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Counsel to Mark E. Andrews, Creditor Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:

TOMMY'S FORT WORTH, LLC.,¹

Debtor.

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Chapter 11

Case No. 24-90000 (ELM)

**CREDITOR TRUSTEE'S EMERGENCY MOTION FOR ENTRY OF AN ORDER
EXTENDING THE PERIOD TO FILE AND SERVE OBJECTIONS TO CLAIMS**

**EMERGENCY RELIEF HAS BEEN REQUESTED. RELIEF IS REQUESTED NO LATER
THAN FEBRUARY 20, 2026, AT 5:00 PM.**

**IF YOU OBJECT TO THE RELIEF REQUESTED OR YOU BELIEVE THAT
EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU MUST APPEAR AT THE
HEARING IF ONE IS SET, OR FILE A WRITTEN RESPONSE PRIOR TO THE DATE
THAT RELIEF IS REQUESTED IN THE PRECEDING PARAGRAPH. OTHERWISE,
THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE
RELIEF REQUESTED.**

¹ The last four digits of the Debtor's federal tax identification number are 3473. A complete list of each of the Debtors whose claims are being administered in this chapter 11 case may be obtained on the website of this Debtor's claims and noticing agent at <https://cases.omniagentsolutions.com/?clientId=3705>

Mark E. Andrews, as the trustee of the Creditor Trust (the “Creditor Trustee”) and successor in interest to Tommy’s Fort Worth, LLC and its affiliates (the “Debtors”), respectfully represents the following in support of this motion (the “Motion”):

Relief Requested

1. Under the Plan (defined below) confirmed by this Court in July, 2025, the current deadline for objections to claims is February 22, 2026 (the “Current Objection Deadline”). By this Motion, the Creditor Trustee seeks entry of the proposed order (the “Order”), substantially in the form attached hereto as **Exhibit A** pursuant to rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”): (i) extending the Current Objection Deadline through and including May 22, 2026 (“Proposed Extended Deadline”); and (ii) granting related relief.

Jurisdiction and Venue

2. The United States Bankruptcy Court for the Northern District of Texas (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. The statutory bases for the relief requested herein are sections 105(a) and 502(b) of title 11 of the United States Code (the “Bankruptcy Code”) and Bankruptcy Rule 9006(b).

Procedural Background

5. On May 20, 2024 (the “Petition Date”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. Soon after, the Court entered an order authorizing the Debtors to appoint Omni Agent Solutions, Inc. (“Omni”) as claims and noticing agent in these chapter 11 cases [Docket No. 44] to, among other things, serve as the authorized repository for all proofs of claim filed in the cases and maintain the official claims register for the Debtors (the “Claims Register”).

6. On June 18, 2024, the Court approved the appointment of Mark E. Andrews as the chapter 11 trustee (the “Chapter 11 Trustee”) of the above-captioned cases. *See* Docket No. 178. A detailed description of the Debtors and their businesses, and the facts and circumstances supporting the Debtors’ chapter 11 cases, are set forth in the *Declaration of Monica Blacker in Support of First Day Motions* [Docket No. 23].

7. On April 28, 2025, the Chapter 11 Trustee filed the *Trustee’s First Amended Joint Chapter 11 Plan* [Docket No. 879, as modified by Docket No. 935-1] (the “Plan”). On July 24, 2025, the Court entered its *Findings of Fact, Conclusions of Law, and Order Confirming Trustee’s First Amended Joint Chapter 11 Plan, as Modified* [Docket No. 1037]. The Effective Date (as defined in the Plan) occurred on August 26, 2025 [Docket No. 1081]. On the Effective Date, under the terms of the Plan and corresponding Creditor Trust Agreement, Mark E. Andrews (formerly the Chapter 11 Trustee) became the Creditor Trustee.²

The Claims Reconciliation Process

8. The general deadline for filing proofs of claim was September 30, 2024 (the “Claims Bar Date”). *See* Docket No. 24, p. 2. The deadline for a governmental unit for filing proofs of claim was November 18, 2024. *Id.*

9. The Plan provides for the creation of the Creditor Trust for the purpose of, among other things, liquidating and distributing the Estate assets that were contributed to the Creditor Trust in accordance with the Plan, implementing the Plan, and winding down the Debtors. *See* Plan, art. VI.B. As of the Effective Date, the Creditor Trust, acting by and through the Creditor Trustee, is the Estates’ representative with respect to the Creditor Trust Assets. *See id.* In addition,

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

the Plan provides for the consolidation of the Debtors' Estates for purposes of distributing assets to the Estate's creditors. *See* Plan, art. VI.A.

