

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

In re:

DRF LOGISTICS, LLC,

Debtor.¹

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Chapter 11

Case No. 24-90447 (CML)

**FIFTH MOTION OF LIQUIDATING AGENT FOR
AUTHORITY TO FURTHER EXTEND DEADLINE TO OBJECT TO CLAIMS**

IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE ELECTRONICALLY AT [HTTPS://ECF.TXSB.USCOURTS.GOV/](https://ecf.txsb.uscourts.gov/) WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. IF YOU DO NOT HAVE ELECTRONIC FILING PRIVILEGES, YOU MUST FILE A WRITTEN OBJECTION THAT IS ACTUALLY RECEIVED BY THE CLERK WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

Eric Kaup, in his capacity as the liquidating agent (the “**Liquidating Agent**”), on behalf of DRF Logistics, LLC (the “**Remaining Debtor**”), as debtor in the above-captioned chapter 11 case, respectfully represents as follows in support of this motion (the “**Motion**”):

¹ The last four digits of DRF Logistics, LLC’s federal tax identification number are 6861. DRF Logistics, LLC’s mailing address is 3001 Summer Street, Stamford, CT 06926. The chapter 11 case of DRF Logistics, LLC’s affiliate DRF, LLC, Case No. 24-90446, was closed effective as of January 22, 2025. See Case No. 24-90446, Docket No. 13.

Background

1. On August 8, 2024, the Remaining Debtor and its affiliate DRF, LLC (together, the “**Debtors**”)² each commenced with the Court a voluntary case under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”).

2. The Debtors’ chapter 11 cases were jointly administered for procedural purposes pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rule 1015-1 of the Bankruptcy Local Rules for the United States Bankruptcy Court for the Southern District of Texas (the “**Bankruptcy Local Rules**”).

3. On November 25, 2024, the Court entered the *Findings of Fact, Conclusions of Law, and Order Confirming Debtors’ Third Amended Joint Plan Of Liquidation* (Docket No. 530), confirming the *Debtors’ Third Amended Joint Plan of Liquidation* (Docket No. 497) (the “**Plan**”).³ On December 9, 2024, all conditions precedent to consummation of the Plan were satisfied or waived in accordance with Article X of the Plan and the Effective Date occurred. *See Notice of Occurrence of Effective Date for Debtors’ Third Amended Joint Plan of Liquidation* (Docket No. 559).

4. Section 5.2 of the Plan provides that the Liquidating Agent shall have the authority and right, on behalf of each Debtor and the Wind Down Estates, without the need for approval from the Court (unless otherwise expressly indicated), to carry out and implement all provisions of the Plan, including to control and effectuate the Claims reconciliation process. *See* Plan, § 5.2.

² “**Debtors**” means, as the context requires, the Debtors prior to or after the Effective Date, including, where applicable, the Wind Down Estates.

³ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Plan.

Jurisdiction and Venue

5. The Court has jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

6. By this Motion, pursuant to section 105 of the Bankruptcy Code and Bankruptcy Rule 9006, the Liquidating Agent requests an extension of the Claims Objection Deadline (as defined below) for an additional 46 days, from July 2, 2026, through and including August 17, 2026, without prejudice to the Liquidating Agent's ability to seek further extensions.

7. A proposed form of order granting the relief requested herein is annexed hereto as **Exhibit A** (the "**Proposed Order**").

Claims Reconciliation

8. On August 9, 2024, the Court appointed Stretto, Inc. ("**Stretto**") as the Debtors' claims, noticing, and solicitation agent for the Debtors' chapter 11 cases. *See Order Authorizing Employment and Retention of Stretto, Inc. as Claims, Noticing, and Solicitation Agent* (Docket No. 39). The claims register prepared and maintained by Stretto (the "**Claims Register**") lists 347 filed proofs of claim, of which 123 have been expunged, as of the date of this Motion (collectively, the "**Proofs of Claim**").

9. On September 9, 2024, as required by section 521 of the Bankruptcy Code, the Debtors filed their schedules of assets and liabilities (Docket Nos. 208 & 209) (together, the "**Schedules**"). The Schedules were amended on December 6, 2024 (Docket Nos. 554 & 555). There are approximately 400 Claims listed on the Schedules as of the date of this Motion (collectively, the "**Scheduled Claims**").

