

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

In re:)	Chapter 11
NORTHVOLT AB, <i>et al.</i> , ¹)	Case No. 24-90577 (ARP)
Debtors.)	(Jointly Administered)

**DEBTORS’ MOTION FOR ENTRY OF
AN ORDER (I) EXTENDING THE TIME WITHIN WHICH THE
DEBTORS MAY REMOVE ACTIONS AND (II) GRANTING RELATED RELIEF**

If you object to the relief requested, you must respond in writing. Unless otherwise directed by the Court, you must file your response electronically at <https://ecf.txsb.uscourts.gov/> within twenty-one days from the date this motion was filed. If you do not have electronic filing privileges, you must file a written objection that is actually received by the clerk within twenty-one days from the date this motion was filed. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) state the following in support of this motion (this “Motion”):²

Relief Requested

1. The Debtors seek entry of an order, substantially in the form attached hereto (the “Order”): (a) extending the period (the “Removal Period”) within which the Debtors may remove actions (each individually, an “Action,” and, collectively, the “Actions”) pursuant to 28 U.S.C. § 1452 and rule 9027 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.stretto.com/Northvolt>. The location of Debtor Northvolt AB’s principal place of business is Alströmergatan N 20, 112 47 Stockholm, Sweden; the Debtors’ service address in these chapter 11 cases is Northvolt AB c/o Stretto, Inc. 410 Exchange, Suite 100, Irvine, CA 92602. “Northvolt” refers to Northvolt AB together with its Debtor and non-Debtor affiliates.

² The facts and circumstances supporting this Motion are set forth in the *Declaration of Scott Millar, Senior Managing Director of Teneo, in Support of the Debtors’ Chapter 11 Filing and First Day Motions* [Docket No. 4] (the “First Day Declaration”), and are incorporated by reference herein. Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the First Day Declaration.

Rules”) by 120 days, up to and including June 19, 2025, without prejudice to the Debtors’ right to seek further extensions and (b) granting related relief. Prior to filing this Motion, the Removal Period was set to expire on February 19, 2025.³

Jurisdiction and Venue

2. The United States Bankruptcy Court for the Southern District of Texas (this “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of Texas*, dated May 24, 2012. This is a core proceeding pursuant to 28 U.S.C. § 157(b). The Debtors confirm their consent to the entry of a final order by this Court.

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

4. The bases for the relief requested herein are section 1452 of title 28 of the United States Code (the “Judicial Code”), Bankruptcy Rules 9006 and 9027, and paragraph 30 of the *Procedures for Complex Cases in the Southern District of Texas* (the “Complex Rules”).

Background

5. On November 21, 2024 (the “Petition Date”), each Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. On the Petition Date, the Court entered an order authorizing the joint administration and procedural consolidation of these chapter 11 cases pursuant to Bankruptcy Rule 1015(b) [Docket No. 16]. The Debtors are operating their business and managing their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the

³ The Removal Period is currently scheduled to end on February 19, 2025. Pursuant to paragraph 30 of the Complex Rules, the filing of this Motion automatically extends the Removal Period until this Court rules on this Motion. See Complex Rules ¶ 30 (providing that, unless otherwise provided by applicable law, a motion to extend the time for taking an action prescribed by chapter 11 of title 11 of the United States, 11 U.S.C. §§ 101--1532 (the “Bankruptcy Code”), the Bankruptcy Rules, the Bankruptcy Local Rules for the Southern District of Texas (the “Bankruptcy Local Rules”), or bankruptcy court order shall automatically extend the time for taking such action until the bankruptcy court rules on such motion).

Bankruptcy Code. On December 10, 2024, the United States Trustee for the Southern District of Texas (the “U.S. Trustee”) appointed an official committee of unsecured creditors pursuant to section 1102 of the Bankruptcy Code (the “Committee”) [Docket No. 121], as amended on December 16, 2024 [Docket No. 150]. No request for the appointment of a trustee or examiner has been made in these chapter 11 cases.

The Actions

6. As of the date of the filing of this Motion, the Debtors are involved in a number of different civil actions commenced prepetition in various forums across the United States and its territorial courts as well as abroad. On November 21, 2024, an order was granted by the Court extending the time within which the Debtors must file their Schedules of Assets and Liabilities and Statements of Financial Affairs (as amended, modified, or supplemented, the “Schedules and Statements”) through and including January 21, 2025, without prejudice to the Debtors’ right to seek further extension upon showing of cause. On January 15, 2025, an order was granted by the Court further extending the time within which the Debtors must file their Schedules and Statements through and including February 18, 2025. The Debtors filed their Schedules and Statements on February 14, 2025. The Debtors continue to review their books and records and are in the process of determining whether to remove any Actions to a district court pursuant to 28 U.S.C. § 1452.

7. In light of the Debtors’ and key stakeholders’ focus on obtaining long-term financing and executing various transactions and asset divestments, the Debtors are not yet prepared to decide which, if any, Actions they may seek to remove. The Debtors, therefore, require additional time to decide which Actions, if any, they may seek to remove upon their review of such claims and believe that an extension of the Removal Period is warranted. The Debtors will provide notice of this Motion to each of the litigation counterparties to any Actions and will file an affidavit of service reflecting such services.

Basis for Relief

8. Section 1452 of the Judicial Code and Bankruptcy Rule 9027 govern the removal of pending civil actions related to chapter 11 cases and Bankruptcy Rule 9027 sets forth the time periods for filing notices to remove claims or causes of action. Bankruptcy Rule 9006(b)(1), in turn, permits the Court to extend the period to remove actions provided by Bankruptcy Rule 9027 “for cause [if] a request to extend is made before the period (or previously extended period) expires.”

