

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

In re:

SOFT SURROUNDINGS HOLDINGS, LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 23-90769 (CML)

(Jointly Administered)

**MOTION FOR ORDER ESTABLISHING STREAMLINED PROCEDURES
GOVERNING ADVERSARY PROCEEDINGS FILED BY THE
SOFT SURROUNDINGS GUC TRUST**

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing.

Represented parties should act through their attorney.

The Soft Surroundings GUC Trust (the “Plaintiff” or “Trust”), by and through his undersigned counsel, hereby moves (“Motion”) this Court for entry of an order establishing procedures governing all adversary proceedings in this bankruptcy case seeking to avoid and recover preferential and/or fraudulent transfers pursuant to sections 502, 547, 548, 549 and 550 of the Bankruptcy Code, as identified on the schedule attached hereto as **Exhibit A** (the “Avoidance Actions”). In support of this Motion, Plaintiff respectfully represents as follows:

¹ The Debtor entities in these chapter 11 cases are: Soft Surroundings Holdings, LLC; Soft Surroundings Intermediate Holdings, LLC; Triad Catalog Co., L.L.C.; and Triad Retail, L.L.C.

MEMORANDUM AND POINTS OF AUTHORITIES

I. PRELIMINARY STATEMENT

1. In order to efficiently administer and resolve the volume of Avoidance Actions filed in the above-referenced bankruptcy cases (the “Bankruptcy Cases”), Plaintiff proposes that certain procedures be implemented: (a) eliminating the requirement under Federal Rule of Bankruptcy Procedure (the “Bankruptcy Rules”) 7026 and Federal Rule of Civil Procedure 26(f) (the “Federal Rules”) that the parties meet and confer, submit a joint status report, and hold a status conference and, in lieu thereof, setting procedures and timetables for service of Bankruptcy Rule 7026 initial disclosures; (b) establishing timelines for conducting fact and expert written discovery and depositions; and (c) establishing procedures and timetables requiring that the Avoidance Actions be referred to non-binding mediation (collectively, the “Proposed Procedures”).

2. Plaintiff believes that in setting forth structured procedures for the efficient resolution of the Avoidance Actions, the Proposed Procedures further the purpose of the applicable Bankruptcy Rules. Like the applicable Bankruptcy Rules, the Proposed Procedures are designed to promote the cost-effective, timely resolution of the Avoidance Actions and to further the goals of judicial economy and efficiency.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction to consider this Motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper before this Court under 28 U.S.C. §§ 1408 and 1409. 4. The statutory and rule predicates for the relief requested herein are Sections 102(1) and 105 of title 11 of the United States Code (the “Bankruptcy Code”), and Bankruptcy Rules 7012, 7016, 7026 and 9006.

4. Pursuant to Bankruptcy Local Rule 9013-1(f), the Trust consents to the entry of a final judgment or order with respect to the Motion if it is determined that this Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

III. BACKGROUND

5. On September 10, 2023 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with this Court. The Bankruptcy Cases are being jointly administered pursuant to Bankruptcy Rule 1015(b). From the Petition Date and through the Effective Date (as defined below), the Debtors continued to operate their businesses and manage their businesses as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

6. As further set forth therein, the *Combined Disclosure Statement and Joint Plan of Liquidation of Soft Surroundings Holdings, LLC and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Docket No. 260] (including all exhibits, schedules, supplements, and attachments thereto, the “Plan”) provided for (i) the sale of substantially all of the Debtors’ assets contemporaneously with approval of the Plan; and (ii) the wind down of certain excluded assets, including the Debtors’ brick and mortar retail stores. On November 3, 2023, the Court entered an order confirming the Plan [Docket No. 265] (“Confirmation Order”). The wind down process continued through March 2024. On March 31, 2024 (the “Effective Date”), the Plan became effective.

7. The Confirmation Order approved the creation of the Trust. The Trust was established on the Effective Date in accordance with the terms of the Plan and that certain Liquidating Trust Agreement and Declaration of Trust by and among the Debtors, the Plan

Agent, and the Trustee of the Trust (the “Trust Agreement” and together with the Plan and Confirmation Order, the “Plan Documents”).

8. Under the Plan Documents, the Trust received \$200,000 in funding and the right to investigate and pursue GUC Trust Retained Causes of Action as the only potential source of unsecured creditor recoveries.

9. On or about September 8 and 9, 2025, Plaintiff filed approximately 72 Avoidance Actions, as more fully set forth on **Exhibit A** hereto, to recover avoid and recover transfers pursuant to sections 547, 548, 549, and 550 of the Bankruptcy Code from the persons who are defendants in the Avoidance Actions (each, a “Defendant” and, collectively, the “Defendants”), and to disallow certain claims (if any) pursuant to sections 502(d) and/or 502(j) of the Bankruptcy Code held by such Defendants.

