

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re: : Chapter 11
: :
STARRY GROUP HOLDINGS, INC.¹ : Case No. 23-10219 (KBO)
: :
Reorganized Debtor. : Hearing Date: March 21, 2024 at 10:30 a.m. (ET)
: Obj. Deadline: February 23, 2024 at 4:00 p.m. (ET)
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REORGANIZED DEBTOR'S MOTION FOR AN ORDER, PURSUANT TO
SECTION 105(a) OF THE BANKRUPTCY CODE AND BANKRUPTCY
RULE 9006, EXTENDING THE PERIOD WITHIN WHICH THE
REORGANIZED DEBTOR MAY OBJECT TO CLAIMS

The above-captioned reorganized debtor (the "Reorganized Debtor," and collectively with certain of its affiliates before the Effective Date (as defined below), the "Debtors") respectfully represents as follows in support of this motion (this "Motion"):

RELIEF REQUESTED

1. By this Motion, the Reorganized Debtor seeks entry of an order, substantially in the form attached hereto as Exhibit A (the "Proposed Order"), extending the period within which the Reorganized Debtor may object to Claims (the "Claims Objection Deadline"), pursuant to section 105 of title 11 of the United States Code (the "Bankruptcy Code") and Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), from February 27, 2024 (the "Current Claims Objection Deadline") through and including August 26, 2024,² without

¹ The reorganized debtor in this case, along with the last four digits of the reorganized debtor's federal tax identification number, is: Starry Group Holdings, Inc. (9355). The reorganized debtor's address is 38 Chauncy Street, Suite 200, Boston, Massachusetts 02111.

² 180 days after the Current Claims Objection Deadline is Sunday, August 25, 2024. Accordingly, pursuant to Bankruptcy Rule 9006, the next business day is Monday, August 26, 2024.



prejudice to the rights of the Reorganized Debtor to seek further extensions of the time within which to extend the Claims Objection Deadline.³

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the District of Delaware (the “**Court**”) has jurisdiction over 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 as of February 29, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The legal predicates for the relief sought herein are section 105(a) of the Bankruptcy Code, Bankruptcy Rule 9006(b), and Articles II & VII of the Plan (as defined below).

4. Pursuant to Local Rule 9013-1(f), the Reorganized Debtor consents to the entry of a final order or judgment by the Court in connection with this Motion if 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.

BACKGROUND

A. General Background

5. On February 20, 2023 (the “**Petition Date**”), the Debtors commenced with the Court voluntary cases (the “**Chapter 11 Cases**”) under chapter 11 of the Bankruptcy Code. On March 3, 2023, the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”) appointed an official committee of unsecured creditors in the Chapter 11 Cases [Docket No. 99] (the “**Creditors’ Committee**”). No trustee or examiner has

³ Pursuant to Rule 9006-2 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), the filing of this Motion prior to the expiration of the Current Claims Objection Deadline shall automatically extend the Current Claims Objection Deadline until the Court (as defined herein) acts on this Motion without the necessity for entry of a bridge order.

been appointed in the Chapter 11 Cases. The Chapter 11 Cases have been consolidated for procedural purposes only and are being jointly administered pursuant to Bankruptcy Rule 1015(b).

6. On March 21, 2023, the Court entered an order [Docket No. 185] (the “**Bidding Procedures Order**”)⁴ approving, among other things, bidding procedures for a Sale of substantially all of the Debtors’ Assets and/or equity of the reorganized Debtors. On April 23, 2023, the Debtors filed the Notice of Auction Cancellation [Docket No. 352], which provided that the Debtors received only one (1) Qualified Bid, which was a Qualified Bid by the DIP Agent and Prepetition Agent that would be submitted for Court approval in accordance with the Bidding Procedures Order in the event that the Plan (as defined below) was not consummated.

7. The factual background regarding the Debtors, including their business operations, their capital and debt structures, and the circumstances leading to the commencement of the Chapter 11 Cases, is set forth in detail in the *Declaration of Chaitanya Kanojia in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 41] (the “**First Day Declaration**”),⁵ and is incorporated herein by reference.

B. The Plan and Confirmation Order

8. On March 31, 2023, the Court entered an order [Docket No. 271] approving, inter alia, the adequacy of the information contained in the *Disclosure Statement for Amended Joint Chapter 11 Plan of Reorganization of Starry Group Holdings, Inc. and Its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code* [Docket No. 273], procedures for soliciting votes to accept or reject the *Amended Joint Chapter 11 Plan of Reorganization of Starry Group Holdings, Inc. and*

⁴ Capitalized terms used in this paragraph but not otherwise defined herein have the meanings ascribed to such terms in the Bidding Procedures Order.

