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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re	:	
	:	Chapter 11
BROADBAND TELECOM, INC., <i>et al.</i> , ¹	:	
	:	Case No. 25-73095 (LAS)
	:	
Debtors.	:	(Jointly Administered)
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**DEBTORS' THIRD MOTION FOR AN ORDER EXTENDING APPLICABLE
EXCLUSIVITY PERIODS DURING WHICH THE DEBTORS MAY FILE A CHAPTER
11 PLAN AND SOLICIT ACCEPTANCES THERETO**

**TO THE HONORABLE LOUIS A. SCARCELLA
UNITED STATES BANKRUPTCY JUDGE:**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) in the above-referenced Chapter 11 cases (collectively, the “Bankruptcy Cases”), by and through their undersigned counsel, hereby submit this motion (the “Motion”)² for entry of an order, in

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: (1) BB Servicer, LLC (3400); (2) Carriox Telecap LLC (4403); (3) Carriox Towercap LLC (1520); (4) Bridgevoice, Inc. (“BVI”) (9499); (5) Broadband Telecom, Inc. (“BTI”) (0930); (6) BB Capital SPV, LLC (9947); and (7) Carriox Capital II LLC (0514). The location of the Debtor Broadband Telecom, Inc.’s principal place of business is c/o Getzler Henrich & Associates, 295 Madison Ave, 20th Floor, NY, NY 10017, and the Debtors’ service addresses in these Chapter 11 cases are the same.

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

substantially the same form as that attached hereto as **Exhibit “A”** (the “Proposed Order”), extending the applicable exclusive periods during which the Debtors may file their respective Chapter 11 plans and solicit acceptances thereto for an additional one hundred and fifty (150) days pursuant to Sections 105(a) and 1121(d) of Title 11 of the United States Code (the “Bankruptcy Code”), and respectfully set forth as follows:

JURISDICTION AND VENUE

1. The United States Bankruptcy Court for the Eastern District of New York (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, Administrative Order No. 264 titled “In the Matter of The Referral of Matters to the Bankruptcy Judges” of the United States District Court for the Eastern District of New York (Weinstein, C.J.), dated August 28, 1986, and Administrative Order No. 601 of the United States District Court for the Eastern District of New York (Amon, C.J.), dated December 5, 2012. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

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

3. The statutory predicates for the relief requested herein are Sections 105(a) and 1121(d) of the Bankruptcy Code.

BACKGROUND

4. On August 12, 2025 (the “Petition Date”), (1) BB Servicer, LLC; (2) Carriox Telecap LLC; (3) Carriox Towercap LLC; (4) Bridgevoice, Inc.; and (5) Broadband Telecom, Inc. (collectively, the “Initial Debtors”) each filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the “Initial Bankruptcy Cases”).

5. The Initial Debtors continue to operate their businesses and manage their property as debtors and debtors-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

6. By Order dated September 17, 2025 [Docket No. 40], the Court granted the Initial Debtors' request for the procedural consolidation and joint administration of the Initial Bankruptcy Cases pursuant to Rule 1015(b) of the Bankruptcy Rules.

7. Additionally, on August 22, 2025, the Initial Debtors filed that certain *Debtors' Motion to Approve (I) Retention and Employment of Robert Warshauer as Independent Director of the Debtors Nunc Pro Tunc to August 21, 2025; (II) Retention and Employment of John D. Baumgartner as Chief Restructuring Officer of the Debtors, Nunc Pro Tunc to the Petition Dates; and (III) Approving and So Ordering Proposed Stipulation Setting Forth the Terms of an Agreement Between the Debtors, SPVs, Bankim Brahmhatt, Agent, and Lenders* (the "Motion to Approve") [Docket No. 17], which motion was subsequently granted by the Court on September 17, 2025 (the "Stipulation, ID, And CRO Order") [Docket No. 41]. The Stipulation, ID, And CRO Order authorized, *inter alia*, the retention and employment of (i) Robert Warshauer as Independent Manager or Independent Director (as defined in the Motion to Approve), as applicable, of the Initial Debtors, and (ii) John Baumgartner as Chief Restructuring Officer (the "CRO") of the Initial Debtors.

8. On October 20, 2025 (the "Subsequent Debtors' Petition Date"), BB Capital SPV, LLC and Carriox Capital II LLC (together, the "Subsequent Debtors") each filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the "Subsequent Bankruptcy Cases").