IV. RELIEF REQUESTED

10. By this Motion, Plaintiff seeks an order, substantially in the form attached hereto as **Exhibit B** (the “Proposed Order”) approving the Proposed Procedures in connection with the prosecution of the Avoidance Actions. The Proposed Procedures are designed to streamline litigation and promote settlement of the Avoidance Actions in a timely and efficient fashion, thereby minimizing the costs to all parties and easing the Court’s administrative burden. The Proposed Procedures also preserve the rights of all parties to adjudicate claims and defenses before the Court, if necessary.

V. THE PROPOSED PROCEDURES

11. The following is a summary of the Proposed Procedures. The summary is intended solely to give the Court and interested parties an overview of the Proposed Procedures.

Interested parties should refer to the Proposed Order attached hereto as **Exhibit B** for a complete understanding of the Proposed Procedures:

A. Extension of Time to Respond to Complaints

12. The Proposed Procedures extend each Defendant's time to answer or otherwise respond to a complaint by up to thirty (30) calendar days after each Defendant's initial response time expires. This extension will help to maximize the number of Avoidance Actions that Plaintiff able to settle expeditiously before the parties are required to expend resources litigating the Adversary Proceedings, and will encourage settlements with Defendants who wish to avoid the expense of preparing and filing responsive pleadings.

B. Waiver of Scheduling Conferences and Submission of Joint Status Reports; Stay of Discovery Until Conclusion of the Mediation Process

13. Plaintiff also requests that the Court: (a) defer the requirement of the initial status conference scheduled for the Avoidance Actions pursuant to Federal Rule 16 and 7016; (b) except as otherwise provided below, waive the requirement the parties hold conference pursuant to Federal Rule 26(f) and Bankruptcy Rule 7026, and submit a joint status report pursuant to Federal Rule LBR 7016- 1(a)(2); and (c) stay formal discovery in all Avoidance Actions until conclusion of the Mediation Process (as defined below). Deferring, waiving and/or staying these requirements will facilitate settlement, minimize costs, and alleviate the Court's administrative burden with respect to the Avoidance Actions.

14. Federal Rule 16(b), as incorporated by Bankruptcy Rule 7016, provides that a court may issue a scheduling order upon the court receiving the parties' Rule 26(f) report, or issue the same after consulting with the parties at a scheduling conference. However, good cause exists to waive both the meet and confer and the initial status/scheduling conference

requirements due to the filing of this Procedures Motion, which contains a proposed timeline for the deadlines that would normally be discussed. Plaintiff will serve Notice of the Motion, in the form attached hereto as Exhibit C, on each Defendant in advance of the hearing, providing any Defendant with an opportunity to obtain a copy of the full Motion from Plaintiff's counsel, discuss particular issues with Plaintiff's counsel, and work toward a mutually acceptable resolution prior to the deadline to formally object to the Procedures Motion. Conversely, should a Defendant take no issue with the Proposed Procedures, that Defendant is spared the expense of attending an initial status conference and hearing on the Procedures Motion when it is in agreement with the Proposed Procedures. Accordingly, good cause exists to dispense with both an initial status conferences and the parties' scheduling conference.

15. Following the conclusion of the Mediation Process (as defined below), if mediation does not resolve an Avoidance Action, the Proposed Procedures provide a uniform timeline for setting a status conference, service of Rule 26(a) initial disclosures, and, thereafter, the completion of fact and expert discovery. In light of the number of Avoidance Actions, the implementation of a uniform timeline for discovery and motion practice is critical to providing a structured, efficient process for resolution of the Avoidance Actions. The result will be a process that fosters an expeditious resolution of the Avoidance Actions for the benefit of all parties, discourages dilatory litigation tactics and eases the administrative burden of the Court.

C. The Mediation Process

16. Mandatory Mediation. The Proposed Procedures provide that, unless otherwise agreed by Plaintiff and a Defendant, any Avoidance Action that has not settled by December 15, 2025, will be referred to mediation (the "Mediation Process"). Mediation will be privileged and confidential, and proceedings, discussions and written materials associated with the Mediation

Process will not be reported or admitted into evidence, nor will anything stated or exchanged during the Mediation Process operate as an admission of liability, wrongdoing or responsibility.

17. Mediators. Mediators will be as agreed by the Parties, to be chosen from a short list of qualified mediators developed by Plaintiff. Unless extended, Defendants must select a mediator in writing by December 31, 2025. If a Defendant does not timely choose a Mediator, the Plaintiff will assign a Mediator. Limiting the number of Mediators assigned to Avoidance Actions will, among other things, (a) ensure that the Mediators quickly develop a strong understanding of the facts and issues common to all of the approximately 72 Avoidance Actions, and (b) minimize the time and expense of negotiating with Defendants over potentially numerous mediator options.

18. Time/Place of Mediation. Avoidance Actions will be mediated by video conference. Each Mediator will provide Plaintiff with dates on which he or she is available. Plaintiff's counsel will contact Defendant or Defendant's counsel with a list of proposed dates for mediation as provided by the Mediator. Mediation will then be scheduled on a first-come, first-served basis, and Defendants will receive at least twenty-one (21) calendar days' written notice of the date, time and location of the mediation.

