

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

In re:

APPHARVEST PRODUCTS, LLC,<sup>1</sup>

Wind-Down Debtor.

Chapter 11

Case No. 23-90745 (CML)

(Formerly Jointly Administered)

**PLAN ADMINISTRATOR'S THIRD MOTION TO  
EXTEND THE CLAIMS OBJECTION BAR DATE**

**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/> 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.**

The Plan Administrator<sup>2</sup>, on behalf of the Wind-Down Debtors, respectfully states the following in support of this motion (the "Motion"):

**RELIEF REQUESTED**

1. The Plan Administrator seeks entry of an order, substantially in the form attached hereto (the "Order"), extending the deadline by which objections to Claims may be filed (the "Claims Objection Bar Date") by an additional 180 days, to and including June 29, 2026 out of an abundance of caution while the Plan Administrator finalizes the claims register to prepare

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<sup>1</sup> The location of Wind-Down Debtor AppHarvest Products, LLC's principal place of business and the Wind-Down Debtors' service address is 1890 Star Shoot Parkway, Suite 170 PMB 168, Lexington, KY 40509. All pleadings related to these chapter 11 cases may be obtained from the website of the Wind-Debtors' claims and noticing agent at <https://cases.stretto.com/appharvest/>.

<sup>2</sup> Capitalized terms used by not otherwise defined herein shall have the meanings ascribed to such terms in the Plan (as defined herein) or the Confirmation Order (as defined herein), as applicable.

for distribution to Holders of Allowed General Unsecured Claims. Absent the relief requested herein, the Claims Objection Bar Date will otherwise expire on December 31, 2025.

### **JURISDICTION AND VENUE**

2. The United States Bankruptcy Court for the Southern 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). The Plan Administrator confirms its consent, pursuant to Rule 7008 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to the entry of a final order.

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

4. The statutory bases for the relief requested in this Motion are sections 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), Bankruptcy Rule 9006, and rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “Bankruptcy Local Rules”).

### **BACKGROUND**

5. On July 23, 2023 (the “Petition Date”), the Debtor and each of its affiliates (collectively, the “Debtors,” and after the Effective Date, the “Wind-Down Debtors”) filed their respective voluntary petitions for relief under chapter 11 of the Bankruptcy Code, commencing the above captioned, jointly administered chapter 11 cases.

6. On August 2, 2023, the United States Trustee for the Southern District of Texas (the “U.S. Trustee”) appointed an official committee of unsecured creditors [Docket No. 130] (the “Committee”).

7. On August 7 and 8, 2023, the Debtors filed their schedules of assets and liabilities and statements of financial affairs, as each may have been amended from time to time [Docket Nos. 162–185] pursuant to Bankruptcy Rule 1001.

8. On August 10, 2023, the Court entered the *Order (I) Setting Bar Dates for Filing Proofs of Claim, (II) Approving the Form of and Manner for Filing Proofs of Claim, (III) Approving Notice of Bar Dates, and (IV) Granting Related Relief* [Docket No. 218] (the “Bar Date Order”), establishing the following deadlines: (a) September 6, 2023 at 4:00 p.m., prevailing Central Time, as the deadline for all non-governmental entities to file proofs of claim (the “General Bar Date”), and (b) January 19, 2024 at 4:00 p.m., prevailing Central Time, as the deadline for claims all governmental entities to file proofs of claim (the “Governmental Bar Date,” and together with the General Bar Date, the “Bar Dates”). Written notice of the Bar Dates was mailed to, among others, all creditors and other known holders of claims against the Debtors, to all parties requesting notice in these bankruptcy cases, and all entities that filed a proof of claim in these cases as of the date of the Bar Date Order.

9. On September 14, 2023, the Court entered its *Order Approving the Debtors’ Disclosure Statement and Confirming the Amended Joint Plan of Liquidation of AppHarvest Products, LLC and Its Debtor Affiliates* [Docket No. 471] (the “Confirmation Order”) confirming the *Debtors’ Second Amended Joint Plan of Liquidation of AppHarvest Products, LLC and Its Debtor Affiliates* [Docket No. 458] (as may be altered, amended, modified, or supplemented from time to time, including all exhibits and schedules thereafter, the “Plan”).