10. Since the Effective Date, the Liquidating Agent and its advisors have spent considerable time and effort on the post-Effective Date matters required to wind down the remaining chapter 11 case, including reviewing and reconciling the Schedules and Claims Register to determine whether such Claims are valid and should be Allowed, and drafting and filing six omnibus objections to certain Claims that should be disallowed. Separately, the Liquidating Agent has been actively involved in the ongoing adversary proceeding, *DRF, LLC v. Trilogy Leasing Co., LLC* (Adv. Proc. No. 24-03205) (the “**Trilogy Adversary Proceeding**”), which has been highly litigious and therefore required substantial time and resources. The Liquidating Agent remains optimistic that the Trilogy Adversary Proceeding will conclude in the near future so that the outstanding claims pool can be properly sized and creditor distributions can commence.

11. Pursuant to the Plan, the deadline for the Liquidating Agent to object to Claims is (i) the 90th day following the later of (a) the Effective Date and (b) the date that a Proof of Claim is filed or amended or a Claim is otherwise asserted or amended in writing by or on behalf of a holder of such Claim or (ii) such later date as ordered by the Court upon motion filed by the Liquidating Agent (the “**Claims Objection Deadline**”). See Plan, § 8.2. The Liquidating Agent and its advisors continue to review the Claims Register to determine whether the Claims contained therein should be Allowed.

12. On March 7, 2025, the Liquidating Agent filed the *Motion of Liquidating Agent for Authority to Extend Deadline to Object to Claims* (Docket No. 641) (the “**First Motion to Extend**”) seeking to extend the Claims Objection Deadline to July 7, 2025. On April 1, 2025, the Court entered an order granting the relief requested in the First Motion to Extend (Docket No. 653).

13. On July 7, 2025, the Liquidating Agent filed the *Motion of Liquidating Agent for Authority to Further Extend Deadline to Object to Claims* (Docket No. 703) (the “**Second Motion to Extend**”) seeking to extend the Claims Objection Deadline to November 4, 2025. On August 1, 2025, the Court entered an order granting the relief requested in the Second Motion to Extend (Docket No. 721).

14. On October 21, 2025, the Liquidating Agent filed the *Third Motion of Liquidating Agent for Authority to Further Extend Deadline to Object to Claims* (Docket No. 744) (the “**Third Motion to Extend**”) seeking to extend the Claims Objection Deadline to March 4, 2026. On November 12, 2025, the Court entered an order granting the relief requested in the Third Motion to Extend (Docket No. 752).

15. On March 3, 2026, the Liquidating Agent filed the *Fourth Motion of Liquidating Agent for Authority to Further Extend Deadline to Object to Claims* (Docket No. 772) (the “**Fourth Motion to Extend**”) seeking to extend the Claims Objection Deadline to July 2, 2026. On March 27, 2026, the Court entered an order granting the relief requested in the Fourth Motion to Extend (Docket No. 790).

Relief Requested Should be Granted

16. The Plan, Bankruptcy Code, and Bankruptcy Rules provide ample authority for the Court to grant the requested relief herein. Additionally, the facts and circumstances of the Chapter 11 Case demonstrate that cause exists to extend the Claims Objection Deadline.

17. *First*, section 8.2 of the Plan provides that the Court may extend the Claims Objection Deadline “upon motion filed by the Debtors or the Liquidating Agent, as applicable.” *See* Plan, § 8.2.

18. *Second*, section 105(a) of the Bankruptcy Code provides that “[t]he 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); *see also In re Sanchez*, 372 B.R. 289, 309–10 (Bankr. S.D. Tex. 2007) (describing the scope of a bankruptcy court’s authority under section 105(a)); *In re CEI Roofing, Inc.*, 315 B.R. 50, 55–56 (Bankr. N.D. Tex. 2004) (same); *In re Cooper Props. Liquidating Tr., Inc.*, 61 B.R. 531, 537 (Bankr. W.D. Tenn. 1986) (noting that the bankruptcy court is “one of equity and as such it has a duty to protect whatever equities a debtor may have in property for the benefit of its creditors as long as that protection is implemented in a manner consistent with the bankruptcy laws.”).