19. Position Papers/Presentations. At least seven (7) calendar days before mediation, Plaintiff and the applicable Defendant will be required to exchange position statements and provide such statements to the Mediator, except that any party that has confidential information may share the same solely with the Mediator. The Mediator will have full authority to determine the nature and order of the parties' presentations, and they may implement additional procedures as are reasonable and practical under the circumstances. If any party fails to make required

submissions or attend mediation, the non-defaulting party may file a motion for default judgment or to dismiss the Avoidance Action.

20. Attendance at Mediation. The Proposed Procedures anticipate that parties will participate in mediation in good faith with a view towards settling the Avoidance Actions. Accordingly, mediation shall be attended at all times by a representative of the Defendant with full settlement authority (and if a Defendant is represented by counsel, their counsel) as well as counsel for Plaintiff (who must have settlement authority from Plaintiff, or a Trust representative shall appear as well).

21. Fees. The Parties shall equally share the Mediator's fees.

22. Conflicts of Interest. Without the prior consent of both parties no Mediator will mediate an Avoidance Action in which his/her law firm represents a party. If a Mediator's law firm represents a Defendant in another Avoidance Action, the Mediator will take all steps necessary to establish an ethical wall as required by any applicable rules of professional responsibility. So long as the ethical wall is effectively established and maintained, the Mediator's participation in the Mediation Process will not create a conflict of interest regarding the Mediator's law firm's representation of a Defendant in another Avoidance Action.

D. Avoidance Action Hearings

23. The initial status conferences shall be deferred to a date to be determined if the Mediation Process does not resolve a particular Avoidance Action. Thereafter, except as otherwise ordered by the Court, the pretrial conference shall be adjourned to future date(s) convenient to the Court.

VI. BASIS FOR RELIEF

24. There is ample authority for the Court to approve the Proposed Procedures. Specifically, Federal Rule 16(a), as made applicable by Bankruptcy Rule 7016, authorizes courts to enter scheduling and other orders for the purpose of:

- expediting the disposition of the action;
- establishing early and continuing control so that the case will not be protracted because of lack of management;
- discouraging wasteful pretrial activities; and
- facilitating the settlement of the case. FED. R. CIV. P. 16(a).

25. In addition, Federal Rule 16(b) authorizes courts to enter scheduling and other orders that limit or modify the time to file motions, complete discovery, and other deadlines as appropriate to the circumstances of the case, with a view toward reducing costs and promoting the prompt resolution and settlement of litigation. Federal Rule 16(b) expressly provides that such order may include modifications for the disclosures required under Federal Rule 26 (made applicable to the Avoidance Actions by Bankruptcy Rule 7026), dates for conferences and trials, and any other matters appropriate to the circumstances of the case.

26. Section 105(a) of the Bankruptcy Code also functions as a grant of broad authority to the bankruptcy court to implement the Proposed Procedures. Specifically, section 105 authorizes the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [chapter 11],” 11 U.S.C. § 105(a), and section 105(d) authorizes the Court to issue orders “necessary to further the expeditious and economical resolution of [a] case[.]” 11 U.S.C. § 105(d).

27. Plaintiff's request for a referral to non-binding mediation comports with the procedures of this Court governing the referral (either by party request or *sua sponte* by the Court) of adversary proceedings to mediation. Plaintiff propose a panel of mediators from which Defendants can choose a mediator, rather than the entire register. A good faith reason exists for the creation of a specific mediator panel: a set list of specific mediators will aid Plaintiff and the Defendants alike, as a set group of mediators will become familiar with issues common to this Bankruptcy Case. Additionally, the costs to the estate are lessened when multiple adversary actions are mediated in blocks of time by the same mediator. Cost efficiencies can also be realized to Defendants in situations where defense counsel may represent multiple Defendants.

28. As the proposed Procedures Order provides for non-binding mediation, it will not prejudice any party. In fact, Plaintiff submit that all parties and the Court will benefit from the mediation provisions in proposed Procedures Order by providing the opportunity to resolve these matters without expensive, time consuming and burdensome litigation and trial. Referring adversary proceedings to mediation has proven highly successful in other bankruptcy cases with multiple preference and fraudulent transfer actions. Procedures orders containing mandatory, non-binding facilitative mediation procedures similar to the provisions contained in the proposed Procedures Order have been entered in other cases. *See, e.g., In re Ittella International LLC, et al.*, Case No. 23-14154 (Bank. C.D. Cal. Aug. 21, 2025), D.I. 1407; *In re Matheson Flight Extenders, et al.*, Case No. 22-21149 (Bankr. E.D. Cal. Jul. 12, 2024), D.I. 1849; *In re Sizmek, et al.*, Case No. 19-10971 (SMB) (Bankr. S.D.N.Y. July 24, 2020), D.I. 846; *In re Central Grocers, Inc., et al.*, Case No. 17-13886 (Bankr. N.D. Ill., May 29, 2018), Docket No. 1533-1; *In re Draw Another Circle, LLC, et al.*, Case No. 16-11452 (Bankr. D. Del. 2018, Aug. 30, 2017), Docket

No. 1501; *In re Kid Brands, Inc., et al.*, Case No. 14-22582 (Bankr. D.N.J., Sept. 9, 2016), Docket No. 958.