10. On December 5, 2023, the effective date of the Plan occurred (the “Effective Date”). See Docket No. 666.

11. As of the Effective Date, except as otherwise provided in the Plan, or in any agreement, instrument, or other document incorporated in the Plan, all Remaining Assets, including all claims, rights, Retained Causes of Action, Causes of Action, and any property acquired by the Debtors under or in connection with the Plan, vested in each respective Wind-Down Debtor. *See Plan, Art. IV.E (p. 29).*

12. Pursuant to the Plan, the Plan Administrator has the sole authority to settle, compromise, withdraw, litigate to judgment, or otherwise resolve objections to any and all Claims on behalf of the Wind-Down Debtors. *See Plan, Art. VII. B (p. 40).*

13. The Plan provides that any objections to Claims shall be filed on or before the 365 days after the Effective Date (i.e. December 4, 2024), which date may be extended upon presentment of an order to the Bankruptcy Court by the Plan Administrator. *See Plan, Art. VII. E (p. 41).*

14. On December 3, 2024, the Court entered its *Order Extending the Claims Objection Bar Date* [Docket No. 853] (the “First Extension Order”). Pursuant to the First Extension Order, the Claims Objection Bar Date was extended to September 2, 2025. On September 8, 2025, the Court entered its *Second Order Extending the Claims Objection Bar Date* [Docket No. 1091] (the “Second Extension Order”). Pursuant to the Second Extension Order, the current Claims Objection Bar Date is December 31, 2025, unless further extended by order of this Court.

#### **THE CLAIMS RECONCILIATION PROCESS**

15. As of the filing of this Motion, over 250 Claims were filed, and at least 265 Claims were scheduled against the Debtors in the approximate aggregate liquidated amount of \$199.5 million. In addition, two requests for payment of Administrative Claims were filed on the docket (the “Administrative Requests”). The Plan Administrator, the Plan Administrator’s

financial advisors, and/or counsel (collectively, the “Reviewing Parties”) have been working diligently to review, analyze, and reconcile the Claims and, as appropriate, Allow and pay, negotiate stipulated resolutions of, or draft objections to the Claims.

16. The Reviewing Parties have made substantial progress in the Claims reconciliation process in the months since the Effective Date. Specifically, the Plan Administrator has had 15 omnibus claim objection orders entered,<sup>3</sup> as well as nine individual claim objection orders entered,<sup>4</sup> which resulted in approximately 138 Claims being disallowed or modified, and reducing the aggregated liquidated amount by approximately \$102.2 million in asserted amounts. In addition to objections, the Plan Administrator has successfully reduced and resolved multiple Claims through executed stipulations or claim withdrawals.

17. As of the entry of the Second Extension Order, approximately 17 proofs of claim remained that required further review or objection. As of the filing of this Motion, the Plan Administrator believes all issues with the remaining proofs of claim and scheduled claims have been resolved except for those claims connected to potential preference actions (the “Remaining Claims”). Though much progress has been made, the Plan Administrator needs additional time to resolve potential preference actions, which may result in adjustments to the claims register, perform a final reconciliation of the claims register, and prepare a distribution to creditors. Therefore, the Plan Administrator requests an extension of the Claims Objection Bar Date by 180 days out of an abundance of caution although it does not anticipate filing any further objections to Claims unless they are related to potential preference actions. The Plan Administrator anticipates preparing a distribution to Holders of Allowed General Unsecured Claims at the beginning of

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<sup>3</sup> See Docket Nos. 763, 764, 799, 800, 856, 857, 894–896, 901, 920, 957, 958, 990, 1042, 1133.

<sup>4</sup> See Docket Nos. 908–910, 1002, 1017, 1109–1110, 1131–1132.

2026, with initial distributions actually being made to Holders of Allowed General Unsecured Claims by no later than June 29, 2026, absent unforeseen circumstances.

**BASIS FOR RELIEF**

18. The Plan expressly provides that objections to claims must be made prior to the Claims Objection Bar Date except “as such date may be extended upon presentment of an order to the Bankruptcy Court by the Plan Administrator or the Debtors.” Plan Art. VII.E. 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.