⁵ The First Day Declaration and other relevant case information is available on the following website maintained by the Debtors’ claims and noticing agent, Kurtzman Carson Consultants LLC: <http://www.kccllc.net/Starry>.

Its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code [Docket No. 272] (together with all exhibits and supplements thereto, the “**Solicited Plan**”), and the deadline and procedures for filing objections to confirmation of the Solicited Plan. On May 22, 2023, the Debtors filed the *Third Amended Joint Chapter 11 Plan of Reorganization of Starry Group Holdings, Inc. and Its Debtor Affiliates Under Chapter 11 of the Bankruptcy Code* [Docket No. 459] (together with all exhibits and supplements thereto, and as modified or amended from time to time, the “**Plan**”). On May 26, 2023, the Court entered an order confirming the Plan [Docket No. 487] (the “**Confirmation Order**”).⁶ The Plan became effective on August 31, 2023 (the “**Effective Date**”).

C. Bar Date and Proofs of Claim

9. On March 14, 2023, the Court entered an order [Docket No. 128] (the “**Bar Date Order**”) which established the following dates for filing Proofs of Claim: (a) April 17, 2023, at 5:00 p.m. (ET) as the deadline for all persons and entities (excluding governmental units as defined in section 101(27) of the Bankruptcy Code), holding a Claim against the Debtors, to file a Proof of Claim in the Chapter 11 Cases; and (b) August 21, 2023, at 5:00 p.m. (ET) as the deadline for each governmental unit holding a Claim against the Debtors to file a Proof of Claim in the Chapter 11 Cases.

10. Pursuant to the Plan, the deadline to file Administrative Claims was set at October 2, 2023 (*i.e.*, thirty (30) days after the Effective Date).⁷ Plan, Article I.6.

11. Approximately 367 Claims have been filed in the Chapter 11 Cases.

⁶ Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Confirmation Order.

⁷ Thirty (30) days after the Effective Date is Saturday, September 30, 2023. Accordingly, pursuant to Bankruptcy Rule 9006, the next business day is Monday, October 2, 2023.

D. Claims Objection Deadline

12. Pursuant to Article VII.B of the Plan, the Reorganized Debtor has the “sole authority to: (1) to file, withdraw, or litigate to judgment objections to Claims; (2) to settle or compromise any Disputed Claim without any further notice to or action, order, or approval by the Bankruptcy Court; and (3) to administer and adjust the Claims Register to reflect any such settlements or compromises without any further notice to or action, order, or approval by the Bankruptcy Court.” Plan, Article VII.B. Objections to Claims are required to be filed and served by “the later of (a)(i) with respect to Administrative Claims, 150 days after the Administrative Claims Bar Date or (ii) with respect to all other Claims, 180 days after the Effective Date and (b) such other deadline as may be specifically fixed by the Debtors or the Reorganized Debtors, as applicable, or by an order of the Bankruptcy Court for objecting to such Claims.” Plan, Article I.27. Accordingly, the Current Claims Objection Deadline is February 27, 2024.

BASIS FOR RELIEF REQUESTED

13. Section 105(a) of the Bankruptcy Code provides that “the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

14. Furthermore, Bankruptcy Rule 9006(b)(1) provides, in pertinent part,

[W]hen an act is required or allowed to be done at or within a specified period by [the Bankruptcy 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). In addition, the Plan provides that the Claims Objection Deadline may be extended by order of the Court. *See* Plan, Article VII.E. Accordingly, because the Current

Claims Objection Deadline has not yet expired, the Court is authorized to grant the relief requested herein.

15. Throughout the Chapter 11 Cases, the Debtors, the Reorganized Debtor, their management, and their professionals have been heavily involved in the Claims reconciliation process. To date, four (4) omnibus objections to Claims have been filed [Docket Nos. 571, 652, 752 & 753] (the “**Claims Objections**”). The Court has entered orders sustaining each of the Claim Objections [Docket Nos. 612, 714, 761 & 762].

