

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:

Morgan Administration, Inc., *et al.* d/b/a  
Home Owners Bargain Outlet,

Debtors.<sup>1</sup>

Chapter 11

Case No. 18-30039  
(Jointly Administered)

Honorable Jacqueline P. Cox

Hearing Date: March 23, 2021 at 1:00 p.m.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that on March 23, 2021 at 1:00 p.m., the undersigned shall appear before the Honorable Jacqueline P. Cox, or any judge sitting in her place, and present the *Third Motion of the Creditor Trustee for Order Extending Claims Objection Deadline* (the "**Motion**"), a copy of the Motion is attached hereto.

PLEASE TAKE FURTHER NOTICE that **This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, (1) use this link: <https://www.zoomgov.com/>; (2) Enter the meeting ID 1612732896; and (3) Enter the passcode 778135.

**To appear by telephone**, (1) call Zoom for Government at 1-669-254-5252 or 1-646-828-7666; (2) Enter the meeting ID 1612732896; and (3) Enter passcode 778135.

**When prompted identify yourself by stating your full name.**

**To reach Judge Cox's web page** go to [www.ilnb.uscourts.gov](http://www.ilnb.uscourts.gov) and click on the tab for Judges.

PLEASE TAKE RUTHER NOTICE that if you object to this motion and want it called on the presentment date above, you may file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may call the matter regardless.

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<sup>1</sup> The Debtors, along with the last four digits of each Debtor's federal tax identification number are the following entities: (i) Morgan Administration, Inc. (4200); (ii) Belvidere Associates, LLC (8559); (iii) FP Retail Associates, LLC (0915); (iv) Hillcrest Enterprises, LLC (4581); (v) Jular Media, LLC (0805); (vi) KLS Acquisition Corp. (0925); (vii) Loomis Enterprises, LLC (5451); (viii) North Avenue Associates, LLC (3229), (ix) Oak Creek Distributions, LLC (0634); (x) OL Enterprises, LLC (9401); and (xi) Deforab, LLC (9348).

Dated: March 15, 2021

**BECK, CHAET, BAMBERGER & POLSKY, S.C.**

By: /s/ Devon J. Eggert

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*Counsel for Sandor Jacobson, Creditor Trustee of  
the Morgan Administration, Inc. Creditor Trust*

**IN THE UNITED STATES BANKRUPTCY COURT  
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Debtors.<sup>2</sup>

Chapter 11

Case No. 18-30039  
(Jointly Administered)

Honorable Jacqueline P. Cox

Hearing Date: March 23, 2021 at 1:00 p.m.

**CERTIFICATE OF SERVICE**

I, Devon J. Eggert, an attorney, hereby certify that on March 15, 2021 I caused a true and correct copy of the attached *Notice of Motion* and *Third Motion of the Creditor Trustee for Order Extending Claims Objection Deadline* to be filed with the Court and served upon the following parties by the manner listed.

Dated: March 15, 2021

/s/ Devon J. Eggert

**Service List**

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<sup>2</sup> The Debtors, along with the last four digits of each Debtor's federal tax identification number are the following entities: (i) Morgan Administration, Inc. (4200); (ii) Belvidere Associates, LLC (8559); (iii) FP Retail Associates, LLC (0915); (iv) Hillcrest Enterprises, LLC (4581); (v) Jular Media, LLC (0805); (vi) KLS Acquisition Corp. (0925); (vii) Loomis Enterprises, LLC (5451); (viii) North Avenue Associates, LLC (3229), (ix) Oak Creek Distributions, LLC (0634); (x) OL Enterprises, LLC (9401); and (xi) Deforab, LLC (9348).

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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Chapter 11  
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Morgan Administration, Inc., et al. d/b/a ) Case No. 18-30039  
Home Owners Bargain Outlet,<sup>3</sup> ) (Jointly Administered)  
)  
Debtors. ) Hon. Jacqueline P. Cox  
)  
) Hearing Date: March 23, 2021 at 1:00 p.m.  
)

**THIRD MOTION OF THE CREDITOR TRUSTEE FOR ORDER  
EXTENDING CLAIMS OBJECTION DEADLINE**

Sandor Jacobson, not individually, but solely as the Creditor Trustee of the Morgan Administration, Inc. et al. Creditor Trust (the “**Creditor Trustee**”), by and through his undersigned counsel, hereby submits this motion (the “**Motion**”), pursuant to section 105 of title 11 of the United States Code (the “**Bankruptcy Code**”) Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and section IV.E.11 of the Plan (defined below) for entry of an order extending the deadline by which the Creditor Trustee may file objections to claims. In support of the Motion, the Creditor Trustee respectfully states as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b).
2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory predicates for the relief requested herein are section 105 of the Bankruptcy Code and Bankruptcy Rule 9006.

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<sup>3</sup> The debtors in these cases, along with the last four digits of each debtor’s federal tax identification number, are: Morgan Administration, Inc. (4200); Belvidere Associates LLC (8559); FP Retail Associates LLC (0915); Hillcrest Enterprises, LLC (4581); Jular Media LLC (0805); KLS Acquisition Corp. (0925); Loomis Enterprises LLC (5451); North Avenue Associates LLC (3229); Oak Creek Distribution LLC (0634); OL Enterprises LLC (9401); and Deforab LLC (9348) (collectively, the “**Debtors**”).

