

1 STEVEN T. GUBNER – NV Bar No. 4624
 2 SUSAN K. SEFLIN – CA Bar No. 213865 – Admitted *Pro Hac Vice*
 3 JESSICA S. WELLINGTON – CA Bar No. 324477 – Admitted *Pro Hac Vice*
 4 BG LAW LLP
 5 300 S. 4th Street, Suite 1550
 6 Las Vegas, NV 89101
 7 Telephone: (702) 835-0800
 8 Facsimile: (866) 995-0215
 9 Email: sgubner@bg.law
 10 sseflin@bg.law
 11 jwellington@bg.law

12 Attorneys for Province, LLC, solely in its capacity as
 13 the Liquidating Trustee of the Front Sight Creditors Trust

14 **UNITED STATES BANKRUPTCY COURT**
 15 **FOR THE DISTRICT OF NEVADA**

<p>16 In re:</p> <p>17 Front Sight Management LLC,</p> <p>18 Debtor.</p>	<p>19 Case No. 22-11824-abl</p> <p>20 Chapter 11</p> <p>21 Hearing Date: April 13, 2023 Hearing Time: 9:30 a.m.</p>
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22 **LIQUIDATING TRUSTEE’S MOTION FOR ENTRY OF AN ORDER EXTENDING THE**
 23 **CLAIM OBJECTION DEADLINE TO AUGUST 28, 2023**

24 Province, LLC, solely in its capacity as the duly authorized and acting Liquidating Trustee
 25 (the “Liquidating Trustee”)¹ of the Front Sight Creditors Trust (the “Trust”), hereby files this motion
 26 (the “Motion”) for entry of an order under Section 105(a),² Bankruptcy Rule 9006(b), and Local

27 ¹ Pursuant to Front Sight Management, LLC’s (the “Debtor”) confirmed chapter 11 plan of
 28 reorganization and order thereon, the Liquidating Trustee has standing to pursue all claim objections
 of general unsecured creditors in this case.

² References to “Section” refer to the Bankruptcy Code (11 U.S.C. §§ 101 et seq.); references to
 “Bankruptcy Rule” refer to the Federal Rules of Bankruptcy Procedure; and references to “Local
 Rule” refer to the Local Bankruptcy Rules.

1 Rule 3007.1 extending the general claims objection deadline of February 28, 2023, for
2 approximately six (6) months through and including August 28, 2023.

3 This Motion is made and based upon the following Memorandum of Points and Authorities,
4 the concurrently filed declaration of Amanda Demby Swift, the papers, pleadings, and other
5 documents on file with the clerk of the Court, and judicial notice of which is respectfully requested
6 pursuant to Federal Rule of Evidence 201, and such other and further evidence as may be provided at
7 the hearing on the Motion.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I. JURISDICTION AND VENUE**

10 1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and
11 1334 and Local Rule 1001(b)(1).

12 2. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

13 3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

14 4. The statutory predicates for the relief sought herein are Section 105(a), Bankruptcy
15 Rule 9006(b), and Local Rule 3007.1.

16 5. As required by Local Rule 9014.2, the Liquidating Trustee consents to the entry of
17 final orders or judgments by this Court if it is determined that this Court, absent consent of the
18 parties, cannot enter final orders or judgments consistent with Article III of the United States
19 Constitution.

20 **II. BACKGROUND**

21 6. On May 24, 2022, the Debtor filed a voluntary petition for relief under chapter 11 of
22 the Bankruptcy Code [ECF No. 1].

23 7. On June 15, 2022, the Debtor filed its Schedule of Assets and Liabilities [ECF No.
24 137] (the “Schedules”). The Schedules list over 2,900 claims against the Debtor.

25 8. In addition, approximately 1,065 proofs of claim have been filed against the Debtor.
26 The vast majority of these claims were filed by pre-petition members of the Debtor and arise out of
27 money spent for their memberships and/or related member rewards.
28

1 9. On November 29, 2022, the Court entered an order [ECF No. 556] (the
2 “Conformation Order”) confirming the Debtor’s *Second Amended Chapter 11 Plan of*
3 *Reorganization* [ECF No. 405] (together with any and all amendments thereto, all exhibits and
4 schedules thereto and all documents incorporated by reference therein including all supplements, the
5 “Plan”) pursuant to which the “Reorganized Debtor” has new ownership and membership as of the
6 effective date of the Plan. The effective date (“Effective Date”) of the plan was December 2, 2022
7 [ECF No. 584].

8 10. Pursuant to the Confirmation Order, the Trust was created to, among other things,
9 oversee and administer general unsecured claims, objections thereto, and ultimately distributions on
10 allowed general unsecured claims. Province, LLC was appointed as the Liquidating Trustee of the
11 Trust.

12 11. Pursuant to the Confirmation Order, the deadline for filing objections to proofs of
13 claim is February 28, 2023 (the “Objection Deadline”). However, the Plan itself provided for a
14 claim objection deadline that was 180 days after the Effective Date (or May 31, 2023). I.e., the
15 Confirmation Order included an incorrect Objection Deadline for filing objections to proofs of
16 claim.

17 12. As of the filing of this Motion, the Liquidating Trustee has filed six omnibus claim
18 objections [ECF Nos. 691, 695, 700, 709, 711, and 713] since its appointment (and a total of thirteen
19 omnibus objections have been filed to date in this case). If all of the Liquidating Trustee’s
20 objections are sustained, the claims asserted against the Debtor will be reduced by approximately
21 \$4.6 million.