10. Before the Effective Date, on April 29, 2025, the Chapter 11 Trustee filed the *First Omnibus Objection to Claims* [Docket No. 872] seeking to disallow, expunge, or reclassify certain claims based on the fact that they were duplicate, had been satisfied, had been amended or superseded, or were filed with boxes checked for administrative or priority status without any factual or legal basis for such priority. On June 13, 2025, the Court entered the *Order Granting the Trustee's First Omnibus Objection to Claims* [Docket No. 952], sustaining the Chapter 11 Trustee's first omnibus objections.

11. As of the Effective Date of the Plan, the Creditor Trustee still needed to reconcile approximately 65 priority and 700 nonpriority general unsecured proofs of claims, totaling more than \$80 million in priority and nonpriority claims.

12. The Creditor Trustee and his advisors have been working diligently to review the Claims Register and reconcile scheduled claims and filed proofs of claim (collectively, the "Claims") against the Debtors in these chapter 11 cases. However, despite these efforts, the Creditor Trustee requires more time to complete the claims administration process necessary to make distributions and close these cases.

Basis for Relief

13. Pursuant to Article X.H of the Plan, the Creditor Trustee is required to file objections to Claims on or before the Current Objection Deadline, which is defined as "the date that is one hundred eighty (180) days after the Effective Date or such later date as may be approved by the Bankruptcy Court." Plan, art. I.A.64. Accordingly, because the Effective Date of the Plan was August 26, 2025, the Creditor Trustee is required to file objections to Claims by no later than February 22, 2026, absent an extension of such deadline. The Plan also provides that the Court

may extend the Current Objection Deadline. *See* Plan, arts. I.A.64; XI(xv). 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.

14. Pursuant to Bankruptcy Rule 9006(b)(1), “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 . . .” Given the circumstances, the Creditor Trustee respectfully submits that cause exists to extend the Objection Deadline until and including the Proposed Extended Deadline of May 22, 2026, which will not have a materially adverse impact on creditors or other judicial proceedings.

15. As mentioned above, the Claims Register reflects that approximately 700 filed and scheduled proofs of claim. Many of these claims are duplicate or have been paid during the course of the chapter 11 cases. However, there remains more work to be done before the Current Objection Deadline.

16. The Creditor Trustee has acted in good faith throughout this process and respectfully submits that the need for an extension is justified in the circumstances. The Creditor Trustee has reviewed substantially all priority claims and has begun making interim distributions on such priority claims. The Trustee has filed one objection to claims of the Internal Revenue Service (*see* Docket No. 1142). There remains a handful of open issues with a few taxing authorities that the Trustee is working to resolve without objection, if possible. Granting an extension for 90 days of the Current Objection Deadline will greatly help these efforts.

17. The Creditor Trustee has also reviewed most of the general nonpriority unsecured claims that were filed or otherwise scheduled in the chapter 11 cases. As of the date hereof, approximately 700 general unsecured claims remain on the Claims Register, many of which are

duplicates or have been paid during the course of the dealership liquidations. The Creditor Trustee has begun filing stipulations to resolve some of the larger disputed claims (*see* Docket Nos. 1146 & 1147). Claims remain on the Claims Register (the “Remaining Claims”) largely due to the factual and legal complexities associated with certain priority tax claims and the current state of the Debtors’ records. Rather than haphazardly objecting to such claims merely to satisfy the Current Objections Deadline, the Creditor Trustee believes it is in the best interests of the Creditor Trust beneficiaries to continue his informal administrative and reconciliation process. The Creditor Trustee hopes to settle any remaining disputes with the largest holders of the Remaining Claims and then file a single omnibus objection to resolve any additional duplicates or satisfied Claims that were not previously resolved by the first omnibus objection filed in 2025.

18. If the Current Objection Deadline is not extended, the Creditor Trustee will have no choice but to file more formal objections, forcing creditors to incur expenses to respond and forcing the Creditor Trustee to incur more expenses that will ultimately be paid out of funds that would otherwise go to creditors. An extension of the Current Objection Deadline will ensure that the Creditor Trustee completes the reconciliation process, does not unnecessarily forfeit valid defenses to claims, does not expend resources in objecting to claims that could otherwise be resolved consensually, and does not otherwise permit unjustified claims to be allowed. Allowing the Remaining Claims before the completion of the reconciliation process could result in potential windfalls for certain claimants and would ultimately dilute the recoveries of all creditors.