19. *Third*, Bankruptcy Rule 9006(b)(1) provides, in pertinent part, that:

when 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 (1) 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).

20. The Liquidating Agent submits that cause exists to extend the current Claims Objection Deadline for an additional 46 days, through and including August 17, 2026. First, the Liquidating Agent and its advisors have made substantial progress on reconciling Claims. Specifically, the Liquidating Agent has successfully prosecuted five omnibus claims objections, eliminating approximately \$187,330,377 in Claims on various procedural and substantive grounds. A sixth omnibus claims objection is pending before the Court, which seeks to expunge an additional \$86,534,058 in Claims from the Claims Register. Second, as discussed above, the Trilogy Adversary Proceeding has required substantial time and resources over the past year and a half. Accordingly, the Liquidating Agent requires additional time to complete the claims reconciliation process and prosecute additional objections to Claims. However, with the Trilogy

Adversary Proceeding nearing completion, the Liquidating Agent anticipates completing the reconciliation process in the near term.

21. The Liquidating Agent further submits that the requested relief is not sought for purposes of delay and will not prejudice any claimants or other parties in interest. Without the requested relief, the Liquidating Agent will not be able to fully address all Claims that it is currently responsible for administering prior to the expiration of the Claims Objection Deadline, which may result in an inaccurate Claims Register and improper or unwarranted distributions to holders of Claims. Such a result would be unfair to creditors.

22. For the foregoing reasons, extension of the Claims Objection Deadline is necessary, appropriate, and in the best interests of the Remaining Debtor and all other parties in interest. Accordingly, the Court should extend the Claims Objection Deadline for an additional 46 days, from July 2, 2026, through and including August 17, 2026, without prejudice to the Liquidating Agent's ability to seek further extensions.

Reservation of Rights

23. Nothing contained herein is intended to be or shall be deemed as (i) an admission as to the validity of any claim against the Debtors, (ii) a waiver or limitation of the Remaining Debtor's or any party in interest's rights to dispute the amount of, basis for, or validity of any claim, (iii) a waiver or limitation of the Remaining Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable non-bankruptcy law, (iv) a waiver of the obligation of any party in interest to file a proof of claim, (v) an agreement or obligation to pay any claims, or (vi) a waiver of any claims or causes of action that may exist against any creditor or interest holder. The Remaining Debtor expressly reserves all of its rights with respect to the foregoing matters.

Notice

24. Notice of this Motion will be served on any party entitled to notice pursuant to Bankruptcy Rule 2002 and any other party entitled to notice pursuant to Bankruptcy Local Rule 9013-1(d).

WHEREFORE, the Liquidating Agent respectfully requests entry of the Proposed Order granting the relief requested herein and such other and further relief as the Court may deem just and appropriate.

Dated: June 29, 2026
Houston, Texas

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Co-Counsel to the Liquidating Agent

Certificate of Service

I hereby certify that on June 29, 2026, a true and correct copy of the foregoing document was served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Clifford W. Carlson

Clifford W. Carlson

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

In re: DRF LOGISTICS, LLC, Debtor. ¹	§ § § § § § § §	Chapter 11 Case No. 24-90447 (CML) Re: Docket No. ____
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ORDER FURTHER EXTENDING DEADLINE TO OBJECT TO CLAIMS

Upon the motion, dated March 3, 2026 (the “**Motion**”),² of the Liquidating Agent, on behalf of the Remaining Debtor, as debtor in the above-captioned chapter 11 case, for entry of an order pursuant to section 105 of the Bankruptcy Code and Bankruptcy Rule 9006 for an extension of the Claims Objection Deadline, all as more fully set forth in the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided; and such notice having been adequate and appropriate under the circumstances, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion; and upon any hearing held on the Motion; and all objections, if any, to the Motion have been withdrawn, resolved, or overruled; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the

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

Motion is in the best interests of the Remaining Debtor and its creditors; 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 Claims Objection Deadline is hereby extended through and including August 17, 2026.
2. The entry of this Order shall be without prejudice to the ability of the Liquidating Agent to seek further extensions of the Claims Objection Deadline or to seek other appropriate relief.
3. This Court retains exclusive jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: _____, 2026
Houston, Texas

CHRISTOPHER LOPEZ
UNITED STATES BANKRUPTCY JUDGE