29. The Proposed Procedures will (a) streamline the resolution of the Avoidance Actions without prejudice to any Defendant, (b) facilitate the prompt and cost-effective resolution of the Avoidance Actions, (c) minimize the Court's administrative burden, furthering the goals of judicial economy and the conservation of judicial resources, and (d) maximize the recovery of funds for creditors of Plaintiff's estates. To the extent that the Proposed Procedures deviate from otherwise applicable rules and orders, Plaintiff submits that such variations are warranted in light of the number of Avoidance Actions associated with these Cases, absent which it may be extremely difficult for this Court to administer these matters. Accordingly, Plaintiff believes that the Proposed Procedures are appropriate and in the best interest of the estates' creditors, as well as all other parties to the Avoidance Actions, and should be approved.

VII. NOTICE

30. Notice of the Motion, in substantially the form attached hereto as **Exhibit C**, will be served on all entities that are Defendants in the Avoidance Actions as of the date hereof, which are identified in **Exhibit A** annexed hereto. The US Trustee will receive notice of the Motion via the CM/ECF system. Plaintiff respectfully submits that such notice is adequate and that no other or further notice need be provided.

31. No previous request for the relief sought herein has been made to this or any other Court.

VII. CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court grant the Motion, enter the Proposed Order in the form attached hereto as **Exhibit B** and grant such other and further relief as the Court deems just and proper.

Dated: October 11, 2025

Respectfully submitted,

/s/ Daren Brinkman

BRINKMAN LAW GROUP, PC

Daren R. Brinkman (TX Bar No. 03004490)

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Tel. (818) 597-2992

Fax (818) 597-2998

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Counsel for the Soft Surroundings GUC Trust

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2025, a true and correct copy of the foregoing document was served by the Court's Electronic Case Filing (ECF) system on all parties registered to receive electronic service in these cases.

/s/ Daren R. Brinkman

Daren R. Brinkman

EXHIBIT A

Adversary No.	Defendant	Date Filed
25-03703	Storeforce Solutions Inc.	8-Sep
25-03689	Wuxi Xinghuo Garments Co.	8-Sep
25-03700	Le Management ApS	8-Sep
25-03712	Sunny Stafford	8-Sep
25-03691	Zhejiang Xin'An Fashion Co Ltd.	8-Sep
25-03684	Shree Bharat Int'l Pvt Ltd.	8-Sep
25-03687	Triburg Consultants Private Limited	8-Sep
25-03688	Triburg Design Studio LLP	8-Sep
25-03659	Choi & Shin's Co., Ltd.	8-Sep
25-03651	Ameren Services Company	8-Sep
25-03652	Arzz International Inc.	8-Sep
25-03653	Axle Data Strategies, LLC	8-Sep
25-03654	Belardi Wong Alc, LLC	8-Sep
25-03655	Blue Tassel Designs	8-Sep
25-03656	C.H. Robinson Company Inc.	8-Sep
25-03657	Ca, Inc.	8-Sep
25-03658	Callejas Tech	8-Sep
25-03660	Coola Suncare	8-Sep
25-03661	Creative Realty Group, LLC	8-Sep
25-03662	CTS Impact, Inc.	8-Sep
25-03663	Cyber City Teleservices Marketing, Inc.	8-Sep
25-03664	Emergent Consulting Group L1	8-Sep
25-03665	Emme Inc.	8-Sep
25-03666	Epsilon Data Management LLC	8-Sep
25-03667	Google LLC	8-Sep
25-03668	Joan Rivers Products, LLC	8-Sep
25-03669	Judy Casey Inc.	8-Sep
25-03670	Kindred LLC	8-Sep
25-03671	Kyra Kreations, Inc.	8-Sep
25-03672	Loomis	8-Sep
25-03673	Marilyn Models NY	8-Sep
25-03674	Medici Shoes Inc.	8-Sep
25-03675	Meta Platforms, Inc.	8-Sep
25-03676	OLR America, Inc.	8-Sep
25-03677	P3 Digital LLC	8-Sep
25-03678	Panee Group, Inc.	8-Sep
25-03679	Pure and Co.	8-Sep
25-03680	Red's Threads, Inc.	8-Sep
25-03681	Royal Concepts Inc.	8-Sep
25-03682	Royal Mechanical Services, Inc.	8-Sep
25-03683	Scale LLC	8-Sep
25-03685	St. Louis Business Forms, Inc.	8-Sep
25-03686	Summer Tran Beauty, LLC	8-Sep

