

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	
)	Chapter 11
)	
CHAPARRAL ENERGY, INC., <i>et al.</i> , ¹)	Case No. 20-11947 (MFW)
)	
Reorganized Debtors.)	(Jointly Administered)
)	
)	Obj. Deadline: Feb. 22, 2021 at 4:00 p.m. (ET)
)	Hearing Date: March 29, 2021 at 2:00 p.m. (ET)

**REORGANIZED DEBTORS' MOTION FOR AN ORDER PURSUANT
TO 28 U.S.C. § 1452 AND FEDERAL RULES OF BANKRUPTCY
PROCEDURE 9006(b) AND 9027 FURTHER EXTENDING THE DEADLINE
BY WHICH THE REORGANIZED DEBTORS MAY REMOVE CIVIL ACTIONS**

Chaparral Energy, Inc. and its affiliated reorganized debtors (the “**Reorganized Debtors**”) request an order (the “**Order**”), substantially in the form attached hereto as Exhibit A, under 28 U.S.C. § 1452 and Rules 9006(b) and 9027 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), extending by approximately 90 days the deadline by which they may file notices of removal under Bankruptcy Rule 9027(a) (the “**Removal Deadline**”), from the current deadline of February 16, 2021, through and including May 17, 2021. In support of this Motion, the Reorganized Debtors respectfully state as follows:

JURISDICTION

1. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for

¹ The Reorganized Debtors in these cases, along with the last four digits (or five digits, in cases in which multiple Reorganized Debtors have the same last four digits) of each Debtor's federal tax identification number, are: CEI Acquisition, L.L.C. (1817); CEI Pipeline, L.L.C. (6877); Chaparral Biofuels, L.L.C. (1066); Chaparral CO2, L.L.C. (1656); Chaparral Energy, Inc. (90941); Chaparral Energy, L.L.C. (20941); Chaparral Exploration, L.L.C. (1968); Chaparral Real Estate, L.L.C. (1655); Chaparral Resources, L.L.C. (1710); Charles Energy, L.L.C. (3750); Chestnut Energy, L.L.C. (9730); Green Country Supply, Inc. (2723); Roadrunner Drilling, L.L.C. (2399); and Trabajo Energy, L.L.C. (9753). The Reorganized Debtors' address is 701 Cedar Lake Boulevard, Oklahoma City, OK 73114.



the District of Delaware, dated as of February 29, 2012. This is a core proceeding under 28 U.S.C. § 157(b). Venue for this matter is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

2. Pursuant to Rule 9013-1(f) of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), the Reorganized Debtors consent to the entry of a final judgment or order with respect to this motion if it is determined that the Court would lack Article III jurisdiction to enter such final order or judgment absent consent of the parties.

BACKGROUND

3. On August 16, 2020 (the “**Petition Date**”), the above-captioned debtors, as debtors and debtors in possession (collectively, the “**Debtors**”)² filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code.

4. On October 1, 2020, the Court entered an order [Docket No. 237] (the “**Confirmation Order**”) confirming the Debtors’ Amended Joint Prepackaged Chapter 11 Plan of Reorganization, attached as Exhibit A to the Confirmation Order (the “**Plan**”). The Plan was substantially consummated and became effective by its terms on October 14, 2020. *See* Docket No. 244.

5. On December 3, 2020, the Court entered that certain *Order Extending the Deadline by Which the Reorganized Debtors May Remove Civil Actions* [Docket No. 278] (the “**First Removal Extension Order**”) extending the initial Removal Deadline of November 16, 2020 to February 16, 2021 (the “**Current Removal Deadline**”).

² Certain of the Debtors (the “**2016 Debtors**”) previously filed chapter 11 petitions on May 9, 2016 (the “**Prior Bankruptcy Cases**”) and their cases remain pending. Those debtors consummated a plan of reorganization (the “**Prior Bankruptcy Plan**”), and the Prior Bankruptcy Plan went into effect on March 21, 2017.

6. On December 9, 2020, the Court entered the *Judgment (I) Directing the Application of Bankruptcy Rule 7023, (II) Certifying the Settlement Class for Settlement Purposes Only, (III) Finally Approving the Settlement Agreement, and (IV) Granting Related Relief* [Docket No. 284] (the “**Judgment**”), granting final approval of the settlement (the “**Settlement Agreement**”) between the Debtors and the Class Representative³ to resolve certain on-going class action litigation.

RELIEF REQUESTED

7. The Reorganized Debtors request entry of an Order extending the Current Removal Deadline through and including May 17, 2021, without prejudice to the Reorganized Debtors’ right to seek further extensions of the Removal Deadline. The Reorganized Debtors respectfully request that the proposed May 17, 2021 Removal Deadline apply to all matters specified in Bankruptcy Rule 9027(a)(2) and (3).⁴

BASIS FOR RELIEF REQUESTED

8. The removal of pending civil actions is governed by 28 U.S.C. § 1452 and Bankruptcy Rule 9027. Specifically, Section 1452(a) provides:

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). Bankruptcy Rule 9027(a)(2) further provides, in relevant part:

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

³ As defined in the Settlement Agreement attached to the Judgment as **Exhibit 1**.

