

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

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<i>In re</i>	:	Chapter 11
	:	
TECT AEROSPACE GROUP HOLDINGS,	:	Case No. 21-10670 (KBO)
INC., <i>et al.</i> ,	:	
	:	Jointly Administered
Debtors. ¹	:	
	:	Obj. Deadline: November 16, 2022 at 4:00 p.m. (ET)
	:	Hearing Date: December 7, 2022 at 10:30 a.m. (ET)
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**MOTION OF LIQUIDATION TRUST FOR ENTRY OF AN ORDER
FURTHER EXTENDING PERIOD WITHIN WHICH THE TRUSTS
MAY REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND
FED. R. BANKR. P. 9027 AND GRANTING RELATED RELIEF**

The Liquidation Trust,² as the representative of the Debtors' estates pursuant to the Plan, respectfully represents as follows in support of this motion (the "**Motion**"):

BACKGROUND

1. On April 5, 2021, the Debtors commenced with this Court voluntary cases under chapter 11 of title 11 of the United States Code (the "**Bankruptcy Code**"). The Debtors were authorized to continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner was appointed in these chapter 11 cases. On April 20, 2021, the Office of the United States Trustee for the District of Delaware (the "**U.S. Trustee**") appointed an official committee of unsecured

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: TECT Aerospace Group Holdings, Inc. (9338); TECT Aerospace Kansas Holdings, LLC (4241); TECT Aerospace Holdings, LLC (9112); TECT Aerospace Wellington Inc. (4768); TECT Aerospace, LLC (8650); TECT Hypervelocity, Inc. (8103); and Sun Country Holdings, LLC (6079). The Debtors' mailing address is TECT Aerospace Group Holdings, Inc., c/o Riveron RTS, LLC, Attn: Shaun Martin, 265 Franklin Street, Suite 1004, Boston, MA 02110.

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Plan (as defined below).



creditors (the “**Committee**”). *See* D.I. 76.³

2. The Debtors’ chapter 11 cases are being jointly administered for procedural purposes pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”).

3. Additional information regarding the Debtors’ businesses, capital structures, the circumstances leading to the commencement of these chapter 11 cases and the chapter 11 cases are set forth in the *Declaration of Shaun Martin in Support of Chapter 11 Petitions and First Day Pleadings* [D.I. 13] and the Disclosure Statement, which are incorporated herein by reference.

4. On July 7, 2021, the Court entered an order extending the initial removal deadline of July 6, 2021 to October 4, 2021 (the “**Initial Removal Deadline Extension**”). *See* D.I. 345.

5. After the Initial Removal Deadline Extension, on October 4, 2021, the Court entered an order further extending the removal deadline to January 3, 2022 (the “**Second Removal Deadline Extension**”). *See* D.I. 552.

6. After the Second Removal Deadline Extension, on January 18, 2022, the Court entered an order further extending the removal deadline to April 4, 2022 (the “**Third Removal Deadline Extension**”). *See* D.I. 718.

7. On March 8, 2022, the Court entered the *Findings of Fact, Conclusions of Law and Order Confirming Chapter 11 Plan of Liquidation* [D.I. 812], confirming the *Joint Chapter 11 Plan of Liquidation for TECT Aerospace Group Holdings, Inc. and Its Affiliated Debtors* [D.I. 790] (the “**Plan**”). The Plan provided that the Liquidation Trust would be formed on the Effective

³ On the Effective Date (as defined below), except for certain limited purposes that are not relevant to this Motion, the Committee dissolved. Plan § XI.A.

Date for the purposes of “(1) liquidating the Liquidation Trust Assets; (2) reviewing, objecting to, and resolving all Disputed Claims, including Disputed Class 5 Claims but excluding Disputed Class 4 Claims; (3) making distributions to Holders of Allowed Claims, other than Holders of Allowed General Unsecured Claims in accordance with the terms of the Plan; and (4) otherwise implementing the Plan.” Plan § IV.F.1.a. Pursuant to the Plan, “[t]he Liquidation Trust and the Liquidation Trustee will each be a ‘representative’ of the Estates under section 1123(b)(3)(B) of the Bankruptcy Code.” *Id.* at § IV.F.1.f. In addition, pursuant to the Plan, on the Effective Date, the GUC Distribution Trust was also formed to, among other things, reconcile Class 4 Claims and make distributions to the Holders of Allowed Class 4 Claims. *See id.* at § IV.G.1.a.