25-03692	Zmags Corp.	8-Sep
25-03693	Amity Imports Inc.	8-Sep
25-03694	Amsive LLC	8-Sep
25-03695	Colortek Inc.	8-Sep
25-03696	Honest Cotton LLC	8-Sep
25-03697	Invesp, LLC	8-Sep
25-03698	Julio Design	8-Sep
25-03699	Kaanass LLC	8-Sep
25-03701	Mare Sole Amore	8-Sep
25-03702	Shennel Trading Group	8-Sep
25-03704	Taskmaster Technologies, Inc.	8-Sep
25-03705	Andrea Dearborn	8-Sep
25-03706	Basha Burwell	8-Sep
25-03707	Cameron Basydlo	8-Sep
25-03708	Goodrich Visions LLC	8-Sep
25-03709	Kenneth Jay Lane	8-Sep
25-03710	Michael Alan Brands, LLC	8-Sep
25-03711	Phillip Montanez	8-Sep
25-03713	Diba Imports, L.P.	8-Sep
25-03714	Expeditors	8-Sep
25-03715	Kevin Hardiek Styling Inc.	8-Sep
25-03716	Shiraleah LLC	8-Sep
25-03717	CCH Incorporated	9-Sep
25-03718	FedEx Corporation	9-Sep
25-03719	Frankie Productions LLC	9-Sep
25-03720	Gaylyn M Fraher	9-Sep
25-03721	LSC Communications US, LLC	9-Sep
25-03722	Traffic Tech Incorporated	9-Sep
25-03723	USPS	9-Sep

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FOR THE SOUTHERN DISTRICT OF TEXAS
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In re:

SOFT SURROUNDINGS HOLDINGS, LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 23-90769 (CML)

(Jointly Administered)

**ORDER GRANTING MOTION FOR ORDER ESTABLISHING STREAMLINED
PROCEDURES GOVERNING ADVERSARY PROCEEDINGS FILED BY THE
SOFT SURROUNDINGS GUC TRUST**

Upon the *Motion for Order Establishing Streamlined Procedures Governing Adversary Proceedings Filed by the Soft Surroundings GUC Trust*, (the “Motion”), filed by the Soft Surroundings GUC Trust (“Plaintiff” or “Trust”), by and through his counsel, for entry of a procedures order establishing streamlined procedures governing all adversary proceedings brought by Plaintiff under sections 502, 547, 548, 549 and 550 of the Bankruptcy Code, which are identified in **Exhibit 1** attached hereto (each an “Avoidance Action,” collectively, the “Avoidance Actions”); and this Court having jurisdiction to consider and determine the Motion as a core proceeding in accordance with 28 U.S.C. §§ 157, 1331 and 1334; and it appearing that the relief requested by the Motion is necessary and in the best interests of the parties; and due notice of the Motion having been provided; and it appearing that no other or further notice of the Motion need be provided; and sufficient cause appearing therefore,

¹ The Debtor entities in these chapter 11 cases are: Soft Surroundings Holdings, LLC; Soft Surroundings Intermediate Holdings, LLC; Triad Catalog Co., L.L.C.; and Triad Retail, L.L.C.

IT IS HEREBY ORDERED:

1. The Motion is GRANTED as provided herein.
2. All parties to the Avoidance Actions filed by the Trust shall be governed by the procedures attached hereto as **Exhibit 2** (the “Avoidance Action Procedures”) and incorporated herein by reference, which Avoidance Action Procedures are hereby approved and shall govern the Avoidance Actions, effective as of the date of this Order.
3. The time periods set forth in this Order and the Avoidance Action Procedures shall be calculated in accordance with Bankruptcy Rule 9006(a).
4. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.
5. This Order shall be effective immediately upon its entry.

Dated: _____, 2025
Houston, Texas

CHRISTOPHER M. LOPEZ
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

Adversary No.	Defendant	Date Filed
25-03703	Storeforce Solutions Inc.	8-Sep
25-03689	Wuxi Xinghuo Garments Co.	8-Sep
25-03700	Le Management ApS	8-Sep
25-03712	Sunny Stafford	8-Sep
25-03691	Zhejiang Xin'An Fashion Co Ltd.	8-Sep
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25-03720	Gaylyn M Fraher	9-Sep
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25-03722	Traffic Tech Incorporated	9-Sep
25-03723	USPS	9-Sep

EXHIBIT 2
PROCEDURES GOVERNING TRUST AVOIDANCE ACTIONS

A. Effectiveness of the Procedures Order

1. This Procedures Order approving the procedures Motion shall apply to all Defendants in the Avoidance Actions listed on **Exhibit 1** attached hereto.

2. The Procedures Order will not alter, affect or modify the rights of Defendants to seek a jury trial in or withdrawal of the reference of, Avoidance Actions or otherwise to move for a determination on whether the Court has authority to enter a final judgment, or make a report and recommendation, in an Avoidance Action under 28 U.S.C. § 157, and all such rights shall be preserved unless otherwise agreed to in a responsive pleading consistent with the Bankruptcy Rules and Local Bankruptcy Rules.

B. Extensions to Answer or File Other Responsive Pleading to the Complaint

3. The time to file an answer or other responsive pleading to a complaint filed in an Avoidance Action shall be extended by 30 days such that an answer or other responsive pleading is due within 60 days after the issuance of the summons.

