

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)
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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 FOURTH MOTION FOR AN ORDER, PURSUANT TO
BANKRUPTCY RULES 9006 AND 9027, EXTENDING THE PERIOD WITHIN
WHICH THE REORGANIZED DEBTOR MAY REMOVE ACTIONS
PURSUANT TO 28 U.S.C. § 1452**

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**”), pursuant to Rules 9006 and 9027 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), extending the period within which the Reorganized Debtor may remove actions pursuant to 28 U.S.C. § 1452 (the “**Removal Deadline**”) from February 20, 2024 (the “**Current Removal Deadline**”) through

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.



and including May 6, 2024,² without prejudice to the rights of the Reorganized Debtor to seek further extensions of the time within which to remove actions and related proceedings.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 requested herein are Bankruptcy Rules 9006 and 9027.

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

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

² Ninety (90) days from the Current Removal Deadline is Saturday, May 4, 2024. Accordingly, pursuant to Bankruptcy Rule 9006, the next business day is Monday, May 6, 2024.

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 Removal Deadline shall automatically extend the Current Removal 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**”) 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. 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 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**”).⁴ The Plan became effective on August 31, 2023 (the “**Effective Date**”).

8. 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.

PRIOR EXTENSION REQUESTS

9. The Court has previously granted three (3) extensions of the Removal Deadline [Docket Nos. 502, 667 & 758], the most recent of which extended the Removal Deadline through and including February 20, 2024, without prejudice to the Debtors’ right to seek further extensions thereof.

BASIS FOR RELIEF REQUESTED

10. Bankruptcy Rule 9027 and 28 U.S.C. § 1452 govern the removal of pending civil actions. Specifically, section 1452(a) provides that:

[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 pertinent part that:

[i]f 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

⁴ Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Confirmation 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>.

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.

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

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

[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). Accordingly, the Court is authorized to grant the relief requested herein. *See Raff v. Gordon*, 58 B.R. 988, 991 (Bankr. E.D. Pa. 1986) (stating that the period in which to file a motion to remove may be expanded pursuant to Bankruptcy Rule 9006); *Jandous Elec. Constr. Corp. v. City of New York (In re Jandous Elec. Constr. Corp.)*, 106 B.R. 48, 50 (Bankr. S.D.N.Y. 1989) (same); *see also Doan v. Loomis (In re Fort Dodge Creamery Co.)*, 117 B.R. 438, 442–43 (Bankr. N.D. Iowa 1990) (implying that the time period in which a removal motion may be filed may be extended pursuant to Bankruptcy Rule 9006); *In re Boyer*, 108 B.R. 19, 26 (Bankr. N.D.N.Y. 1988) (same).

12. The Debtors are parties to actions currently pending in other courts (each, an "Action," and collectively, the "Actions"), and the Reorganized Debtor believes that it is prudent to seek a further extension of the time established by Bankruptcy Rule 9027 to protect the rights of the Debtors and their estates to remove any such Actions.

13. The Reorganized Debtor submits that further extending the Current Removal Deadline is in the best interests of the Debtors, their estates, and their creditors. Since the commencement of the Chapter 11 Cases, the Debtors' management and professional advisors have devoted substantial effort towards maximizing the value of their estates for the benefit of all stakeholders. Since the Court entered its order establishing the Current Removal Deadline, the Reorganized Debtor has, among other things: (a) received approval of two (2) additional omnibus objections to claims [Docket Nos. 761 & 762]; and (b) handled various other tasks related to the administration of the Debtors' estates and the Chapter 11 Cases.

14. As a result of the foregoing efforts and various others, the Reorganized Debtor has been unable to devote sufficient time to review the Actions to determine if any should be removed pursuant to Bankruptcy Rule 9027(a). Accordingly, the Reorganized Debtor submits that extending the Current Removal Deadline is in the best interests of the Debtors, their estates, and their creditors. The extension sought will permit the Reorganized Debtor to make more fully informed decisions concerning the removal of any Action, and will ensure that the Debtors and their estates do not forfeit the valuable rights afforded to them under 28 U.S.C. § 1452. Furthermore, the Reorganized Debtor submits that granting the extension requested herein will not prejudice the rights of any other parties to the Actions because such parties may not prosecute them absent relief from the automatic stay. In addition, nothing herein will prejudice any party to an Action that the Reorganized Debtor may ultimately attempt to remove from seeking the remand of such Action under 28 U.S.C. § 1452(b) at the appropriate time.

