

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

In re:)	Chapter 11
)	
BLITZ U.S.A., Inc., <i>et al.</i> , ¹)	Case No. 11-13603 (CSS)
)	
Debtors.)	Jointly Administered
)	
)	Obj. Deadline: March 9, 2022 at 4:00 p.m. (ET)
)	Hearing Date: March 16, 2022 at 1:00 p.m. (ET)

**MOTION OF THE LIQUIDATING TRUSTEE
TO FURTHER EXTEND THE BLITZ LIQUIDATING TRUST**

The Blitz Liquidating Trustee, on behalf of the Blitz Liquidating Trust (the “Liquidating Trustee”), by and through its undersigned counsel, hereby submits this motion (the “Motion”) for entry of an order further extending the term of the Blitz Liquidating Trust for one (1) year through and including March 20, 2023, pursuant to sections 105(a) and 1142 of title 11, United States Code (the “Bankruptcy Code”). In support of this Motion, the Liquidating Trustee respectfully represents as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, Article XII of the Plan, and paragraph 35 of the Confirmation Order (as defined herein). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. The statutory bases for the relief requested herein are Bankruptcy Code sections 105(a) and 1142.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: LAM 2011 Holdings, LLC (8742); Blitz Acquisition Holdings, Inc. (8825); Blitz Acquisition, LLC (8979); Blitz RE Holdings, LLC (9071); Blitz U.S.A., Inc. (8104); and MiamiOK LLC (2604). The location of the Debtors’ corporate headquarters and the Debtors’ service address is: 309 North Main Street, Miami, OK 74354.



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FACTUAL BACKGROUND

3. On November 9, 2011 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”). On November 21, 2011, the Office of the United States Trustee appointed the Committee pursuant to section 1102 of the Bankruptcy Code.

4. Additional background facts concerning the Chapter 11 Cases, including an overview of the Debtors’ businesses, the Debtors’ corporate structure and information on events leading up to the filing of the Chapter 11 Cases, is contained in the *Declaration of Rocky Flick, President and Chief Executive Officer of Blitz U.S.A., Inc. in Support of Debtors’ Chapter 11 Petitions and First Day Motions* (the “Flick Declaration”) [Docket No. 13] filed in the Chapter 11 Cases, and incorporated herein by reference.

5. As set forth in the Flick Declaration and various other pleadings filed in the Chapter 11 Cases, the Debtors filed these Chapter 11 Cases in search of a unified process and forum to resolve personal injury litigations arising from the sale of consumer gas cans. Ultimately, due to the Debtors’ inability to renew their liability insurance policies and other issues, the Debtors ceased operations as of July 31, 2012 and proceeded to sell all of their remaining operating assets pursuant to an order dated September 11, 2012 [Docket No. 758].

6. On November 12, 2013, the Debtors’ and Official Committee of Unsecured Creditors’ Joint Plan of Liquidation [Docket No. 1921] (as amended, the “Plan”) and the accompanying Disclosure Statement [Docket No. 1922] (as amended, the “Disclosure Statement”) were filed.

7. On December 18, 2013, this Court entered an order approving the adequacy of the Disclosure Statement and the procedures for solicitation of the Plan [Docket No. 2005]. The

First Amended Plan and Disclosure Statement were filed on December 19, 2013 [Docket Nos. 2007 and 2008, respectively] and the solicitation process was immediately commenced.

8. On January 30, 2014, the Plan was confirmed by entry of the Court's *Findings of Fact, Conclusions of Law and Order Confirming Debtors' and Official Committee of Unsecured Creditors' First Amended Joint Plan of Liquidation* [Docket No. 2152] (the "Confirmation Order").²

9. Pursuant to the Plan, the Effective Date occurred on March 20, 2014. *See* Confirmation Order at ¶ 47. A Notice of Effective Date was filed March 20, 2014 [Docket No. 2224].