## **BACKGROUND**

4. On October 25, 2018 (the “**Petition Date**”), the Debtors each filed a voluntary petition under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Illinois (the “**Court**”).

5. On September 12, 2019, this Court entered an Order [ECF No. 280] (the “**Confirmation Order**”) confirming the *First Amended Joint Chapter 11 Liquidating Plan*, dated as of August 8, 2019 [ECF No. 258] (as modified, amended, or supplemental from time to time, the “**Plan**”).

6. The Effective Date (as defined in the Plan) of the Plan occurred on October 15, 2019. *See* ECF No. 299.

7. Section IV.E.11 of the Plan provides that the deadline to file objections to Claims (as defined in the Plan) shall be 180 days after the Effective Date (*i.e.*, April 12, 2020) or such later date that may be set by the Bankruptcy Court upon a motion of the Creditor Trustee (the “**Claims Objection Deadline**”).

8. On March 31, 2020, the Creditor Trustee filed his first *Motion for Order Extending Claims Objection Deadline* (the “**First Claims Objection Deadline Motion**”). On April 7, 2020, the Court entered an order granting the First Claims Objection Deadline Motion and extended the Claims Objection Deadline through and including October 12, 2020.

9. On September 28, 2020, the Creditor Trustee filed his Second *Motion for Order Extending Claims Objection Deadline* (the “**Second Claims Objection Deadline Motion**”). On October 6, 2020, the Court entered an order granting the Second Claims Objection Deadline Motion and extended the Claims Objection Deadline through and including April 12, 2021.

10. Since his appointment, the Creditor Trustee has been diligently working to administer the Creditor Trust. The Creditor Trustee’s actions include, without limitation, securing possession of the estate assets, meeting with the Debtors’ representatives regarding the

administration of the Creditor Trust, working with the Debtors' tax professionals to ensure that all necessary tax returns are prepared, pursuing refund claims, and evaluating and pursuing certain causes of action for the benefit of creditors.

11. The Creditor Trustee estimates that more than 700 claims were filed in the Debtors' chapter 11 cases, asserting more than \$85 million. The Creditor Trustee has analyzed and reconciled many of these claims. He has filed six omnibus objections and fourteen individual claim objections. The Creditor Trustee has also worked with other claim holders to withdraw or release claims without the need for a claim objection.

12. The Creditor Trustee has made substantial progress in the claims analysis process, and believes those efforts are near completion. However, the Creditor Trustee believes that additional time is needed to analyze all claims and pursue any remaining necessary objections.

### **RELIEF REQUESTED**

13. By this Motion, the Creditor Trustee respectfully requests the entry of an order, pursuant to Section 105 of the Bankruptcy Code, Bankruptcy Rule 9006, and section IV.E.11 of the Plan, extending the Claims Objection Deadline through and including October 12, 2021, without prejudice to any request for a further extension.

14. Bankruptcy Rule 9006(b) provides that the Court may extend a time period provided under the Bankruptcy Rules or order of the Court. *See* Fed. R. Bankr. P. 9006(b). Section 105 of the Bankruptcy Code, moreover, 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). The Plan, as confirmed, specifically contemplates extension of the Claims Objection Deadline by order of this Court. *See* Plan at IV.E.11 (stating that “[n]otwithstanding any prior order of the Bankruptcy Court to the contrary, the Creditor Trustee shall have until one hundred eighty (180) days after the Effective Date (***unless extended by an order of the Bankruptcy Court*** or by stipulation between the parties) to file objections to Claims. . . .” (emphasis added)).

15. As previously stated, the Creditor Trustee and his professionals have been diligently working to administer the Creditor Trust and review and analyze claims; however, given the volume of claims filed in these chapter 11 cases and the status of other pending matters, the Creditor Trustee respectfully requests additional time to complete his analysis of the claims and pursue any remaining necessary objections.

16. The Creditor Trustee therefore requests an extension of the Claims Objection Deadline through and including October 12, 2021, without prejudice to any request for a further extension.

17. The Creditor Trustee believes that the requested extension of the Claims Objection Deadline is in the best interests of the estate and is appropriate under the circumstances, as it will provide the Creditor Trustee with the additional time needed to reconcile the claims asserted against the Debtors' estates and ensure that only proper claims receive any distribution of funds. The requested extension will not prejudice any creditor or other party in interest and will preserve assets of the estate by ensuring that all proper claims objections are asserted.

WHEREFORE, the Creditor Trustee respectfully requests that the Court enter an order in substantially the form submitted herewith: (A) extending the Claims Objection Deadline through and including October 12, 2021, without prejudice to any request for a further extension; and (B) granting the Creditor Trustee such other and further relief as may be just and proper.

Dated: March 15, 2021

**BECK, CHAET, BAMBERGER & POLSKY, S.C.**

By: /s/ Devon J. Eggert

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