15. For the reasons set forth above, the Reorganized Debtor submits that extending the Current Removal Deadline through and including May 6, 2024, is necessary, prudent, and in the best interests of the Debtors, their estates, and their creditors.

NOTICE

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

[Remainder of Page Intentionally Left Blank]

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

Michael R. Nestor (No. 3526)
Kara Hammond Coyle (No. 4410)
Joseph M. Mulvihill (No. 6061)
Timothy R. Powell (No. 6894)
Rodney Square, 1000 North King Street
Wilmington, Delaware 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253
Email: mnestor@ycst.com
kcoyle@ycst.com
jmulvihill@ycst.com
tpowell@ycst.com

-and-

LATHAM & WATKINS LLP

Jeffrey E. Bjork (admitted *pro hac vice*)
Ted A. Dillman (admitted *pro hac vice*)
Jeffrey T. Mispagel (admitted *pro hac vice*)
Nicholas J. Messana (admitted *pro hac vice*)
355 South Grand Avenue, Suite 100
Los Angeles, California 90071
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
Email: jeff.bjork@lw.com
ted.dillman@lw.com
jeffrey.mispagel@lw.com
nicholas.messana@lw.com

Jason B. Gott (admitted *pro hac vice*)
330 North Wabash Avenue, Suite 2800
Chicago, Illinois 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
Email: jason.gott@lw.com

Counsel for the Reorganized Debtor

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)
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: **Obj. Deadline: February 23, 2024 at 4:00 p.m. (ET)**
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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 Fourth Motion for an Order, Pursuant to Bankruptcy Rules 9006 and 9027, Extending the Period Within Which the Reorganized Debtor May Remove Actions Pursuant to 28 U.S.C. § 1452* (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

YOUNG CONAWAY STARGATT & TAYLOR, LLP

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Michael R. Nestor (No. 3526)
Kara Hammond Coyle (No. 4410)
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Timothy R. Powell (No. 6894)
Rodney Square, 1000 North King Street
Wilmington, Delaware 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253
Email: mnestor@ycst.com
kcoyle@ycst.com
jmulvihill@ycst.com
tpowell@ycst.com

-and-

LATHAM & WATKINS LLP

Jeffrey E. Bjork (admitted *pro hac vice*)
Ted A. Dillman (admitted *pro hac vice*)
Jeffrey T. Mispagel (admitted *pro hac vice*)
Nicholas J. Messana (admitted *pro hac vice*)
355 South Grand Avenue, Suite 100
Los Angeles, California 90071
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
Email: jeff.bjork@lw.com
ted.dillman@lw.com
jeffrey.mispagel@lw.com
nicholas.messana@lw.com

Jason B. Gott (admitted *pro hac vice*)
330 North Wabash Avenue, Suite 2800
Chicago, Illinois 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
Email: jason.gott@lw.com

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 BANKRUPTCY RULES 9006 AND 9027, EXTENDING
THE PERIOD WITHIN WHICH THE REORGANIZED DEBTOR MAY
REMOVE ACTIONS PURSUANT TO 28 U.S.C. § 1452**

Upon the motion (the “**Motion**”)² of the Reorganized Debtor for entry of an order, pursuant to Bankruptcy Rules 9006 and 9027, extending the period within which the Reorganized Debtor may remove actions pursuant to 28 U.S.C. § 1452 through and including May 6, 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

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

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.
2. The time period provided by Bankruptcy Rule 9027 within which the Reorganized Debtor may file notices of removal of claims and causes of action is hereby enlarged and extended through and including May 6, 2024 (the “**Removal Deadline**”).
3. This Order shall be without prejudice to the rights of the Reorganized Debtor to seek further extensions of the Removal Deadline.
4. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.