10. Since the Effective Date, the Blitz Liquidating Trust, through the Liquidating Trustee has carried out its primary purpose of liquidating and distributing the assets transferred to it pursuant to Article V of the Plan. Pursuant to the Plan, the Liquidating Trustee was also charged with the responsibility of maintaining certain books and records of the Debtors for the benefit of plaintiffs and defendants in potential future personal injury/wrongful death suits involving the Debtors' products.

11. Pursuant to section 5.13 of the Plan, the Blitz Liquidating Trust was to be dissolved five (5) years from the Effective Date.

12. On April 15, 2019, upon prior motion of the Liquidating Trustee, the Court entered an Order [Docket No. 2492] extending the term of the Blitz Liquidating Trust through and including March 20, 2020.

² Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Confirmation Order.

13. On March 18, 2020, upon prior motion of the Liquidating Trustee, the Court entered an Order [Docket No. 2504] further extending the term of the Blitz Liquidating Trust through and including March 20, 2021.

14. On March 22, 2021, upon prior motion of the Liquidating Trustee, the Court entered an Order [Docket No. 2519] further extending the term of the Blitz Liquidating Trust through and including March 20, 2022.

15. The Blitz Liquidating Trust has completed the recovery of funds and has made two distributions to creditors. A short extension is necessary to facilitate and complete the distribution of the Blitz Liquidating Trust Assets, including continued preservation of the Debtors' books and records.

RELIEF REQUESTED

16. By this Motion, the Liquidating Trustee seeks entry of an order pursuant to Bankruptcy Code sections 105 and Article V of the Plan to further extend the Blitz Liquidating Trust for a period of one (1) year, through and including March 20, 2023, in order to complete its designated purpose of distributing the estates assets and granting such further relief as the Court deems just and proper.

BASIS FOR RELIEF REQUESTED

17. Bankruptcy Code section 105(a) provides, in pertinent part, that “[t]he court may 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). The purpose of Bankruptcy Code section 105(a) is “to assure the bankruptcy court’s power to take whatever action is appropriate or necessary in aid of the exercise of [its] jurisdiction.” 2 Collier on Bankruptcy, ¶ 105.01 at 105-6 (16th ed. rev. 2014).

18. To date, two distributions to creditors have been made. In 2015, a 15% distribution was made; and in 2016, a second distribution of an additional 10% was made.

19. A final distribution to creditors is expected to be made as funds remain in the estate.

20. Additionally, potential ongoing litigation not involving the Blitz Liquidating Trust requires the retention of and access to certain records.

21. For all of the foregoing reasons, the Liquidating Trustee submits that the term of the Blitz Liquidating Trust should be further extended for one (1) year.

NOTICE

22. Notice of this Motion will be provided to the United States Trustee for the District of Delaware, the Review Parties and all parties entitled to notice under Del. Bankr. L.R. 2002-1(b). In light of the nature of the relief requested herein, the Liquidating Trustee submits that no other or further notice is required.

23. No prior request for the relief sought herein has been made to this or to any other court.

WHEREFORE, the Liquidating Trustee respectfully requests entry of an order, substantially in the form annexed hereto as Exhibit A, granting the relief requested herein and such other and further relief as is just and proper.

Dated February 23, 2022
Wilmington, Delaware

WOMBLE BOND DICKINSON (US) LLP

/s/ Kevin J. Mangan

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-and-

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*Counsel to the Blitz Liquidating Trustee
on behalf of the Blitz Liquidating Trust*

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FOR THE DISTRICT OF DELAWARE**

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BLITZ U.S.A., Inc., <i>et al.</i> , ¹)	Case No. 11-13603 (CSS)
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Debtors.)	Jointly Administered
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)	Obj. Deadline: March 9, 2022 at 4:00 p.m. (ET)
)	Hearing Date: March 16, 2022 at 1:00 p.m. (ET)

**NOTICE OF MOTION OF THE LIQUIDATING TRUSTEE
TO FURTHER EXTEND THE BLITZ LIQUIDATING TRUST**

PLEASE TAKE NOTICE that on February 23, 2022, the Blitz Liquidating Trustee, on behalf of the Blitz Liquidating Trust, (the “Liquidating Trustee”), filed the attached *Motion of the Liquidating Trustee to Further Extend the Blitz Liquidating Trust* (the “Motion”).