C. Deferral of Requirement to Conduct Pretrial Conference

4. Federal Rule of Civil Procedure 16, made applicable to the Avoidance Actions pursuant to Bankruptcy Rule 7016 (i.e., pretrial conferences), is hereby deferred and not immediately applicable with respect to the Avoidance Actions. Neither the Plaintiff nor any Defendant shall be required to appear at any initial pretrial conference, including any initial pretrial conference originally scheduled by the Court until after Mediation (in the event that the Avoidance Action is not resolved by Mediation).

D. Waiver of Requirement to Conduct Scheduling Conference and Submit Joint Status Reports

5. The mandatory meeting to be held by the parties pursuant to Federal Rule of Civil Procedure 26(f), as made applicable to the Avoidance Actions pursuant to Bankruptcy Rule 7026, is deferred waived and is not applicable to the Avoidance Actions. Thus, the parties to the Avoidance Actions shall not be required to submit a written report as may otherwise be required under Federal Rule of Civil Procedure 26(f), nor are they required to exchange initial disclosures and discovery by the deadline contained in the initial discovery order issued by the Court. Such meetings and reports shall be deferred until after Mediation (in the event that the Avoidance Action is not resolved by Mediation).

E. Discovery, Mediation, and Dispositive Motion Schedule

6. All discovery in each Avoidance Action is hereby stayed until the mediation process set forth below (the “Mediation Process”) is concluded; provided that the stay of formal discovery shall in no way preclude, with respect to any Avoidance Action, the Plaintiff and applicable Defendant from informally exchanging documents and information in an attempt to resolve such Avoidance Action in advance of, or during, the Mediation Process.

7. Any open Avoidance Actions that have not been resolved and/or settled by December 15,

2025 (the “Remaining Avoidance Actions”), shall be referred to mandatory mediation and the Mediation Process described herein.

8. No later than December 31, 2025, Defendants in the Remaining Avoidance Actions shall choose a mediator from the list of proposed mediators (each a “Mediator,” collectively, the “Mediators”) (the “Mediator List”) to be developed and provided by Plaintiff, or as may be otherwise mutually agreed upon by the parties. Concurrently, Defendants in the Remaining Avoidance Actions shall notify Plaintiff’s counsel of the Defendant’s choice of Mediator. If a Defendant in a Remaining Avoidance Action does not timely choose a Mediator from the Mediator List and notify Plaintiff’s counsel of the same, Plaintiff will assign such Remaining Avoidance Action to one of the Mediators from the Mediator List.

9. Upon notification of such selection or assignment, the selected Mediator shall have an opportunity to determine whether they have any conflicts with the Defendant and, in the event of a conflict, may abstain from acting in the particular mediation. If the selected Mediator abstains, Defendant will be given another 15 days to select an alternate Mediator as described in paragraph 8 above.

10. Upon the selection of Mediators, Plaintiff, working with the Mediators, will commence scheduling mediations. Each Mediator will provide to Plaintiff the dates on which the Mediator is available for mediation and the parties shall cooperate with the Mediators and each other regarding the scheduling of mediations. Plaintiff’s counsel shall contact Defendant or Defendant’s counsel with a list of proposed dates for mediation provided by the Mediator. Mediation will then be scheduled on a first-come, first-served basis.

11. Plaintiff will give at least 21 days’ written notice of the first date, time and place of the mediation in each Remaining Avoidance Action (the “Mediation Notice”), which notice shall be served on the applicable Defendant.

12. Within 14 calendar days after the conclusion of the mediation, the Mediator shall file a Certificate of Completion of Conference (the “Mediator’s Report”) in the Remaining Avoidance Action, which shall be limited to stating only whether the Remaining Avoidance Action settled or did not settle.

13. The Mediation Process with respect to all of the Remaining Avoidance Actions must be concluded by April 30, 2026.

14. Any open Avoidance Actions shall be required to provide the disclosures required under Rule 7026(a)(1) (the “Initial Disclosures”) on or before May 31, 2026. Unless otherwise agreed or ordered by the Court, the following dates and deadlines shall apply to the remaining Avoidance Actions.

15. All written interrogatories, document requests and requests for admission, if any, may be served upon the adverse party any time after the Mediator’s Report is filed. All written interrogatories, document requests and requests for admission, if any, must be served upon the adverse party concurrently with the deadline to provide Initial Disclosures or no later than May

31, 2026.

16. The parties to the Avoidance Actions shall have through and including September 30, 2026 to complete non-expert fact discovery, including depositions of fact witnesses.

17. Unless the parties agree to a broader scope of discovery, absent further order of the Court upon a showing of good cause, discovery will be limited solely and specifically to nonprivileged matters (i) that are properly discoverable under the Bankruptcy Rules and (ii) relate solely to the Avoidance Actions.

18. Federal Rule of Civil Procedure 33, made applicable herein pursuant to Bankruptcy Rule 7033, shall apply to the Avoidance Actions.