19. Similar relief has been granted by courts in this district. *See, e.g., In re Ebix US, LLC*, No. 23-80003 (SWE) [Docket No. 178] (Bankr. N.D. Tex. Sept. 22, 2025) (extending the objection deadline by 121 days); *In re Eye Care Leaders Portfolio Holdings, LLC*, No. 24-80001 (MVL) [Docket No. 904] (Bankr. N.D. Tex. Apr. 30, 2025) (extending the objection deadline by 180 days); *In re Eiger Biopharmaceuticals, Inc.*, No. 24-80040 (SGJ) [Docket No. 746] (Bankr.

N.D. Tex. Dec. 4, 2024) (extending the objection deadline by 182 days); *In re Impel Pharmaceuticals Inc.*, No. 23-80016 (SGJ) [Docket No. 381] (Bankr. N.D. Tex. Jun. 3, 2024) (extending the objection deadline by 120 days).³

20. Pursuant to the Plan, the Court has the express authority to extend the Objection Deadline. Further, Bankruptcy Rule 9006(b) provides that the Court may “for cause shown at any time in its discretion” extend a deadline “if the request therefore is made before the expiration” of such deadline. Fed. R. Bankr. P. 9006(b)(1). “The federal courts are vested with inherent power ‘to manage their own affairs so as to achieve the orderly and expeditious disposition of cases[,]’ ... includ[ing] the power of the court to control its docket[.]” *United States v. Colomb*, 419 F.3d 292, 299 (5th Cir. 2005) (quoting *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995)).

21. Accordingly, the Creditor Trustee respectfully submits that an extension of the Objection Deadline through and including May 22, 2026, is appropriate.

Notice

22. The Creditor Trustee will provide notice of this Motion to the Office of the U.S. Trustee for the Northern District of Texas, and those parties appearing on the Creditor’s most recently filed master service list, which includes M&T Bank, the estate’s largest unsecured creditors and all parties that has requested notice pursuant to Bankruptcy Rule 2002. The Creditor Trustee submits that, in light of the nature of the relief requested, no other or further notice need be given.

[Remainder of page intentionally left blank]

³ Because of the voluminous nature of the orders cited herein, such orders are not attached to the Motion. Copies of these Orders are available upon request to the Creditor Trustee’s counsel.

WHEREFORE, the Creditor Trustee respectfully requests that the Court enter the Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted this 12th day of February, 2026.

GRAY REED

By: /s/ Aaron M. Kaufman

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*Counsel to Mark E. Andrews,
Creditor Trustee*

Certificate of Service

I certify that on February 12, 2026, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

/s/ Aaron M. Kaufman

Aaron M. Kaufman

Certificate of Conference

On February 12, 2026, I exchanged emails with Erin Schmidt, trial counsel for the Office of the United States Trustee regarding the relief requested in this Motion. Ms. Schmidt confirmed by e-mail that the United States Trustee's Office does not oppose the relief requested in the Motion.

/s/ Aaron M. Kaufman

Aaron M. Kaufman

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:	§	
	§	Chapter 11
	§	
TOMMY’S FORT WORTH, LLC., ¹	§	Case No. 24-90000 (ELM)
	§	
Debtor.	§	
	§	

**ORDER GRANTING CREDITOR TRUSTEE’S
EMERGENCY MOTION FOR ENTRY OF AN ORDER
EXTENDING THE PERIOD TO FILE AND SERVE OBJECTIONS TO CLAIMS**

Upon the motion (the “Motion”)² of Mark E. Andrews, in his capacity as trustee of the Creditor Trust (the “Creditor Trustee”), and successor in interest to Tommy’s Fort Worth, LLC and its affiliates (the “Debtors”), for entry of an order (this “Order”): (i) extending the time to file objections to claims (the “Objection Deadline”) through and including May 22, 2026; and (ii) granting related relief; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157 (b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is permissible pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interest of the Debtors’ Estates; and this Court having found that notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having

¹ The last four digits of the Debtor’s federal tax identification number are 3473. A complete list of each of the Debtors whose claims are being administered in this chapter 11 case may be obtained on the website of this Debtor’s claims and noticing agent at <https://casesomniagentsolutions.com/?clientId=3705>.

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

reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Current Objection Deadline is extended through and including May 22, 2026.
2. Omni, as claims, noticing and solicitation agent for the Debtors, is authorized and directed to update the claims register maintained in these chapter 11 cases to reflect the relief granted in this Order.
3. Notwithstanding anything to the contrary in the Bankruptcy Code, Bankruptcy Rules or Local Rules, this Order shall be immediately effective and enforceable upon entry.
4. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

END OF ORDER

Submitted By:

Jason S. Brookner (Texas Bar No. 24033684)
Aaron M. Kaufman (Texas Bar No. 24060067)
Lydia R. Webb (Texas Bar No. 24083758)
Emily F. Shanks (Texas Bar No. 24110350)

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