9. The Subsequent Debtors continue to operate their businesses and manage their property as debtors and debtors in possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

10. On November 14, 2025, the Court entered that certain *Order Pursuant to 11 U.S.C. § 105(a) and Rule 1015(b) of the Federal Rules of Bankruptcy Procedure Directing (I) That Certain Orders in the Chapter 11 Cases of Broadband Telecom, Inc., et al., Be Made Applicable to Subsequent Debtors, and (II) Joint Administration of Subsequent Bankruptcy Cases* [Docket No. 91] directing the (i) procedural consolidation and joint administration of the Subsequent Bankruptcy Cases with the Initial Bankruptcy Cases and (ii) application of all previously entered and pending orders in the Initial Bankruptcy Cases to the Subsequent Bankruptcy Cases, including the Stipulation, ID, And CRO Order.

11. An accounting of the events precipitating Bankruptcy Cases is included in the *Declaration of John D. Baumgartner, Chief Restructuring Officer, in Accordance with Rule 1007 of the Federal Rules of Bankruptcy Procedure and Local Rule 1007-4* [Docket No. 36], which is incorporated herein by reference.

12. No trustee or examiner has been appointed in the Bankruptcy Cases. As of date hereof, no official committee of unsecured creditors has been appointed or designated in the Bankruptcy Cases.

13. On January 26, 2026, the Court entered that certain *Order Granting Extension of Debtors' Applicable Exclusive Periods to File Chapter 11 Plans and Solicit Acceptances Thereof Pursuant to 11 U.S.C. § 1121(d)* (the “First Extension Order”)³ [Docket No. 161]. On May 8, 2026,

³ Prior to entry of the First Extension Order, on December 18, 2026, the Court “So Ordered” that certain *Stipulation and Bridge Order Granting Limited Extension of Certain Exclusivity Periods Pending Hearing on the Debtors' Motion for an Order Extending Applicable Exclusivity Periods During Which the Debtors May File a Chapter 11 Plan and Solicit Acceptances Thereto* [Docket No. 125].

the Court entered that certain *Order Granting Second Extension of Debtors' Applicable Exclusive Periods to File Chapter 11 Plans and Solicit Acceptances Thereof Pursuant to 11 U.S.C. § 1121(d)* further extending: (i) the Initial Debtors' exclusivity periods to October 5, 2026, for filing of proposed Chapter 11 plans, and December 4, 2026, for soliciting acceptances thereto, and (ii) the Subsequent Debtors' initial exclusivity periods to December 14, 2026, for filing of proposed Chapter 11 plans, and February 12, 2027, for soliciting acceptances thereto (each of the Debtors' current applicable exclusivity periods collectively, the "Current Exclusive Periods").

RELIEF REQUESTED

14. By this Motion, the Debtors seek entry of the Proposed Order extending the Debtors' Current Exclusive Periods during which only the Debtors may file a plan and solicit acceptances thereto by One Hundred Fifty Days (150) each, as follows: (i) through and including March 4, 2027, and May 3, 2027, respectively, for the Initial Debtors, and (ii) through and including May 13, 2027, and July 12, 2027, respectively, for the Subsequent Debtors, pursuant to Section 1121(d) of the Bankruptcy Code.

15. Unless extended, the Initial Debtors' current exclusive filing period will expire on October 5, 2026, and the Initial Debtors' current exclusive solicitation period will expire on December 4, 2026. Unless extended, the Subsequent Debtors' current exclusive filing period will expire on December 14, 2026, and the Subsequent Debtors' current exclusive solicitation period will expire on February 12, 2027.

BASIS FOR RELIEF REQUESTED

16. Section 1121 of the Bankruptcy Code provides for an initial period of 120 days after the commencement of a Chapter 11 case and entry of an order for relief during which a debtor has the exclusive right to file a plan. *See* 11 U.S.C. § 1121(b). If a plan is filed by the debtor

within that 120-day period, no other party may file a plan for an additional 60 days (*i.e.*, a total of 180 days from the filing date) so that the debtor has sufficient time to seek acceptance of its plan. *See* 11 U.S.C. § 1121(c)(3). Section 1121(d) of the Bankruptcy Code provides, however, that the court may, for cause shown, increase the 120-day and 180-day exclusive periods. *See In re Adelphia Communs. Corp.*, 336 B.R. 610, 674 (Bankr. S.D.N.Y. 2006); *In re Gibson & Cushman Dredging Corp.*, 101 B.R. 405, 407 (E.D.N.Y. 1989); *In re United Press Int'l, Inc.*, 60 B.R. 265, 270 (Bankr. D. D.C. 1986).

17. Section 1121(d)(1) of the Bankruptcy Code provides:

Subject to paragraph (2), on request of a party in interest made within the respective periods specified in subsections (b) and (c) of this section and after notice and a hearing, the court may for cause reduce or increase the 120-day period or the 180-day period referred to in this section.