⁴ As indicated above, the Current Removal Deadline is February 16, 2021. Under Local Rule 9006-2, the filing of this Motion before the expiration of the Current Removal Deadline automatically extends the Removal Deadline until such time as the Court rules on this Motion. *See* Del. Bankr. L.R. 9006-2.

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 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 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.

Bankruptcy Rule 9027(a)(2).

9. With respect to postpetition actions, Bankruptcy Rule 9027(a)(3) provides that a notice of removal may be filed:

[O]nly 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.

10. Under Bankruptcy Rule 9006(b), the Court may extend unexpired time periods, such as the Reorganized Debtors' removal period, without notice:

[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).

11. It is well settled, in this District and others, that this Court is authorized to extend, for cause, the removal period provided under 28 U.S.C. § 1452 and Bankruptcy Rule 9027. *See Pacor, Inc. v. Higgins*, 743 F.2d 984, 996 n.17 (3d Cir. 1984), *overruled on other grounds by Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 134–35 (1995) (holding the bankruptcy court's power to grant an extension of the removal period pursuant to Bankruptcy Rule 9006(b) is "clear"); *see also Caperton v. A.T. Massey Coal Co., Inc.*, 251 B.R. 322, 325 (S.D. W. Va. 2000) (Bankruptcy Rule 9006 provides authority to enlarge time periods for removing actions under

Bankruptcy Rule 9027); *Raff v. Gordon*, 58 B.R. 988, 990 (E.D. Pa. 1986) (an expansion of time to file notices of removal is authorized under the Bankruptcy Rules); *In re Jandous Elec. Constr. Corp.*, 106 B.R. 48 (Bankr. S.D.N.Y. 1989) (period in which to file motion to remove may be expanded pursuant to Bankruptcy Rule 9006); *In re World Fin. Servs. Ctr., Inc.*, 81 B.R. 33, 39 (Bankr. S.D. Cal. 1987) (United States Supreme Court intended to give bankruptcy judges the power to enlarge the filing periods under Bankruptcy Rule 9027(a) pursuant to Bankruptcy Rule 9006(b)).

12. Certain of the former Debtors are party to a number of civil actions in various jurisdictions (collectively, the “**Civil Actions**”). Since the Petition Date, the Reorganized Debtors have been focused on numerous pressing matters associated with confirmation of the Plan. Further, since the confirmation of the Plan, the Reorganized Debtors have focused their time and resources on (a) settling certain protracted litigation, including obtaining final approval of the Settlement Agreement, and (b) obtaining a final award of compensation for the professionals who provided their services in these chapter 11 cases. Consequently, the Reorganized Debtors require a reasonable amount of additional time to complete their evaluation of whether removal is appropriate in any Civil Actions. Accordingly, at this point, the Reorganized Debtors have not decided whether it is appropriate to file notices of removal with respect to the Civil Actions. Proceeding with prudence, the Reorganized Debtors therefore seek the extension of the time prescribed under Bankruptcy Rule 9027(a), through and including May 17, 2021, to protect their right to remove those Civil Actions if they deem it to be appropriate. The extension sought will afford the Reorganized Debtors a reasonable period to determine whether to remove any pending Civil Action and will ensure that the Reorganized Debtors do not forfeit valuable rights under 28 U.S.C. § 1452. Further, the rights of the Reorganized Debtors’ adversaries will not be prejudiced

by such an extension because any party to an action that is removed may seek to have it remanded to state court pursuant to 28 U.S.C. § 1452(b).

13. The Reorganized Debtors further request that the Order approving this Motion be without prejudice to (a) any position the Reorganized Debtors may take on whether the injunctions under the Plan stay any given Civil Action pending against the Debtors; (b) the right of the Reorganized Debtors to seek further extensions of the Removal Deadline; and (c) the rights of the 2016 Debtors in the Prior Bankruptcy Cases.

14. For the reasons stated above, the Reorganized Debtors submit that the relief requested herein is appropriate and in their best interests, as well as in the best interests of the Debtors' estates and creditors. Indeed, courts in this District have routinely granted similar requests by debtors for extensions of the removal period. *See, e.g., In re The Hertz Corporation*, Case No. 20-11218 (MFW) (Bankr. D. Del. Jan. 6, 2021) (granting a further 180-day extension following an initial 120-day extension, without prejudice to the debtors' ability to seek further extensions); *In re Northeast Gas Generation, LLC*, Case No. 20-11597 (MFW) (Bankr. D. Del. Jan. 12, 2021) (granting a second 90-day extension, without prejudice to the debtors' ability to seek further extensions); *In re Center City Healthcare, LLC.*, Case No. 19-11466 (MFW) (KG) (Bankr. D. Del. Feb. 2, 2021) (granting a fifth 120-day extension, for a total extension of 600 days, without prejudice to the debtors' ability to seek further extensions).