PLEASE TAKE FURTHER NOTICE that if you wish to object to the Motion, you must file the objection on or before **March 9, 2022, at 4:00 p.m. (prevailing Eastern Time)** (the “Objection Deadline”). At the same time, you must serve a copy of such objection on the undersigned counsel so as to be received by the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that if an objection is properly filed and served in accordance with the above procedures, a hearing on the Motion will be held on **March 16, 2022 at 1:00 p.m. (prevailing Eastern Time)**, before the Honorable Christopher S. Sontchi, Chief United States Bankruptcy Judge for the District of Delaware, in the United States Bankruptcy Court for the District of Delaware, 5th Floor, 824 Market Street, Wilmington, Delaware 19801. Only objections made in writing and timely filed and received will be considered by the Bankruptcy Court at such hearing.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: LAM 2011 Holdings, LLC (8742); Blitz Acquisition Holdings, Inc. (8825); Blitz Acquisition, LLC (8979); Blitz RE Holdings, LLC (9071); Blitz U.S.A., Inc. (8104); and MiamiOK LLC (2604). The location of the Debtors’ corporate headquarters and the Debtors’ service address is: 309 North Main Street, Miami, OK 74354.

PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTIONS TO THE
MOTION ARE TIMELY FILED AND RECEIVED IN ACCORDANCE WITH THE ABOVE
PROCEDURES, AN ORDER MAY BE ENTERED GRANTING THE RELIEF REQUESTED
IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.

Dated February 23, 2022
Wilmington, Delaware

WOMBLE BOND DICKINSON (US) LLP

/s/ Kevin J. Mangan

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*Counsel to the Blitz Liquidating Trustee
on behalf of the Blitz Liquidating Trust*

EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
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In re:)	Chapter 11
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BLITZ U.S.A., Inc., <i>et al.</i> , ¹)	Case No. 11-13603 (CSS)
)	
Debtors.)	Jointly Administered
)	
)	Related Docket No.: ____

ORDER EXTENDING THE TERM OF THE BLITZ LIQUIDATING TRUST

Upon consideration of the motion (the “Motion”)² of the Liquidating Trustee for entry of an order, pursuant to Bankruptcy Code section 105(a), further extending the term of the Blitz Liquidating Trust for a period of one (1) year and it appearing that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and this Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of this Motion having been given; and it appearing that no other or further notice need be provided; and it appearing that the relief requested is in the best interest of the Debtors and their estates; and after due deliberation thereon, and sufficient cause appearing therefor, it is hereby ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The term of Blitz Liquidating Trust is hereby extended for a period of one (1) year, through and including March 20, 2023.
3. This order is entered without prejudice to the Liquidating Trustee’s ability to seek further extensions of the Blitz Liquidating Trust’s term.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, include: LAM 2011 Holdings, LLC (8742); Blitz Acquisition Holdings, Inc. (8825); Blitz Acquisition, LLC (8979); Blitz RE Holdings, LLC (9071); Blitz U.S.A., Inc. (8104); and MiamiOK LLC (2604). The location of the Debtors’ corporate headquarters and the Debtors’ service address is: 309 North Main Street, Miami, OK 74354.

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

4. This Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

CERTIFICATE OF SERVICE

I, Heidi E. Sasso, certify that I am not less than 18 years of age, and that on February 23, 2022, a copy of the foregoing document was electronically filed via CM/ECF and served via CM/ECF upon all parties registered to receive CM/ECF notices in these cases, and I caused copies to be served upon the following persons via U.S. first-class mail, postage pre-paid:

OFFICE OF THE UNITED STATES TRUSTEE

Attn: Richard L. Schepacarter, Esq.

J. Caleb Boggs Federal Building

844 King Street, Suite 2207

Lockbox 35

Wilmington, Delaware 19801

Under penalty of perjury, I declare that the foregoing is true and correct.

Dated: February 23, 2022

/s/ Heidi E. Sasso

Heidi E. Sasso