

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

	X	
	:	
In re:	:	Chapter 11
	:	
OFFICE PROPERTIES INCOME TRUST, <i>et al.</i> ,	:	Case No. 25-90530 (CML)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
	X	

**DEBTORS’ PRELIMINARY OBJECTION TO JESSE MANTHEI’S
EMERGENCY MOTION FOR APPOINTMENT OF EXAMINER, HEARING,
AND TO ADJOURN OR STAY CONFIRMATION/PROCEEDINGS
[Relates to Docket No. 1148]**

The above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) respectfully submit this objection (the “**Preliminary Objection**”) to the *Emergency Motion for Appointment of Examiner, Hearing, and to Adjourn or Stay Confirmation/Proceedings* [Docket No. 1148] (the “**Motion**”) filed by Jesse Manthei, an individual who claims to hold common equity of the Debtors (“**Holder**”). The Debtors submit this Preliminary Objection as their preliminary response to oppose emergency consideration of the Motion. The Debtors reserve all rights to file a supplemental objection addressing the merits of the Motion, which the Debtors will be prepared to file no later than April 17, 2026, unless the Court sets an earlier date. In support of this Preliminary Objection, the Debtors respectfully submit the following:

¹ A complete list of the Debtors in the Chapter 11 Cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://restructuring.ra.kroll.com/OPI>. The Debtors’ mailing address is Two Newton Place, 255 Washington Street, Suite 300, Newton, Massachusetts 02458-1634.

PRELIMINARY OBJECTION TO THE EMERGENCY MOTION

1. The Court should deny emergency consideration of the Motion because Holder identifies no emergency that warrants granting the extraordinary relief sought on an expedited timeline.

2. Pursuant to the local rules of this Court, a motion requesting emergency consideration “must include a detailed statement why an emergency exists, and the date relief is needed to avoid the consequences of the emergency.” BLR 9013-1; *see also* Court Procedures, Hon. Christopher M. Lopez, at Sec. 5 (“When filing an emergency motion . . . include an explanation in the body of the motion setting forth why emergency consideration is required and the harm that will be suffered if expedited relief is not obtained.”). Holder’s Motion fails to satisfy either requirement.

3. Holder claims that relief is needed “As Soon As Possible after 72 hours AND before Confirmation.” Motion at 1. Far from a detailed statement describing why an emergency exists, this statement fails to describe any emergency at all. Rather, Holder merely presents a generalized desire for expedited consideration of his request—not a cognizable basis for imposing the burdens and disruptions of emergency proceedings on the Debtors and the Court. *See In re The Container Store Group, Inc.*, No. 24-90627 (ARP), [Docket No. 213] at 1–2 (Bankr. S.D. Tex. Feb. 4, 2025) (denying request for emergency hearing where the movant’s proffered justification was “a list of facts that have no relationship to the speed with which this Court addresses the Motion” and amounted to no more than “a summary statement describing his desire for things to move quickly”). The remainder of the Motion addresses Holder’s concerns regarding valuation—an issue that this Court will take up in connection with the upcoming confirmation hearing—but Holder offers no justification as to why those concerns justify the extraordinary step of appointing an examiner on an emergency basis and adjourning the confirmation proceedings. Holder

identifies no imminent harm, no irreparable injury, and no impending event—other than the upcoming April 22 confirmation hearing itself—requiring emergency action by the Court.

4. In addition, Holder’s own timing in filing the Motion undermines any claim of emergency. Holder has offered no reason why the Motion could not have been filed so that it could be heard on regular notice. The confirmation hearing date has been known to all parties in interest for over a month prior to the filing of the Motion. *See* Order Scheduling Confirmation Hearing [Docket No. 867] (Feb. 24, 2026); Motion for Entry of Order Scheduling Confirmation Hearing [Docket No. 587] (Jan. 13, 2026). Indeed, Holder already raised the very issues underlying the Motion—including his request for an examiner—in objections filed on regular notice on March 23 and 25, 2026 (the “**Objection**”). *See* Global Objection of Jesse Manthei to Debtors’ Proposed Valuation, Plan, & Confirmation [Docket No. 1036]; Amended Copy of Docket #1036 Due to Typographical Error, Global Objection of Jesse Manthei to Debtors’ Proposed Valuation, Plan & Confirmation [Docket No. 1047]. Holder has failed to explain why the same issues he raised in his Objection must now be addressed on an emergency basis rather than at the confirmation hearing where they belong. The Objection—like any other timely objection—should be considered in the ordinary course at confirmation.