11 U.S.C. § 1121(d)(1).

18. Whether “cause” exists to extend a debtor’s exclusive periods to file and solicit acceptances to a plan is a decision committed to the sound discretion of the bankruptcy court based upon the facts and circumstances of each particular case. *See Adelphia*, 336 B.R. at 674; *Gibson*, 101 B.R. at 409; *see also In re Texaco, Inc.*, 76 B.R. 322, 326 (Bankr. S.D.N.Y. 1987). Congress intended to give the bankruptcy court maximum flexibility to make such a determination. *Gibson*, 101 B.R. at 409 (citing *In re Public Service Company of New Hampshire*, 88 B.R. 521, 534 (Bankr. D. New Hampshire 1988)); *In re Amko Plastics, Inc.*, 197 B.R. 74, 77 (Bankr. S.D. Ohio 1996).

19. In determining whether cause exists to extend a debtor’s exclusive periods, courts examine several factors, including the following:

- a. the size and complexity of the case;
- b. the necessity of sufficient time to permit the debtor to negotiate a plan of reorganization and prepare adequate information to allow a creditor to determine whether to accept such plan;

- c. the existence of good faith progress towards reorganization;
- d. the fact that the debtor is paying its bills as they come due;
- e. whether the debtor has demonstrated reasonable prospects for filing a viable plan;
- f. whether the debtor has made progress in negotiations with its creditors;
- g. the amount of time which has elapsed in the case;
- h. whether the debtor is seeking an extension of exclusivity in order to pressure creditors to submit to the debtor's reorganization demands; and
- i. whether an unresolved contingency exists.

Adelphia, 336 B.R. at 674; *In re Crescent Mfg. Co.*, 122 B.R. 979, 982 (Bankr. N.D. Ohio 1990) (citing *Texaco*, 76 B.R. 322); *In re Dow Corning Corp.*, 208 B.R. 661, 665 (Bankr. D. Mich. 1997); *In re Express One Int'l*, 194 B.R. 98, 100 (Bankr. D. Tex. 1996).

20. When evaluating these factors, the goal is to determine whether a debtor has had a reasonable opportunity to negotiate an acceptable Chapter 11 plan with various interested parties and to prepare adequate financial and non-financial information concerning the ramifications of any proposed plan for disclosure to creditors. *See, e.g., In re McLean Indus., Inc.*, 87 B.R. 830, 833-34 (Bankr. S.D.N.Y. 1987); *Texaco*, 76 B.R. at 326.

21. Courts have emphasized that it is not simply a question of adding up the number of factors which weigh for and against an extension or deduction of exclusivity. It is within the discretion of the Bankruptcy Court to decide which factors are relevant and give the appropriate weight to each. *See In re Hoffinger Industries, Inc.*, 292 B.R. 639, 644 (8th Cir. BAP 2003); *In re Situation Mgmt. Sys., Inc.*, 252 B.R. 859 (Bankr. D. Mass. 1998). *See also In re Dow Corning Corp.*, 208 B.R. 661, 669 (Bankr. E.D. Mich. 1997) (no one factor is dispositive and the Court is not restricted to counting factors).

22. The Debtors respectfully submit that ample “cause” exists for the Court to extend the Current Exclusive Periods requested in this Motion. Specifically, the following factors all weigh in favor of granting the requested extensions:

- a) Since appointment of the CRO, the Debtors have been engaged in an extensive and ongoing effort to analyze their assets and liabilities, and to evaluate restructuring options. Central to this analysis is the need to verify both the Debtors’ current operations and historic operations. As a result of certain allegations of a massive fraud asserted by the Debtors’ secured lenders, the Debtors (through the CRO and other retained professionals) are seeking information to independently verify the books, records, and operations of the Debtors, including verifying the existence of contracts and agreements with counterparties, the services provided thereunder, payments and other obligations, and direct and indirect transfers between the Debtors and such contract counterparties, affiliated entities and other interested parties. Obtaining the information required for such analysis has continued to be a substantial undertaking. In furtherance thereof, to date the Debtors have sought and obtained Rule 2004 Orders authorizing Rule 2004 examinations of dozens of parties. *See, e.g.*, Docket Nos. 152, 153, 154, 168, 183, 200, 204, 212, 237, 253, 304, 337, 338, and 339. The Debtors have continued to be largely focused on obtaining and pursuing said Rule 2004 examinations as well as reviewing and analyzing productions of documents in connection with the same. The Debtors will require additional time to continue and complete these efforts.
- b) This request for an extension of the Debtors’ Current Exclusive Periods is the Debtors’ third such request. The Debtors expect to file proposed Chapter 11 plans

within the time provided by this third requested extension of their applicable Current Exclusive Periods.