19. Federal Rule of Civil Procedure 34, made applicable herein pursuant to Bankruptcy Rule 7034, shall apply to the Avoidance Actions.

20. Federal Rule of Civil Procedure 36, made applicable herein pursuant to Bankruptcy Rule 7036, shall apply to the Avoidance Actions.

21. Should a discovery dispute arise, the parties' counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery dispute, the complainant shall file with the Court and email to the Court's chambers, copying counsel for the opponent, a letter outlining said issues. Respondent must reply within five (5) business days by filing a letter on the docket with a copy emailed to the Court's chambers, copying counsel for the opponent. Such letters, excluding exhibits, shall be no longer than two (2) pages. The Court shall then inform the parties if it will require a conference call or formal motion. At any ensuing conference or hearing on a motion, the Court will ask the parties about their prior efforts to resolve the dispute.

22. Pursuant to Federal Rule of Civil Procedure 26(a)(2), made applicable herein pursuant to Bankruptcy Rule 7026, disclosures and reports (a) concerning any issue on which a party bears the burden of proof (not including any report by Plaintiff on insolvency) and (b) if Defendant intends to provide expert testimony regarding insolvency of the Debtors, such report, if any, shall be made to the Plaintiff on or before October 31, 2026.

23. Federal Rule of Civil Procedure 26(a)(2), made applicable herein pursuant to Bankruptcy Rule 7026, disclosures and reports (a) of the parties' rebuttal experts, and (b) Plaintiff's report on the insolvency of the Debtors, if any, shall be made to the adverse party on or before November 30, 2026.

24. All expert discovery, including expert witness depositions, shall be concluded on or before December 31, 2026.

25. The standard provisions of Federal Rule of Civil Procedure 26(e), made applicable herein pursuant to Bankruptcy Rule 7026, shall apply to the Avoidance Actions with respect to supplementation of discovery responses.

26. All dispositive motions shall be filed and served by February 15, 2027.

F. Mediation Procedures and Requirements

27. Mediations shall take place by video conference, except as otherwise agreed to by the parties or directed by the Mediator. Rule 16.4 of the Local Rules of the United States District Court for the Southern District of Texas shall govern the mediations, except as otherwise set forth herein.

28. All proceedings and writing incident to the mediation will be considered privileged and confidential and subject to all the protections of Federal Rule of Evidence 408, and shall not be reported or admitted in evidence for any reason except to prove that a party failed to comply with the Mediation Process set forth in these Procedures.

29. The Mediators shall be required to file disclosures prior to the scheduling of mediation.

30. The parties in each Remaining Avoidance Actions will participate in the mediation, as scheduled and presided over by the chosen Mediator, in good faith and with a view toward reaching a consensual resolution. The mediation shall be attended by a representative of the Defendant with full settlement authority (and if a Defendant is represented by counsel, their counsel) as well as counsel for Plaintiff (who must have settlement authority from Plaintiff, or a Plaintiff representative shall appear as well).

31. The Mediator will preside over the mediation with full authority to determine the nature and order of the parties' presentations, and the rules of evidence will not apply. Each Mediator may implement additional procedures which are reasonable and practical under the circumstances.

32. The Mediator, in a notice that need not be filed, may require the parties to provide to the Mediator any relevant papers and exhibits, a statement of position, and a settlement proposal. In the Mediator's discretion, upon notice (which need not be filed), the Mediator may adjourn a mediation. The Mediator may also continue a mediation that has been commenced if the Mediator determines that a continuation is in the best interest of the parties.

33. The parties must participate in the scheduling of mediation and mediate in good faith. If the mediator feels that a party to the mediation is not attempting to schedule or resolve the mediation in good faith, the mediator may file a report with the Court. The Court may, without need for further motion by any party, schedule a hearing. If the Court determines that the party is not cooperating in good faith with the mediation procedures, the Court may consider the imposition of sanctions. Additionally, if either party to the mediation is not attempting to schedule or resolve the mediation in good faith, the opposite party may file a motion for sanctions with the Court. Litigation with respect to the issuance of sanctions shall not delay the commencement of the mediation. Sanctions may include, but are not limited to, attorney's fees and costs and fees of the Mediator.

34. Upon notice and a hearing, a party's failure to appear at the mediation or otherwise

comply with the Procedures Order with respect to mediation, may result in a default judgment or dismissal being obtained against the party failing to comply with the mediation provisions. The Mediator shall promptly file with the Court a notice when any party fails to comply with the mediation provisions set forth in the Procedures Order.

35. The fees and costs of the Mediator (the "Mediation Fee") shall be paid equally by the parties. The parties shall pay one fourth of the Mediation Fee as least seven (7) calendar days prior to the commencement of mediation (the "Initial Mediation Fee"). The remaining fee will be due and paid by the parties on the date of mediation, should the mediation go forward. If the parties settle prior to the mediation, the Mediator must be informed of the settlement prior to seven calendar days before the scheduled mediation or the Initial Mediation Fee is nonrefundable.