9. The Debtors submit that ample cause exists to extend the Removal Period. Prior to filing this Motion, the Removal Period was set to expire on February 19, 2025. The Debtors’ decision regarding whether to seek removal of any particular Action depends on a number of factors, including: (a) the importance of the Action to the expeditious resolution of these chapter 11 cases; (b) the time required to complete the Action in its current venue; (c) the presence of federal subject matter jurisdiction in the proceeding that may allow for one or more aspects thereof to be heard by a federal court; (d) the relationship between the Action and matters to be considered in connection with the chapter 11 plan and the claims reconciliation process; and (e) the progress made to date in the Action. To make the appropriate determination, the Debtors must analyze each Action under each factor.

10. Further, since the commencement of these chapter 11 cases, the Debtors have been focused on addressing time-critical matters related to their restructuring efforts and the maintenance of ordinary-course business operations. Specifically, the Debtors and their professionals have focused their attention on, among other things, the following:

- stabilizing the Debtors’ business operations to maximize the value of the Debtors’ estates, including engaging with numerous key stakeholders in connection therewith;
- seeking various first day relief that has enabled the Debtors to continue administering their chapter 11 cases;

- addressing numerous questions, concerns, and issues raised by employees, vendors, utility companies, and other parties-in-interest;
- retaining professionals to assist the Debtors in managing their chapter 11 cases;
- obtaining debtor-in-possession financing to fund their operations and the chapter 11 cases;
- engaging in a marketing process with existing stakeholders and new potential investors to discuss incremental debtor-in-possession financing to fund the chapter 11 cases to completion and exit financing to assist the Company after emergence;
- marketing certain of their assets as part of both prepetition and postpetition sale processes;
- coordinating with the U.S. Trustee and the Committee to provide requested information on a variety of issues and comply with reporting requirements under the Bankruptcy Code; and
- preparing their Schedules and Statements as well as a plan and disclosure statement.

11. The extension requested herein will provide the Debtors with time to make informed decisions concerning the removal of the Actions and will ensure that the Debtors' rights provided by 28 U.S.C. § 1452 can be exercised in an appropriate manner. Additionally, the rights of parties to the Actions will not be unduly prejudiced by the Debtors' requested extension of the Removal Period. If the Debtors ultimately seek to remove Actions pursuant to Bankruptcy Rule 9027, parties will retain their rights to seek remand with respect to such Actions pursuant to 28 U.S.C. § 1452(b). Accordingly, cause exists for the relief requested herein.

Notice

12. The Debtors will provide notice of this Motion to the following parties or their respective counsel: (a) the U.S. Trustee; (b) Akin Gump Strauss Hauer & Feld LLP, as counsel to the Committee; (c) Milbank LLP, as counsel to the First Lien Secured Lenders; (d) Paul, Weiss, Rifkind, Wharton & Garrison LLP, as counsel to the Second Lien Secured Lenders; (e) Freshfields US LLP, as counsel to the DIP Lender; (f) the United States Attorney's Office for the Southern District of Texas; (g) the Internal Revenue Service; (h) the state attorneys general for states in which

the Debtors conduct business; (i) each of the litigation counterparties to any Actions; and (j) any party that has requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtors request that this Court enter the order granting the relief requested herein and such other relief as this Court deems appropriate under the circumstances.

Houston, Texas

Dated: February 18, 2025

/s/ Charles A. Beckham, Jr.

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*Co-Counsel for the Debtors
and Debtors in Possession*

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Certificate of Service

I certify that on February 18, 2025, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas. Additionally, the foregoing document will be served as set forth in a forthcoming affidavit filed by the Debtors' claims agent.

/s/ Charles A. Beckham, Jr.

Charles A. Beckham, Jr.

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

In re:)	
)	Chapter 11
NORTHVOLT AB, <i>et al.</i> , ¹)	Case No. 24-90577 (ARP)
)	
Debtors.)	(Jointly Administered)
)	
)	Re: Docket No. __

**ORDER (I) EXTENDING THE TIME WITHIN WHICH THE
DEBTORS MAY REMOVE ACTIONS AND (II) GRANTING RELATED RELIEF**

Upon the motion (the "Motion")² of the above-captioned debtors and debtors in possession (collectively, the "Debtors") for entry of an order (this "Order"), (a) extending the time period within which the Debtors may remove Actions pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027 and (b) granting related relief, all as more fully set forth in the Motion; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b); and the Court having found that it may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and the Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were

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

appropriate and no other notice need be provided; and the Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before the Court, if any; and the Court having determined that the legal and factual bases set forth in the Motion and at the hearing, if any, establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The period within which the Debtors may seek removal of the Actions pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027(a)(2)(A), is extended through and including June 19, 2025, without prejudice to the Debtors' right to seek further extensions thereof. Notwithstanding anything to the contrary in the Complex Rules, upon the filing of a motion requesting any further extension of the period within which the Debtors may seek removal of the Actions pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027(a)(2)(A) that is filed before June 19, 2025, the deadline for the Debtors to file objections to Claims shall be deemed automatically extended through and including the date that the Court issues an order disposing of such request for further extension of such period.

2. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

3. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Bankruptcy Rules and the Bankruptcy Local Rules are satisfied by such notice.

4. Notwithstanding any Bankruptcy Rule or Bankruptcy Local Rule that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

5. This Order shall be without prejudice to any position the Debtors may take regarding whether section 362 of the Bankruptcy Code applies to stay any Action pending against the Debtors.

6. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

7. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Houston, Texas

Dated: _____, 2025

Alfredo R Pérez
United States Bankruptcy Judge