NOTICE

15. The Reorganized Debtors will provide notice of this Motion on the date hereof via U.S. first class mail to: (a) the Office of the United States Trustee for the District of Delaware and (b) those parties that have requested notice pursuant to Bankruptcy Rule 2002. The Reorganized Debtors submit that, under the circumstances, no other or further notice is required.

WHEREFORE, the Reorganized Debtors respectfully request that the Court (a) enter an Order, substantially in the form attached hereto as Exhibit A, granting the relief requested in this Motion, and (b) provide such further relief as the Court deems just and proper.

Dated: February 8, 2021
Wilmington, Delaware

/s/ Travis J. Cuomo

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Counsel for Reorganized Debtors

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Reorganized Debtors.)	(Jointly Administered)
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)	Hearing Date: March 29, 2021 at 2:00 p.m. (ET)
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NOTICE OF MOTION AND HEARING

PLEASE TAKE NOTICE that, on February 8, 2021, Chaparral Energy, Inc. and its affiliated reorganized debtors (the “**Reorganized Debtors**”) filed the *Reorganized Debtors’ Motion for an Order Pursuant to 28 U.S.C. § 1452 and Federal Rules of Bankruptcy Procedure 9006(b) and 9027 Further Extending the Deadline by Which the Reorganized Debtors May Remove Civil Actions* (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 the Motion must be in writing and filed with the Clerk of the Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware on or before **February 22, 2021 at 4:00 p.m. (Eastern Time)**.

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

¹ The Reorganized Debtors in these cases, along with the last four digits (or five digits, in cases in which multiple Reorganized Debtors have the same last four digits) of each Reorganized Debtor’s federal tax identification number, are: CEI Acquisition, L.L.C. (1817); CEI Pipeline, L.L.C. (6877); Chaparral Biofuels, L.L.C. (1066); Chaparral CO2, L.L.C. (1656); Chaparral Energy, Inc. (90941); Chaparral Energy, L.L.C. (20941); Chaparral Exploration, L.L.C. (1968); Chaparral Real Estate, L.L.C. (1655); Chaparral Resources, L.L.C. (1710); Charles Energy, L.L.C. (3750); Chestnut Energy, L.L.C. (9730); Green Country Supply, Inc. (2723); Roadrunner Drilling, L.L.C. (2399); and Trabajo Energy, L.L.C. (9753). The Reorganized Debtors’ address is 701 Cedar Lake Boulevard, Oklahoma City, OK 73114.

Mary F. Walrath, United States Bankruptcy Judge for the District of Delaware, at the Court, 824 North Market Street, 5th Floor, Courtroom 4, Wilmington, Delaware 19801 on **March 29, 2021 at 2:00 p.m. (Eastern Time)**.

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: February 8, 2021
Wilmington, Delaware

/s/ Travis J. Cuomo

John H. Knight (No. 3848)
Amanda R. Steele (No. 5530)
Brendan J. Schlauch (No. 6115)
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Counsel for Reorganized Debtors

EXHIBIT A

Proposed Order

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

In re:)	
)	Chapter 11
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CHAPARRAL ENERGY, INC., <i>et al.</i> , ¹)	Case No. 20-11947 (MFW)
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Reorganized Debtors.)	(Jointly Administered)
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)	
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**ORDER FURTHER EXTENDING THE DEADLINE BY WHICH
THE REORGANIZED DEBTORS MAY REMOVE CIVIL ACTIONS**

Upon the motion (the “**Motion**”)² of the Reorganized Debtors for entry of an order pursuant to 28 U.S.C. § 1452 and Bankruptcy Rules 9006(b) and 9027 extending the Removal Deadline; and the Court having jurisdiction to consider the Motion and the relief requested therein 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 as of February 29, 2012; and venue being proper pursuant to 28 U.S.C. § 1409; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that the relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors and all other parties in interest; and the Reorganized Debtors having provided appropriate notice of the Motion and opportunity for a hearing on the Motion under the circumstances and no other or further notice

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

needing be provided; and the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Removal Deadline is extended through and including May 17, 2021.
3. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.
4. This Order is without prejudice to (a) any position the Reorganized Debtors may take on whether the injunctions under the Plan stay any given Civil Action pending against the Debtors; (b) the Reorganized Debtors' right to seek further extensions of the Removal Deadline; or (c) the rights of the 2016 Debtors in the Prior Bankruptcy Cases.
5. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement or interpretation of this Order.