- c) The Debtors are not seeking an extension of their applicable Current Exclusive Periods to exert pressure on any party.
- d) The Debtors are proceeding diligently toward completion of these Bankruptcy Cases and will propose their respective plans as soon as practicable.

23. The Debtors believe that the requested extensions will provide sufficient additional time to file confirmable Chapter 11 plans. For the reasons outlined above, the Debtors submit that cause exists for the relief requested herein.

24. Although the Debtors believe that acceptable plans will be filed within the requested extensions of their Current Exclusive Periods, the Debtors reserve the right to request additional extensions to the extent necessary under the circumstances.

NOTICE

25. Notice of this Motion shall be given to: (a) the United States Trustee; (b) secured creditors, EAVF/SLF CC Leverage SPV, LLC, EAVF/SLF BB Leverage SPV, LLC, and AVF III US Aggregator, L.P., and their administrative agent Alter Domus (US) LLC; (c) the thirty (30) largest unsecured creditors of the Debtors in the Bankruptcy Cases; (d) the Internal Revenue Service; (e) the Securities and Exchange Commission; (f) any party that has requested notice pursuant to Bankruptcy Rule 2002; and (g) any other party entitled to notice pursuant to Local Rule 9013-1(d). The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be provided.

NO PRIOR REQUEST

26. As indicated, this is the third request by the Debtors to this Court for an extension of the applicable exclusivity periods in these Bankruptcy Cases.

WHEREFORE, the Debtors respectfully request that the Court (a) enter the Proposed Order granting the relief requested herein, and (b) grant such other and further relief as may be just and proper.

Dated: New York, New York
September 4, 2026

**KLESTADT WINTERS JURELLER
SOUTHARD & STEVENS, LLP**

By: /s/ John E. Jureller, Jr.

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Counsel to the Debtors and Debtors-in-Possession

Exhibit A

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re	:	
	:	Chapter 11
BROADBAND TELECOM, INC., <i>et al.</i> , ¹	:	
	:	Case No. 25-73095 (LAS)
	:	
Debtors.	:	(Jointly Administered)
-----X		

**ORDER GRANTING THIRD EXTENSION OF DEBTORS' APPLICABLE EXCLUSIVE
PERIODS TO FILE CHAPTER 11 PLANS AND SOLICIT
ACCEPTANCES THEREOF PURSUANT TO 11 U.S.C. § 1121(d)**

Upon the motion (the “Motion”)² of the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) in the above-referenced Chapter 11 cases (collectively, the “Bankruptcy Cases”), for entry of an order (this “Order”), pursuant to Sections 105(a) and 1121(d) of the Bankruptcy Code, granting an extension of the applicable exclusive periods during which the Debtors may file their respective Chapter 11 plans and solicit acceptances thereto for one hundred and fifty (150) days; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, Administrative Order No. 264, and Administrative Order No. 601; and the Court having found that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion and hearing thereon having been adequate and appropriate under the circumstances, and no other or further notice need be

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: (1) BB Servicer, LLC (3400); (2) Carriox Telecap LLC (4403); (3) Carriox Towercap LLC (1520); (4) Bridgevoice, Inc. (“BVI”) (9499); (5) Broadband Telecom, Inc. (“BTI”) (0930); (6) BB Capital SPV, LLC (9947); and (7) Carriox Capital II LLC (0514). The location of the Debtor Broadband Telecom, Inc.’s principal place of business is c/o Getzler Henrich & Associates, 295 Madison Ave, 20th Floor, NY, NY 10017, and the Debtors’ service addresses in these Chapter 11 cases are the same.

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

provided; and the Court having reviewed and considered the Motion along with the statements of counsel at the hearing held on the Motion on September 24, 2026, the record of which is incorporated herein by reference; and the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, creditors, and all parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and all objections to the Motion, if any, having been withdrawn or overruled; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The motion is **GRANTED** as set forth herein.
2. The Initial Debtors' Current Exclusive Periods are hereby extended to March 4, 2027, for the filing of proposed Chapter 11 plans, and May 3, 2027, for soliciting acceptances thereto.
3. The Subsequent Debtors' Current Exclusive Periods are hereby extended to May 13, 2027, for the filing of proposed Chapter 11 plans, and July 12, 2027, for soliciting acceptances thereto.
4. Entry of this Order shall be without prejudice to the rights of the Debtors to request further extensions of the applicable exclusive periods or seek other appropriate relief.
5. The Court shall retain jurisdiction with respect to all matters arising from or relating to the implementation of, interpretation, or enforcement of this Order.