19. 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, cause exists to extend the Claims Objection Bar Date for an additional 180 days until and including June 29, 2026, which will not have a materially adverse impact on creditors or other judicial proceedings.

20. The Plan Administrator believes that the claims reconciliation process, aside from the Remaining Claims, is substantially complete, and intends to begin the process of preparing for and making distributions to Holders of Allowed General Unsecured Claims during the next few months, although additional time may be required if additional complexities arise. The need for the extension is requested out of an abundance of caution while the Plan Administrator finalizes the claims register in preparation of a distribution to Holders of Allowed General Unsecured Claims. Further, the Plan Administrator requests an extension of the Claim Objection Bar Date because there are at least two (2) outstanding preference actions that could be filed by the Plan

Administrator, which may include related claim objections under section 502(d) of the Bankruptcy Code. It is in the best interest of the estate to extend the Claim Objection Bar Date to allow the Plan Administrator to ensure that all objectionable Claims have been objected to before making a distribution to Holders of Allowed General Unsecured Claims. The Plan Administrator is focused on concluding administration of its duties under the Plan, including the Claims reconciliation and distribution process, as quickly as possible. The Plan Administrator intends on finalizing the claims register, resolving the Remaining Claims and remaining potential preference actions, and making a distribution to Holders of Allowed General Unsecured Claims by June 29, 2026.

21. An extension of the Claims Objection Bar Date will ensure that the Reviewing Parties have completed the claims reconciliation process, do not unnecessarily forfeit valid defenses to the Remaining Claims, and do not otherwise permit Claims to be allowed in amounts that are not justified. An extension of the Claims Objection Bar Date by 180 days, to and including June 29, 2026, is authorized by the Bankruptcy Code and the terms of the Plan. The Reviewing Parties ask that the Court grant a 180-day extension of the deadline to object to Claims, without prejudice to the rights of the Plan Administrator to request further extensions of the Claims Objection Bar Date pursuant to the terms of the Plan.

### **NOTICE**

22. The Plan Administrator will provide notice to parties-in-interest of the Motion, including: (a) the U.S. Trustee for the Southern District of Texas; (b) holders of the Remaining Claimants (or counsel thereto); and (c) any party that has requested post-Effective Date notice pursuant to Bankruptcy Rule 2002. No other or further notice is needed in light of the nature of the relief requested.

The Plan Administrator requests that the Bankruptcy Court enter the attached Order and grant such other relief as is just and proper.

Dated: December 10, 2025  
Houston, Texas

*/s/ Emily Meraia*

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*Co-Counsel to the Plan Administrator*

**Certificate of Service**

I certify that on December 10, 2025, I caused a copy of the foregoing document to be served via the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Emily Meraia

Emily Meraia

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

In re:

APPHARVEST PRODUCTS, LLC,<sup>1</sup>

Wind-Down Debtor.

Chapter 11

Case No. 23-90745 (CML)

(Formerly Jointly Administered)

**Docket No. \_\_**

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**THIRD ORDER EXTENDING THE CLAIMS OBJECTION BAR DATE**

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Upon the motion (the “Motion”) of the Plan Administrator for entry of an order (this “Order”) extending the Claims Objection Bar Date by an additional 180 days, to and including June 29, 2026, as more fully set forth in the Motion; 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 that this Court 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 proper 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 interests of the Wind-Down Debtors’ estates, its creditors, and other parties in interest; and this Court having found that notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”), if any; and this Court having determined that the legal and factual bases set forth

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<sup>1</sup> The location of Wind-Down Debtor AppHarvest Products, LLC’s principal place of business and the Wind-Down Debtors’ service address is 1890 Star Shoot Parkway, Suite 170 PMB 168, Lexington, KY 40509. All pleadings related to these chapter 11 cases may be obtained from the website of the Wind-Debtors’ claims and noticing agent at <https://cases.stretto.com/appharvest/>.

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 Claims Objection Bar Date is extended to and including June 29, 2026, without prejudice to the rights of the Plan Administrator to request further extensions of the Claims Objection Bar Date pursuant to the terms of the Plans.

2. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

3. The Plan Administrator is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

4. The Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: \_\_\_\_\_, 2025  
Houston, Texas

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CHRISTOPHER M. LOPEZ  
UNITED STATES BANKRUPTCY JUDGE