22 13. While the Liquidating Trustee has made significant progress in resolving the disputed
23 claims and believes that the majority of claim objections have been filed, the Liquidating Trustee
24 requires additional time to analyze and address the remaining claims outstanding (and any new or
25 amended claims that may be filed).

26 **III. RELIEF REQUESTED**

27 14. The Liquidating Trustee seeks entry of an order extending the Objection Deadline
28 through and including August 28, 2023 (which is only three months beyond the May 31, 2023

1 objection deadline included in the Plan). The Liquidating Trustee believes an additional six (6)
2 month period will allow the Liquidating Trustee and its agents and professionals sufficient time to
3 analyze and address the remaining claims outstanding. The Liquidating Trustee does not believe that
4 it will need to request additional time and hopes to have completed its administration of the Trust by
5 then (though the Motion is without prejudice to the Liquidating Trustee’s right to request a further
6 extension of the Objection Deadline).

7 **IV. BASIS FOR RELIEF**

8 **A. The Court has Discretion Under the Plan, Bankruptcy Rule 9006, Local Rule**
9 **3007.1 and Section 105(a) of the Bankruptcy Code to Extend the Objection**
10 **Deadline**

11 15. The Plan, the Bankruptcy Rules, and Local Rules contemplate that an extension of the
12 Objection Deadline may be necessary. Section II.A of the Plan provides, in pertinent part, as
13 follows:

14 **25. Claims Objection Deadline.** One hundred eighty (180) days
15 following the Effective Date, which may be extended by the
16 Bankruptcy Court upon motion of any party in interest for cause.

17 16. Accordingly, the Plan contemplates appropriate extensions of the Objection Deadline
18 “for cause.” Bankruptcy Rule 9006(b)(1) provides, in pertinent part, that when an act is required or
19 allowed to be done at or within a specified period by order of court, the court for cause shown may
20 at any time in its discretion, with or without motion or notice, order the period enlarged if the request
21 is made before the expiration of the period originally prescribed or as extended by a previous order.
22 Fed. R. Bankr. P. 9006(b)(1).

23 17. Courts should be liberal in granting extensions of time sought before the period to act
24 has elapsed, as long as the moving party has not been guilty of negligence or bad faith and the
25 privilege of extension has not been abused. 10 Collier on Bankruptcy P 9006.06[2] (16th 2022). As
26 the current Objection Deadline does not expire until February 28, 2023, this Motion is timely filed
27 within the meaning of Bankruptcy Rule 9006(b). Further, this Motion is filed in good faith as the
28 Liquidating Trustee has been diligently working toward resolution of all proofs of claims as
evidenced by the significant progress made in objecting to claims.

1 18. In addition to the specific authority set forth in the Plan and Bankruptcy Rule
2 9006(b), Local Rule 3007.1 provides that “Unless otherwise extended by court order, all objections
3 to claims in a chapter 11 case must be filed within sixty (60) days after entry of an order confirming
4 the chapter 11 plan.” Thus, the Local Rules allow the Objection Deadline to be extended by Court
5 order.

6 19. Finally, the Court has broad discretion to control its schedule and docket. Section
7 105(a) grants bankruptcy courts broad authority and discretion to take such actions and implement
8 such procedures as are necessary to enforce the provisions of the Bankruptcy Code and/or its orders,
9 including the enlargement of prescribed time periods and deadlines. *See* 11 U.S.C. § 105(a).

10 **B. Sufficient Cause Exists to Extend the Objection Deadline**

11 20. In the instant case, the Liquidating Trustee has demonstrated sufficient cause to
12 justify an extension of the Objection Deadline as requested herein.

13 21. As set forth above, a total of approximately 1,065 proofs of claim have been filed in
14 this case, and the vast majority of those claims have been filed by the Debtor’s pre-petition
15 members. Many of the Debtor’s pre-petition members filed their claims based on the amount of
16 their member rewards, rather than the amount they paid to the Debtor. The Liquidating Trustee does
17 not object to the Debtor’s pre-petition members having a claim against the Debtor for the amounts
18 they paid to the Debtor. However, reviewing the proofs of claim compared to the Debtor’s records
19 takes a significant amount of time.

20 22. While the Liquidating Trustee and its agents and professionals have made substantial
21 progress towards reconciling the claims filed against the Debtor, the Liquidating Trustee anticipates
22 filing more claim objections and thus requires additional time to complete the claim objection
23 process. An extension of the Objection Deadline will ensure a thorough analysis of each of the
24 claims in this case and will hopefully provide the Liquidating Trustee with sufficient time to resolve
25 all disputed claims.

26 23. For the foregoing reasons, the Liquidating Trustee respectfully requests that the
27 current Objection Deadline be extended through and including August 28, 2023.
28

1 **V. CONCLUSION**

2 Based on the foregoing, the Liquidating Trustee respectfully requests that the Court enter an
3 order extending the Objection Deadline through and including August 28, 2023, without prejudice to
4 the Liquidating Trustee's right to request a further extension of the Objection Deadline for cause
5 shown, and to grant such other and further relief as the Court deems just and proper.

6
7 DATED: February 23, 2023

BG Law LLP

8
9 By: /s/ Susan K. Seflin

Susan K. Seflin

Jessica S. Wellington

10 Attorneys for Province, LLC, solely in its capacity as
11 the Liquidating Trustee of the Front Sight Creditors
12 Trust

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