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Kevin B. Collins

**Hearing Date: September 24, 2026, at
10:00 a.m. (EST)**

**Objection Deadline: September 17, 2026, at
5:00 p.m. (EST)**

*Counsel to the Debtors and Debtors in
Possession*

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

-----X	
In re	:
	:
BROADBAND TELECOM, INC., <i>et al.</i> , ¹	:
	:
	:
Debtors.	:
-----X	

Chapter 11
Case No. 25-73095 (LAS)
(Jointly Administered)

**NOTICE OF HEARING ON DEBTORS' THIRD MOTION FOR AN ORDER EXTENDING
APPLICABLE EXCLUSIVITY PERIODS DURING WHICH THE DEBTORS MAY FILE A
CHAPTER 11 PLAN AND SOLICIT ACCEPTANCES THERETO**

PLEASE TAKE NOTICE, that the above-captioned debtors and debtors in possession (collectively, the "Debtors") will move the Court, before the Honorable Louis A. Scarcella, United States Bankruptcy Judge, United States Bankruptcy Court, Eastern District of New York, located at Alfonse M. D'Amato Federal Courthouse, 290 Federal Plaza, Courtroom 970, Central Islip, New York 11722 on **September 24, 2026 , at 10:00 a.m. (EST)** (the "Hearing"), for entry of an order granting the relief requested by the Debtors in that certain *Debtors' Third Motion for an Order Extending Applicable Exclusivity Periods During Which the Debtors May File a Chapter 11 Plan and Solicit Acceptances Thereto* (the "Motion").

PLEASE TAKE FURTHER NOTICE, that appearances at the Hearing shall be made in-person. However, parties wishing to appear at or participate in the Hearing remotely may request permission to do so when registering for the Hearing with eCourt Appearances. Information on how to

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: (1) BB Servicer, LLC (3400); (2) Carriox Telecap LLC (4403); (3) Carriox Towercap LLC (1520); (4) Bridgevoice, Inc. ("BVI") (9499); (5) Broadband Telecom, Inc. ("BTI") (0930); (6) BB Capital SPV, LLC (9947); and (7) Carriox Capital II LLC (0514). The location of the Debtor Broadband Telecom, Inc.'s principal place of business is c/o Getzler Henrich & Associates, 295 Madison Ave, 20th Floor, NY, NY 10017, and the Debtors' service addresses in these Chapter 11 cases are the same.

register for, and use, the eCourt Appearances tool is available using the following hyperlink: <https://www.nyeb.uscourts.gov/registering-remote-hearing-appearance-using-ecourt-appearances>. For the avoidance of doubt, all parties appearing at the Hearing, whether remotely or in-person, must register with eCourt Appearances on or before 12:00 noon the day immediately prior to the Hearing

PLEASE TAKE FURTHER NOTICE, that objections, if any, to the relief sought in the Motion, or any portion thereof (an “Objection”), shall be made in writing, conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Eastern District of New York, and be filed with the Court by registered users of the Court’s electronic case filing system and, by all other parties in interest, mailed to the Clerk of the United States Bankruptcy Court, Eastern District of New York, Alfonse M. D’Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, NY 11722, on a 3.5 inch floppy disk or compact disc, preferably in Portable Document Format (PDF), Microsoft Word, or any other Windows-based word processing format and served upon: (i) counsel to the Debtors, Klestadt Winters Jureller Southard & Stevens, LLP, 286 Madison Avenue, 11th Floor, New York, New York 10017, Attn: Tracy L. Klestadt, John E. Jureller, Jr. and Brendan M. Scott (Emails: tklestadt@klestadt.com, jjureller@klestadt.com and bscott@klestadt.com), and (ii) the Office of the U.S. Trustee, Alfonse D’Amato Federal Courthouse 560 Federal Plaza Central Islip, New York 11722, Attn: Christine H. Black (Email: Christine.H.Black@usdoj.gov), so as to be actually received no later than **5:00 p.m. (EST) on September 17, 2026** (the “Objection Deadline”).

PLEASE TAKE FURTHER NOTICE, that unless a written Objection to the Motion is timely filed prior to the Objection Deadline, together with proof of service, and delivered as set forth in the herein, the Court may grant the relief requested in the Motion.

Dated: New York, New York
September 4, 2026

**KLESTADT WINTERS JURELLER
SOUTHARD & STEVENS, LLP**

By: /s/ John E. Jureller, Jr.

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