8. The Plan became effective on March 11, 2022 (the “**Effective Date**”). *See* D.I. 822.

9. On April 20, 2022, the Court entered an order further extending the removal deadline for the Trusts to July 5, 2022 (the “**Fourth Removal Deadline Extension**”). *See* D.I. 888.

10. On July 15, 2022, the Court entered an order further extending the removal deadline for the Trusts to November 2, 2022 (the “**Fifth Removal Deadline Extension**”). *See* D.I. 954.

JURISDICTION

11. The Court has jurisdiction to consider this matter 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. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

12. Pursuant to Local Rule 9013-1(f), the Liquidation Trust consents to the entry of a final order by the Court in connection with this Motion to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article

III of the United States Constitution. Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

13. By this Motion, the Liquidation Trust requests entry of an order, substantially in the form attached hereto as **Exhibit A** (the “**Proposed Order**”), (i) further extending the time by which the Trusts may file notices of removal by 120 days, through and including March 2, 2023 (the “**Extended Removal Deadline**”), without prejudice to the Trusts’ right to seek further extensions, and (ii) granting certain related relief, as described more fully herein.⁴ The Liquidation Trust requests that the proposed Extended Removal Deadline apply to all matters specified in Bankruptcy Rule 9027(a)(2) and 9027(a)(3).

BASIS FOR RELIEF REQUESTED

14. 28 U.S.C. § 1452 provides for the removal of pending civil claims with respect to which federal district courts have jurisdiction under 28 U.S.C § 1334. Section 1452(a) provides in pertinent part as follows:

A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

28 U.S.C. § 1452(a).

15. Bankruptcy Rule 9027 establishes the deadline for filing notices of removal of claims or causes of action. Bankruptcy Rule 9027(a)(2) provides in pertinent part as follows:

⁴ The current deadline by which the Liquidation Trust must file any removal notices under Bankruptcy Rule 9027(a)(2) is November 2, 2022. Pursuant to Local Rule 9006-2, the filing of this Motion prior to such deadline serves to automatically extend the deadline until such time as the Court rules on the Motion. *See* Del. Bankr. L.R. 9006-2.

If the claim or cause of action in a civil action is pending when a case under the [Bankruptcy] Code is commenced a notice of removal may be filed [in the bankruptcy court] only within the longest of (A) 90 days after the order for relief in the case under the [Bankruptcy] Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the [Bankruptcy] Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

Fed. R. Bankr. P. 9027(a)(2).

16. With respect to post-petition actions, Bankruptcy Rule 9027(a)(3) provides that a notice of removal may be filed:

only within the shorter of (A) 30 days after receipt, through service or otherwise, of a copy of the initial pleading setting forth the claim or cause of action sought to be removed, or (B) 30 days after receipt of the summons if the initial pleading has been filed with the court but not served with the summons.

Fed. R. Bankr. P. 9027(a)(3).

17. Finally, Bankruptcy Rule 9006(b)(1) provides that the Court can extend unexpired time periods, including the removal periods in Bankruptcy Rule 9027, without notice, upon a showing of cause:

[W]hen 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 therefor is made before the expiration of the period originally prescribed or as extended by a previous order....

Fed. R. Bankr. P. 9006(b)(1).

18. It is well settled that this Court is authorized to extend the removal periods provided under Bankruptcy Rule 9027. *See, e.g., Pacor, Inc. v. Higgins*, 743 F.2d 984, 996 n.17 (3d Cir.