16. While the Reorganized Debtor believes that all Claims have been reconciled, out of an abundance of caution, the Reorganized Debtor seeks to extend the Claims Objection Deadline while the Reorganized Debtor and its professionals complete the review and analysis of all Claims. The proposed time extension will provide the Reorganized Debtor with additional time needed to resolve any issues related to the Claims reconciliation process that may arise while the remaining Chapter 11 Case is pending. The extension is not being sought for improper dilatory purposes and will not unduly prejudice any claimants who have filed Proofs of Claim. Accordingly, the Reorganized Debtor submits that extending the Current Claims Objection Deadline through and including August 26, 2024, is necessary, prudent, and in the best interests of the Debtors, their estates, and their creditors.

NOTICE

17. Notice of this Motion has been provided to: (a) the U.S. Trustee (Attn: Benjamin Hackman); and (b) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Reorganized Debtor believes no further notice is required.

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WHEREFORE the Reorganized Debtor respectfully requests entry of the Proposed Order granting the relief requested herein and such other relief as the Court may deem appropriate.

Dated: February 9, 2024
Wilmington, Delaware

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Timothy R. Powell

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Counsel for the Reorganized Debtor

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

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In re:	:	Chapter 11
	:	
STARRY GROUP HOLDINGS, INC. ¹	:	Case No. 23-10219 (KBO)
	:	
Reorganized Debtor.	:	Hearing Date: March 21, 2024 at 10:30 a.m. (ET)
	:	Obj. Deadline: February 23, 2024 at 4:00 p.m. (ET)

NOTICE OF MOTION

PLEASE TAKE NOTICE that Starry Group Holdings, Inc., the above-captioned reorganized debtor (the “**Reorganized Debtor**”), has filed the attached *Reorganized Debtor’s Motion for an Order, Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9006, Extending the Period Within Which the Reorganized Debtor May Object to Claims* (the “**Motion**”).

PLEASE TAKE FURTHER NOTICE that any objections or responses to the relief requested in the Motion must be filed on or before **February 23, 2024 at 4:00 p.m. (ET)** (the “**Objection Deadline**”) with the United States Bankruptcy Court for the District of Delaware, 3rd Floor, 824 North Market Street, Wilmington, Delaware 19801. At the same time, copies of any responses or objections to the Motion must be served upon the undersigned counsel to the Reorganized Debtor so as to be received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE MOTION WILL BE HELD ON MARCH 21, 2024 AT 10:30 A.M. (ET) BEFORE THE HONORABLE KAREN B. OWENS, UNITED STATES BANKRUPTCY COURT JUDGE FOR THE DISTRICT OF DELAWARE.

PLEASE TAKE FURTHER NOTICE THAT, IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.

¹ The reorganized debtor in this case, along with the last four digits of the reorganized debtor’s federal tax identification number, is: Starry Group Holdings, Inc. (9355). The reorganized debtor’s address is 38 Chauncy Street, Suite 200, Boston, Massachusetts 02111.

Dated: February 9, 2024
Wilmington, Delaware

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Counsel for the Reorganized Debtor

EXHIBIT A

Proposed Order

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

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	:	
In re:	:	Chapter 11
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STARRY GROUP HOLDINGS, INC. ¹	:	Case No. 23-10219 (KBO)
	:	
Reorganized Debtor.	:	Re: Docket No. _____
	:	
	X	

**ORDER, PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND
BANKRUPTCY RULE 9006 EXTENDING THE PERIOD WITHIN WHICH
THE REORGANIZED DEBTOR MAY OBJECT TO CLAIMS**

Upon the motion (the “**Motion**”)² of the Reorganized Debtor for entry of an order, pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9006, extending the period within which the Reorganized Debtor may object to Claims through and including August 26, 2024; and due and proper notice of the Motion having been given; and it appearing that no other or further notice of the Motion is required; and it appearing that the Court has jurisdiction to consider the Motion in accordance with 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and it appearing 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 it appearing that venue of this proceeding and the Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that good and sufficient cause exists for the relief set forth in this Order; and after due deliberation, therefore, **IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.

¹ The reorganized debtor in this case, along with the last four digits of the reorganized debtor’s federal tax identification number, is: Starry Group Holdings, Inc. (9355). The reorganized debtor’s address is 38 Chauncy Street, Suite 200, Boston, Massachusetts 02111.

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

2. The Claims Objection Deadline is hereby extended through and including August 26, 2024.

3. This Order shall be without prejudice to the rights of the Reorganized Debtor to seek further extensions of the Claims Objection Deadline.

4. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.