**IN THE UNITED STATES BANKRUPTCY COURT**
**FOR THE DISTRICT OF DELAWARE**

| | | |
|---|---|---|
| In re: | ) | Chapter 11 |
| KIKO USA, Inc., | ) | Case No. 18-10069 (MFW) |
| Debtor.[1] | ) | **Hearing Date: January 29, 2019 @ 11:30 a.m.**<br>**Objection Deadline: January 2, 2019 @ 4:00 p.m.** |

**DEBTOR'S MOTION TO EXTEND THE DEADLINE TO OBJECT TO CLAIMS**

KIKO USA, Inc. (the "Debtor"), by and through its undersigned counsel, hereby moves to extend the Debtor's deadline to object to claims (the "Motion"), which deadline is currently December 19, 2018 (the "Claim Objection Deadline"). Through this Motion, the Debtor seeks to extend the Claim Objection Deadline for ninety days, allowing claim objections to be filed through and including March 18, 2019. In support of the Motion, the Debtor respectfully represents as follows:

**JURISDICTION AND VENUE**

1. The United States Bankruptcy Court for the District of Delaware (the "Court") has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware* dated as of February 29, 2012. This matter is a core proceeding within the meaning of 28 U.S.C. §157(b)(2). The Debtor hereby confirms its consent, pursuant to Rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, to entry of a final order by the Court in connection with this Motion if it is later determined that the Court, absent consent of the parties, cannot enter a final order or judgment consistent with Article III of the United States Constitution.

[1] The last four digits of the Debtor's federal tax identification number are 0805. The principal place of business for the Debtor is 25 West 39th Street, 14th Floor, New York, NY 10018.

2. Venue is proper in this district pursuant 28 U.S.C. §§ 1408 and 1409.

3. The statutory basis for the relief sought herein is Rule 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules")

**BACKGROUND**

4. On January 11, 2018 (the "Petition Date"), the Debtor filed a voluntary petition for relief under title 11 of the Bankruptcy Code, initiating this case (the "Chapter 11 Case"). On June 19, 2018, the Court entered an order [Docket No. 343] confirming the *Amended Chapter 11 Plan of Reorganization for KIKO USA, Inc.* (the "Plan"). On June 22, 2018, the Plan went effective [Docket No. 352].

5. Under the Plan, the deadline to object to claims is December 19, 2019, which deadline may be extended by the Court. See Plan ¶ 6.01 ("All objections to Claims must be brought by filing the appropriate pleading in the Bankruptcy Court before the first Business Day that is 180 days after the Effective Date, but the Bankruptcy Court may approve a later date on Reorganized KIKO's motion filed (but not necessarily heard) before the first Business Day that is 180 days after the Effective Date.").

**RELIEF REQUESTED**

6. By this Motion, the Debtor seeks the entry of an order, substantially in the form attached hereto, extending the Claim Objection Deadline ninety days, to and including March 18, 2019, pursuant to Paragraph 6.01 of the Plan and Bankruptcy Rule 9006.

**BASIS FOR RELIEF**

7. Pursuant to the Plan, the Court may extend the Claim Objection Deadline. Additionally, Bankruptcy Rule 9006(b)(1) provides that "when an act is required or allowed to be done at or within a specified period . . . by order of court, the court for cause shown may at

any time in its discretion . . . order the period enlarged if the request therefor is made before the expiration of the period originally prescribed."

8. Since the Effective Date, the Debtor has been diligently reviewing, reconciling, and resolving certain claims asserted against the Debtor and, where appropriate, objecting to claims. For example, the Debtor has filed two omnibus claim objections [Docket Nos. 353 and 400] and an objection to a single claim [Docket No. 401], and on the same day this Motion is filed, the Debtor is filing a third omnibus claim objection, and an objection to a single claim.

9. However, there has not been sufficient time to allow for a thorough review and resolution of all of the claims. Without additional time to review the bases for all of the claims and litigate or otherwise resolve disputed claims, the Debtor may be forced to allow claims that would otherwise be objectionable or, alternatively, file objections to claims before the Debtor has completed its review of the claims and, if appropriate, attempting to resolve certain claims. Accordingly, good and sufficient cause exists to extend the Claim Objection Deadline. The Debtor expects to continue its review of claims, file any necessary objections, and work to resolve all claims expeditiously.

10. For these reasons, the Debtor believes that extension of the Claim Objection Deadline to and including March 18, 2019 is appropriate. The Debtor reserves the right to seek further extensions of the Claim Objection Deadline as necessary.

**NOTICE**

11. Notice of this Motion has been provided to (i) the Office of the United States Trustee and (ii) all parties requesting notice under Bankruptcy Rule 2002. In light of the nature of the relief requested, the Debtor submits that no other or further notice need be given.

WHEREFORE, the Debtor requests that the Court enter an order extending the Claim Objection Deadline for ninety days, to and including March 18, 2019.

Dated: December 19, 2018
Wilmington, Delaware

*/s/ Lucian Murley*

Mark Minuti (DE Bar No. 2659)
Lucian B. Murley (DE Bar No. 4892)
SAUL EWING ARNSTEIN & LEHR LLP
1201 N. Market Street, Suite 2300
P.O. Box 1266
Wilmington, Delaware 19899
Telephone: (302) 421-6840 / 6898
Facsimile: (302) 421-5873
mark.minuti@saul.com
luke.murley@saul.com

-and-

John S. Kaplan (admitted pro hac vice)
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: (206) 359-8408
Facsimile: (206) 359-9408
jkaplan@perkinscoie.com

*Counsel for Debtor*