1984) (stating that under Bankruptcy Rule 9006(b), “it is clear that the court may grant such an extension [of time to remove]”), *effectively overruled in part on other grounds*; *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124 (1995); *Caperton v. A.T. Massey Coal Co.*, 251 B.R. 322, 325 (S.D. W. Va. 2000) (explaining that Bankruptcy Rule 9006(b) allows a court to enlarge the time period for removing actions under Bankruptcy Rule 9027); *Saint Joseph’s Hosp. v. Dep’t of Pub. Welfare of Pa. (In re Saint Joseph’s Hosp.)*, 103 B.R. 643, 648 (Bankr. E.D. Pa. 1989) (extending the 90-day time period in which to seek removal of pending state court litigation); *In re World Fin. Servs. Ctr. Inc.*, 81 B.R. 33, 39 (Bankr. S.D. Cal. 1987) (stating that the court may enlarge the time period for filing removal notices under Bankruptcy Rule 9027(a)(3)).

19. Certain of the Debtors are party to civil lawsuits and proceedings, and the Trusts are evaluating whether they may seek to remove certain of these actions. Since the Fifth Removal Deadline Extension, the Trusts have primarily focused their resources and attention on the claims reconciliation process, resolving Professional Fee Claims and analyzing Retained Causes of Action. Consequently, the Trusts require a reasonable amount of additional time to complete their evaluation of whether removal is appropriate in any litigation matters.

20. Accordingly, the Liquidation Trust seeks an extension of the deadline by which the Trusts may file notices of removal under Bankruptcy Rule 9027(a) to protect their rights to remove those civil actions for which it may determine that removal is appropriate. The extension sought will afford the Trusts additional time to determine whether to remove any pending civil actions and will ensure that the Trusts do not forfeit valuable rights under 28 U.S.C. § 1452. Critically, the rights of other parties to the relevant litigation will not be prejudiced by the extension because any party to an action that is removed may seek to have the litigation remanded to the state court

pursuant to section 1452(b).⁵

21. The Liquidation Trust further requests that the Proposed Order be entered without prejudice to (a) any position the Trusts or their successors in interest may take regarding whether section 362 of the Bankruptcy Code applies to stay any pending civil action in which any Debtor is a party and (b) the rights of the Trusts or their successors in interest to seek further extensions of the period during which such parties may remove civil actions pursuant to Bankruptcy Rule 9027.

22. For the reasons stated above, the Liquidation Trust submits that cause exists to grant the relief requested herein, which relief is in the best interest of the Debtors' estates. Moreover, requests by debtors for extensions of the removal period have been routinely granted by courts in this district. *See, e.g., In re Brooks Brothers Group, Inc.*, Case No. 20-11785 (CSS) (Bankr. D. Del. Oct. 21, 2020) (D.I. 668) (granting 120-day extension); *In re The Hertz Corporation*, Case No. 20-11218 (MFW) (Bankr. D. Del. Aug. 10, 2020) (D.I. 941) (same); *In re Rentpath Holdings, Inc.*, Case No. 20-10312 (BLS) (Bankr. D. Del. May 29, 2020) (D.I. 365) (same); *In re Pancakes & Pies, LLC (f/k/a Perkins & Marie Callender's, LLC)*, Case No. 19-11743 (KG) (Bankr. D. Del. Nov. 18, 2019) (D.I. 436) (same); *In re FTD Companies, Inc.*, Case No. 19-11240 (LSS) (Bankr. D. Del. Sept. 13, 2019) (D.I. 684) (same); *In re Consolidated Infrastructure Grp., Inc.*, Case No. 19-10165 (BLS) (Bankr. D. Del. May 20, 2019) (D.I. 182) (same).

NOTICE

23. Notice of this Motion will be provided to (i) the U.S. Trustee; (ii) non-Debtor parties to any pending civil litigation to which a Debtor is a party; and (iii) any party entitled to

⁵ Section 1452(b) provides that "[t]he court to which [a] claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision to not remand, is not reviewable by appeal or otherwise" 28 U.S.C. § 1452(b).

notice under Bankruptcy Rule 2002. The Liquidation Trust respectfully submits that no further notice is required. No previous request for the relief sought herein has been made by the Liquidation Trust to this or any other court.

WHEREFORE the Liquidation Trust respectfully requests entry of the Proposed Order granting the relief requested herein, and such other and further relief as the Court may deem just and appropriate.

