

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:)	Chapter 11
)	
LINC USA GP, <i>et al.</i> ¹)	Case No. 16-32689 (DRJ)
)	
Debtors.)	(Jointly Administered)

**CHAPTER 11 CREDITOR TRUSTEE’S SECOND EXPEDITED MOTION FOR
EXTENSION OF DEADLINE TO FILE OBJECTIONS TO CLAIMS**
(Relates to Doc. Nos. 536 and 634)

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

EXPEDITED CONSIDERATION HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EXPEDITED BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EXPEDITED CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtors’ federal tax identification number, are: Linc Energy Finance (USA), Inc. (6684); Linc USA GP (5234); Linc Energy Resources, Inc. (9613); Linc Gulf Coast Petroleum, Inc. (6790); Linc Energy Petroleum (Louisiana), LLC (1074); Linc Alaska Resources, LLC (2362); Paen Insula Holdings, LLC (1681); Linc Energy Petroleum (Wyoming), Inc. (9859); and Linc Energy Operations, Inc. (5806).



**To the Honorable David R. Jones,
Chief United States Bankruptcy Judge:**

Alexandre Zyngier, as the Trustee (the “Trustee”) of the Linc Chapter 11 Creditor Trust (the “Trust”), files this Second Expedited Motion to Extend the Deadline for Filing Objections to Claims (the “Motion”) under the Debtors’ Joint Plan of Liquidation under Chapter 11 of the Bankruptcy Code (the “Plan”) [Doc. No. 536], and respectfully states:

JURISDICTION

1. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. § 1408. Pursuant to the Plan, this Court may extend the Claims Objection Deadline (as defined below) upon motion by the Debtors or Trustee, without notice or hearing. [See Plan, at § 8.02].

BACKGROUND

2. On May 29, 2016 (the “Petition Date”), the Debtors filed voluntary petitions for relief under chapter 11, title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Texas, Houston Division (the “Court”).

3. On February 13, 2017, the Court entered the order (the “Confirmation Order”) [Doc. No. 536], which confirmed the Debtors’ Plan. The effective date of the Plan occurred on April 3, 2017 (the “Effective Date”). [Doc. No. 572].

4. Pursuant to the Plan and Confirmation Order, the Trustee was vested with the authority to, among other things, review and object to claims. Under the Plan, the deadline to file a claims objection “shall be: (a) the later of one hundred eighty (180) days after the (i) Effective Date [i.e. or until October 2, 2017] or (ii) filing of a Proof of Claim; or (b) such other date as the Bankruptcy Court may order” (the “Claims Objection Deadline”). [Plan, at ¶ 21].

5. On August 8, 2017, the Court granted the Trustee's First Motion for Extension of Deadline to File Objections to Claims (the "First Extension"), which extended the Claims Objection Deadline through and including January 2, 2018. [Doc. No. 634].

6. Approximately five-hundred thirty-eight (538) proofs of claim (the "Proofs of Claim") have been filed in these chapter 11 cases. Prior to and since the Effective Date, the Trustee and his respective professionals have been diligently reviewing and reconciling the Proofs of Claim and all supporting documentation provided in connection therewith.

7. To date, the Trustee has made significant progress towards resolving disputed claims informally and preparing claim objections. The Trustee has filed (i) nine individual objections to certain claims [*See* Doc. Nos. 593–602]; and (ii) three omnibus objections against certain claims, including duplicative claims [Doc. No. 639], claims filed against the Diasu-related entities [Doc. No. 642], and untimely claims. [Doc. No. 643]. These objections have all been heard and adjudicated, and/or otherwise resolved. [*See* Court Orders at Doc. Nos. 611, 615, 617–22, 646–49, and 658–59].

8. The Trustee and his advisors continue to review the Proofs of Claim, and identify particular categories of claims that may be targeted for disallowance, reduction and allowance, and/or possible resolution. The Trustee intends to file additional objections to Proofs of Claim or otherwise seek resolution thereof, as and when warranted.

9. While the Trustee continues to make progress reconciling and/or otherwise resolving these claims, this process will not be completed by the current Claims Objection Deadline of January 2, 2018. As such, the Trustee seeks to extend the Claims Objection Deadline through and including April 2, 2018.

RELIEF REQUESTED

10. The Trustee requests an approximate 90-day extension of the deadline for filing objections to claims under the Plan from January 2, 2017 to Monday, April 2, 2018.

11. As stated above, pursuant to the Plan, the Court may extend the Claims Objection Deadline upon motion by the Trustee, without notice or hearing. [See Plan, at § 8.02]. Moreover, section 105(a) of the Bankruptcy Code provides that the Court may issue any order that is necessary or appropriate to carry out the provisions of the Bankruptcy Code. See 11 U.S.C. § 105(a).