36. Mediation that is continued for more than one calendar day will be continued on an hourly fee basis to be paid equally by the parties.

37. Defendants that have additional Avoidance Actions commenced against their affiliates in the bankruptcy cases may mediate all related Avoidance Actions at one time.

38. Mediation statements shall be delivered to the Mediator 10 calendar days prior to the mediation. Unless otherwise directed by the Mediator, the mediation statements shall be shared with the opposing party, except that any party that has confidential information may share such confidential information solely with the Mediator in a separate communication clearly marked CONFIDENTIAL. The Mediator will direct the parties as to further instructions regarding the mediation statements.

39. Without the prior consent of both parties, no Mediator shall mediate a case in which he/she or his/her law firm represents a party. If a Mediator's law firm represents any Defendant in the Avoidance Actions, then: (a) the Mediator shall not personally participate in the representation of that Defendant; (b) the law firm shall notate the file to indicate that the Mediator shall have no access to it; and (c) any discussions concerning the particular Avoidance Action by employees of the law firm shall exclude the Mediator. The Mediator's participation in mediation pursuant to the Procedures Order shall not create a conflict of interest with respect to the representation of such Defendants by the Mediator's law firm.

40. No Mediator shall be called as a witness by any party except as set forth in this paragraph. No party shall attempt to compel the testimony of, or compel the production of documents from, the Mediators or the agents, partners or employees of their respective law firms. Neither the Mediators nor their respective agents, partners, law firms or employees (a) are necessary parties in any proceeding relating to the mediation or the subject matter of the mediation, nor (b) shall be liable to any party for any act or omission in connection with any mediation conducted under the Procedures Order. Any documents provided to the Mediator by the parties shall be destroyed 30 days after the filing of the Mediator's Report unless the Mediator is otherwise ordered by the Court. However, subject to court order, a Mediator may be called as witness by any party and may be compelled to testify on a limited basis in proceedings where it is alleged that a party failed to comply with mediation procedures as required in the

foregoing paragraphs of this Procedures Order.

41. All proceedings and writings incidental to the mediation shall be privileged and confidential, and shall not be reported or placed in evidence.

G. Miscellaneous

42. If, after all discovery has been completed in an Avoidance Action and mediation has concluded but was not successful, and any issues of fact or law remain after dispositive motions, if any, have been decided, the parties to the applicable Avoidance Action shall so inform the Court. The Court may set a hearing at a date convenient to the Court, at which the Court will address additional issues arising subsequent to the Procedures Order, set additional deadlines, if necessary, establish a due date by which the parties must file a joint pretrial order, and schedule a trial on the Avoidance Action that is convenient to the Court's calendar.

43. The Local Bankruptcy Rules shall apply, except that this Procedures Order shall control with respect to the Avoidance Actions to the extent of any conflict with the Local Rules or other applicable rules and orders of the Court.

44. The deadlines and/or provisions contained in this Procedures Order may be extended and/or modified by the Court upon written motion and for good cause shown or consent of the parties pursuant to stipulation, which stipulation must be filed with the Court.

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

In re:

SOFT SURROUNDINGS HOLDINGS, LLC,
et al.,¹

Debtors.

Chapter 11

Case No. 23-90769 (CML)

(Jointly Administered)

**NOTICE OF MOTION FOR ORDER ESTABLISHING STREAMLINED PROCEDURES
GOVERNING ADVERSARY PROCEEDINGS FILED BY THE
SOFT SURROUNDINGS GUC TRUST**

The Soft Surroundings GUC Trust (the “Plaintiff” or “Trust”), by and through its undersigned counsel, has filed papers with the Court to establish certain procedures that will govern the adversary proceeding filed against you by the Plaintiff. These procedures, if approved, would alter certain deadlines and require that the parties engage in a mediation process prior to proceeding to trial in the underlying case. To obtain a copy of the motion and proposed procedures free of charge, please send an email to Plaintiff’s counsel at firm@brinkmanlaw.com or access it online through Stretto, the claims agent in the bankruptcy case, at <https://cases.stretto.com/softsurroundings/>.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to approve the procedures proposed by the Plaintiff, or if you want the Court to consider your views on the motion, then on or before **November 1, 2025**, you or your attorney must file a written response to the motion at:

¹ The Debtor entities in these chapter 11 cases are: Soft Surroundings Holdings, LLC; Soft Surroundings Intermediate Holdings, LLC; Triad Catalog Co., L.L.C.; and Triad Retail, L.L.C.

United States Bankruptcy Court
Bob Casey United States Courthouse
515 Rusk, 5th Floor
Houston, Texas 77002

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above. You must also send a copy (by mail or email, not both) to:

BRINKMAN LAW GROUP, PC
Daren R. Brinkman
543 Country Club Drive, Suite B
Wood Ranch, California 93065
Email: firm@brinkmanlaw.com

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: October 11, 2025

Respectfully submitted,

/s/ Daren Brinkman

BRINKMAN LAW GROUP, PC

Daren R. Brinkman (TX Bar No. 03004490)

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