Dated: November 2, 2022
Wilmington, Delaware

/s/ Huiqi Liu

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

<i>In re</i>	X		Chapter 11
	:		
	:		
TECT AEROSPACE GROUP HOLDINGS, INC., <i>et al.</i>,	:		Case No. 21–10670 (KBO)
	:		
	:		Jointly Administered
Debtors.¹	:		
	:		Obj. Deadline: November 16, 2022 at 4:00 p.m. (ET)
	:		Hearing Date: December 7, 2022 at 10:30 a.m. (ET)
	:		
	X		

NOTICE OF MOTION AND HEARING

PLEASE TAKE NOTICE that, on November 2, 2022, the Liquidation Trust,² as the representative of the Debtors’ estates pursuant to the Plan, filed the *Motion of Liquidation Trust for Entry of an Order Further Extending Period Within Which the Trusts May Remove Actions Pursuant to 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027 and Granting Related Relief* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that objections or responses to the relief requested in the Motion, if any, must be made in writing and filed with the Court on or before **November 16, 2022 at 4:00 p.m. (prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that if any objections to the Motion are received, the Motion and such objections will be considered at a hearing before The Honorable

¹ The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: TECT Aerospace Group Holdings, Inc. (9338); TECT Aerospace Kansas Holdings, LLC (4241); TECT Aerospace Holdings, LLC (9112); TECT Aerospace Wellington Inc. (4768); TECT Aerospace, LLC (8650); TECT Hypervelocity, Inc. (8103); and Sun Country Holdings, LLC (6079). The Debtors’ mailing address is TECT Aerospace Group Holdings, Inc., c/o Riveron RTS, LLC, Attn: Shaun Martin, 265 Franklin Street, Suite 1004, Boston, MA 02110.

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Plan (as defined in the Motion).

Karen B. Owens, United States Bankruptcy Judge for the District of Delaware, at the Court, 824 North Market Street, 6th Floor, Courtroom 3, Wilmington, Delaware 19801, on **December 7, 2022 at 10:30 a.m. (prevailing Eastern Time)**. The hearing may be conducted virtually, with instructions noted on the hearing agenda filed on the Court's docket.

PLEASE TAKE FURTHER NOTICE THAT, IF NO OBJECTIONS TO THE MOTION ARE TIMELY FILED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: November 2, 2022
Wilmington, Delaware

/s/ Huiqi Liu

RICHARDS, LAYTON & FINGER, P.A.

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Exhibit A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

<i>In re</i> TECT AEROSPACE GROUP HOLDINGS, INC., <i>et al.</i>, <p style="text-align: center;">Debtors.¹ </p>	X : : : : : : X	Chapter 11 Case No. 21–10670 (KBO) Jointly Administered D.I. _____
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**ORDER FURTHER EXTENDING PERIOD WITHIN WHICH THE TRUSTS
MAY REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452 AND
FED. R. BANKR. P. 9027 AND GRANTING RELATED RELIEF**

Upon the motion (the “**Motion**”)² of the Liquidation Trust for entry of an order extending the time by which the Trusts may file notices of removal under Bankruptcy Rule 9027 and granting related relief, all as more fully described in the Motion; and the Court having reviewed the Motion and having considered the statements of counsel with respect to the Motion at a hearing (if any) before the Court; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 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 as of February 29, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that this Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found 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 proper and adequate

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

notice of the Motion has been given and that no other or further notice is necessary; and upon the record of all proceedings before the Court; and after due deliberation thereon; and the Court having determined that there is good and sufficient cause for the relief granted in this Order,

IT IS HEREBY ORDERED THAT

1. The Motion is granted to the extent set forth herein.
2. The time period provided under Bankruptcy Rule 9027(a)(2) and 9027(a)(3) within which the Trusts may file notices of removal of any and all civil actions is extended through and including March 2, 2023, to the extent that the time period for filing any such notices of removal expires on or before that date.
3. This Order shall be without prejudice to (a) any position the Trusts or their successors in interest may take regarding whether section 362 of the Bankruptcy Code applies to stay any pending civil action in which any Debtor is a party and (b) the rights of the Trusts or their successors in interest to seek from this Court further extensions of the period within which the Trusts may file notices of removal under Bankruptcy Rule 9027(a).
4. The Trusts are authorized to take all reasonable actions necessary or appropriate to implement the relief granted in this Order.
5. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.