12. Bankruptcy Rule 9006(b)(1) further provides that “when an act is required or allowed to be done at or within a specified period . . . by order of the court, the court for cause may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefore is made before the expiration of the period originally prescribed . . .” BANKR. RULE 9006(b)(1). Given the circumstances, the Trustee respectfully submits that cause exists to extend the Claims Objection Deadline by approximately 90 days.

13. The Trustee has filed several individual and omnibus claim objections, and continues to review and analyze the remaining Proofs of Claim. Despite these efforts, there has not been sufficient time to allow for a thorough review and resolution of all of the Proofs of Claim. The extension would ensure that the Trustee neither expends resources in objecting to claims that could be not resolved consensually nor permit claims to be allowed in amounts that are not justified.

14. Moreover, similar relief has been granted by courts in this district and others. See, e.g., *In re Midstates Petroleum Co.*, No. 16-32237 (DRJ) (Bankr. S.D. Tex. July 18, 2017) (extending the claims objection deadline by approximately 90 days); *In re Luca Int’l Grp.*,

L.L.C., No 15-34221 (DRJ) (Bankr. S.D. Tex. Mar. 8, 2017) (extending the claims objection deadline a third time); *In re Victory Med. Ctr. Mid-Cities, LP*, No. 15-42373 (RFN) (Bankr. N.D. Tex. June 6, 2017) (same); *see also In re Digerati Tech., Inc.*, No. 13-33264 (JB) (Bankr. S.D. Tex. Aug. 26, 2014) (extending the claims objection deadline a second time); *In re Scotia Development LLC*, No. 07-20027 (RSS) (Bankr. S.D. Tex. July 20, 2009) (same).

15. Expedited consideration of this Motion has been requested so that the Trustee can have the Court's guidance on the Claim Objection Deadline. This extension is not sought for the purposes of delay and will not prejudice any claimants. The Trustee reserves the right to seek a further extension for time to file and serve objections to claims upon motion filed with the Court.

NOTICE

16. Notice of this Motion will be given to all parties that have requested or that are required to receive notice pursuant to Bankruptcy Rule 2002. The Trustee respectfully submits that no further notice of this Motion is required.

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PRAYER

Accordingly, the Trustee requests that the Court (i) extend the deadline for filing objections to claims to April 2, 2018, and (ii) grant such other and further relief to the Trustee as is appropriate under the circumstances.

**Dated: Houston, Texas
December 5, 2017**

Porter Hedges LLP

/s/ Eric M. English

Eric M. English
State Bar No. 24062714
Rachel I. Thompson
State Bar No. 24093258
Porter Hedges LLP
1000 Main Street, 36th Floor
Houston, Texas 77002-2764
Telephone: (713) 226-6000
Facsimile: (713) 226-6255

**ATTORNEYS FOR ALEXANDRE
ZYNGIER, THE TRUSTEE OF THE
LINC CHAPTER 11 CREDITOR
TRUST**

CERTIFICATE OF SERVICE

I certify that on December 5, 2017, I caused a copy of the foregoing document to be served by the Electronic Case Filing System to all parties appearing in these cases.

/s/ Rachel I. Thompson _____

Rachel I. Thompson

**IN THE UNITED STATES BANKRUPTCY COURT
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HOUSTON DIVISION**

In re:)	Chapter 11
)	
LINC USA GP, et al. ¹)	Case No. 16-32689 (DRJ)
)	
Debtors.)	(Jointly Administered)

**ORDER GRANTING SECOND EXTENSION OF
DEADLINE TO FILE OBJECTIONS TO CLAIMS**
(Relates to Doc. No. _____)

UPON CONSIDERATION of the Chapter 11 Creditor Trustee’s Second Expedited Motion to Extend the Deadline for Filing Objections to Claims (the “Motion”), and this Court having jurisdiction to consider the Motion, and venue being proper, and due and sufficient notice of the Motion having been given; and after due deliberation thereon, it is hereby

ORDERED THAT:

1. The deadline for filing objections to claims under the Debtors’ Joint Plan of Liquidation under Chapter 11 of the Bankruptcy Code [Doc. No. 536] is extended through and including April 2, 2018.
2. The relief granted herein is without prejudice to the Trustee’s right to request further extensions of the Claim Objection Deadline.²

SIGNED this _____ day of _____, 2017.

**THE HONORABLE DAVID R. JONES,
CHIEF UNITED STATES BANKRUPTCY JUDGE**

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtors’ federal tax identification number, are: Linc Energy Finance (USA), Inc. (6684); Linc USA GP (5234); Linc Energy Resources, Inc. (9613); Linc Gulf Coast Petroleum, Inc. (6790); Linc Energy Petroleum (Louisiana), LLC (1074); Linc Alaska Resources, LLC (2362); Paen Insula Holdings, LLC (1681); Linc Energy Petroleum (Wyoming), Inc. (9859); and Linc Energy Operations, Inc. (5806).

² Capitalized terms not otherwise defined herein shall have the meaning given to them in the Motion.