5. Here, the Debtors propose that the Court hear the Motion on April 22, 2026 alongside the confirmation proceedings. This approach is both practical and appropriate. The core issues purporting to justify the necessity of Holder’s examiner request—the Debtors’ enterprise valuation methodology, reconciliation of valuation conclusions with financial statements, and the adequacy of the liquidation analysis, *see* Motion at 3–6—are each central to confirmation under 11 U.S.C. § 1129 and will be the focus of argument and evidentiary presentation at the April 22 hearing. A separate hearing on the Motion would effectively require a mini-trial on these same

valuation issues simply to establish the need for an examiner, duplicating the evidentiary inquiry that will take place at confirmation and wasting judicial and estate resources. Indeed, the Motion itself concedes the centrality of these issues to confirmation, and they are the sum and substance of Holder's Objection—further underscoring that the Motion seeks to prematurely adjudicate Holder's Objection and that the confirmation hearing is the appropriate forum to resolve these issues. *See* Motion at 3; *see generally* Docket Nos. 1036, 1047.

6. Hearing the Motion at the same time as the confirmation hearing also avoids the substantial hardship that emergency consideration would impose on the Debtors and other stakeholders who are expected to oppose the relief sought. Particularly given that Holder does not offer any justification for his delay in filing the Motion or suggest that he would be prejudiced by hearing the Motion on regular notice so long as the relief sought is at least considered as an alternative to confirmation of the Debtors' Plan, the request for appointment of an examiner—premised as it is on Holder's contention that the Debtors' valuation methodology is flawed—should be considered in the context of the confirmation proceedings. Doing so would avoid the disruption and expense associated with an unjustified emergency evidentiary hearing.

7. Holder requests a limited adjournment or stay of the confirmation proceedings to permit an examiner to complete an investigation and submit a report. Under the circumstances, the Debtors oppose any effort to delay the confirmation hearing. Indeed, granting this relief would disrupt the case timeline, needlessly increase estate expenses, and prejudice creditors and other parties in interest who have been actively preparing for confirmation on April 22. Holder has not demonstrated that proceeding with confirmation on the current schedule would cause any cognizable harm, particularly given that the Court retains full authority to consider and address Holder's valuation concerns in the context of the confirmation proceedings.

CONCLUSION

8. The Debtors respectfully request that the Court deny Holder's request for emergency consideration of the Motion.

RESERVATION OF RIGHTS

9. The Debtors reserve the right to amend or supplement this Preliminary Objection, and to respond to any reply submitted by Holder or any other party in interest, either by further submission to this Court, at oral argument, or by testimony to be presented at the hearing on the Motion or any other hearing.

Dated: April 8, 2026
Houston, Texas

Respectfully submitted,

/s/ Timothy A. ("Tad") Davidson II

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Attorneys for the Debtors

Certificate of Service

I certify that on April 8, 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 on those parties registered to receive electronic notices.

/s/ Timothy A. ("Tad") Davidson II
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**ORDER DENYING EMERGENCY CONSIDERATION OF JESSE MANTHEI'S
EMERGENCY MOTION FOR APPOINTMENT OF EXAMINER, HEARING,
AND TO ADJOURN OR STAY CONFIRMATION/PROCEEDINGS**
[Relates to Docket No. 1148]

Upon consideration of the *Emergency Motion for Appointment of Examiner, Hearing, and to Adjourn or Stay Confirmation/Proceedings* [Docket No. 1148] (the “***Motion***”), and upon all the proceedings had before this Court, it is **HEREBY ORDERED THAT:**

1. Emergency consideration of the Motion is DENIED.
2. The Debtors shall file their response to the Motion no later than April 17, 2026.

Signed: _____

CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE

¹ A complete list of the Debtors in the Chapter 11 Cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://restructuring.ra.kroll.com/OPI>. The Debtors’ mailing address is Two Newton Place, 255 Washington Street, Suite 300, Newton, Massachusetts 02458-1634.