under Local Rule 7007-2(a)(iv).

4. No reply brief on the U.S. Motions is required.

5. The U.S. Motions will be heard together with the Motion on October 28, 2026 at 2:00 p.m. (ET).

6. Nothing in this Order waives the sovereign immunity of the United States or its defenses to this Court's jurisdiction.