

NNN 400 Capitol Center LLC, Case No. 16-12728 (JTD)

For the Reporting Period ending September 30, 2021, the Trustee (1) obtained orders authorizing him to operate the business (30 story office building in Little Rock, AR) [D.I. 739, 823], use cash collateral [D.I. 740,765], resolve disputes with the senior secured lender [D.I. 842], engage professionals [D.I. 775, 776, 845], engage a commercial real estate broker to market the building for sale [D.I. 828], (2) pursued certain pending litigation against Debtors' former counsel (Rubin & Rubin) for contempt and disgorgement of fees, including appeals, and (3) pursued certain pending litigation against Debtors' former real estate broker (FGG). The Trustee anticipates filing a motion to substantively consolidate the NNN related cases. 10/29/21

For the period ending December 31, 2021, the Trustee continued to operate the business, engaged a new onsite property manager [D.I. 859], rejected the Debtors' agreements with the former onsite property manager [D.I. 860], amended the engagement of Arkansas counsel [D.I. 855], marketed the building for sale, continued to pursue certain pending litigation against Debtors' former counsel (Rubin & Rubin) for contempt and disgorgement of fees, including appeals, and reached an agreement to settle certain pending litigation against Debtors' former real estate broker (FGG). 1/31/22

For the period ending March 31, 2022, the Trustee sold the building to the senior secured lender based on its credit bid [D.I. 893], continued to operate the building pending closing of the sale, continued to pursue certain pending litigation against Debtors' former counsel (Rubin & Rubin) for contempt and disgorgement of fees, including appeals, and filed a motion to approve the FGG settlement [D.I. 904]. 4/29/22

For the period ending June 30, 2022, the Trustee continued to operate the building pending closing of the sale [D.I. 912 and 923], obtained an order approving the FGG settlement [D.I. 904 and 915], and continued to defend the Rubin & Rubin appeal. 7/29/22

For the period ending September 30, 2022, the Trustee filed a motion to establish a chapter 11 administrative claims bar date [D.I. 938] and continued to defend the Rubin & Rubin appeal. The Trustee anticipates filing a motion to substantively consolidate the NNN related cases. 10/18/22

Affirmative Insurance holdings, Inc., Case No. 15-12136 (JTD)

These cases are jointly administered under Case No. 15-12136 pursuant to the Bankruptcy Court's Order dated October 19, 2015 (DI 38). Pursuant to the Order dated July 11, 2016 (DI 439), the Trustee released any interest in the funds held in the DACA Account 2 in exchange for JC Flowers' and related entities' ("JCF") release of their security interest in all other assets of the estate including, without limitation, the Hallberg judgment, the DACA 1 Account and the professional fee retainers, plus payment from the proceeds of JCF's litigation recovery from the DACA 2 Account, if any, equal to \$250,000.00 plus 1% of the net recovery. The Trustee is investigating the status of all assets as of the conversion date and potential litigation claims. 7/29/16

For the period ending September 30, 2016, the Trustee continued the activities of the prior Reporting Period. 10/31/16

For the Reporting period ending December 31, 2016, the Trustee is continuing to investigate the status of all assets as of the conversion date and potential litigation claims. The Trustee is in the process of retaining special counsel with respect to potential litigation claims. 1/31/17

For the period ending March 31, 2016, the Trustee continued the activities of the prior Reporting Period. 5/1/17

For the Reporting period ending June 30, 2017, the Trustee has retained special counsel with respect to investigation of certain litigation claims, and is monitoring and pursuing additional litigation claims. 7/31/17

For the period ending September 30, 2017, the Trustee continued the activities of the prior Reporting Period. 10/31/17

For the reporting period ending December 31, 2017, the Trustee through counsel is pursuing pre-lawsuit mediation of certain related claims including D&O claims, chapter 5 causes of action and other causes of action. The Trustee settled the Hallberg judgment for \$950,000. The Trustee through counsel is pursuing general preference claims and continuing to investigate the potential value of other assets. 1/31/18

For the period ending March 31, 2018, the Trustee mediated and settled the D&O claims and related claims. The Trustee continued the activities of the prior Reporting period. 5/2/18

For the Reporting Period ending June 30, 2018, the Trustee mediated and settled the D&O and related claims for \$2,375,000 [DI 700], including resolution of certain significant claims against the estate. The Trustee has commenced and is pursuing chapter 5 causes of action. The Trustee is reviewing claims. 7/31/18

For the period ending September 30, 2018, the Trustee continued the activities of the prior Reporting Period. The Trustee resolved issues regarding the allowance of chapter 11 professional fees and expenses. 10/8/18

For the Reporting Period ending December 31, 2018, The Trustee continued the activities of the prior period, continued to pursue preference actions and continued to review claims. The Trustee filed an objection to substantial administrative claim filed by the IRS. 1/31/19

For the Reporting Period ending 3/31/19, the Trustee continued the activities of the prior Reporting Period. The Court heard oral argument on the objection to the IRS' administrative claim and the matter is under advisement. 4/26/19

For the period ending June 30, 2019, the Trustee continued the activities of the prior Reporting Period. 8/23/19

For the Reporting Period ending September 30, 2019, the Court sustained the Trustee's objection to the IRS' administrative claim. The IRS subsequently filed a notice of appeal. 10/31/19

For the period ending 12/31/19, Trustee defended the IRS' appeal. 1/31/20

For the Reporting Period ending 3/31/20, the Trustee continued the activities of the prior period. 4/30/20

For the period ending June 30, 2020, the Trustee continued the activities of the prior Reporting Period. 7/31/20

For the Reporting Period ending September 30, 2020, the Trustee filed a notice of appeal to the Third Circuit Court of Appeals with regard to the adverse ruling of the U.S. District Court. The Trustee engaged in settlement discussions with the IRS regarding the pending appeal. The Trustee reviewed and resolved certain claims.
10/30/20

For the period ending December 31, 2020, the Trustee continued the activities of the prior Reporting Period. 2/1/21

For the period ending March 31, 2021, the Trustee reached an agreement in principle with the IRS regarding the pending appeal and continued to review claims. 4/6/21

For the period ending June 30, 2021, the Trustee obtained an order regarding the Bankruptcy Court's Indicative Ruling on the settlement with the IRS regarding matters pending appeal [D.I. 854 and 858] and filed claims objections [D.I. 855 and 866]. 7/30/21

For the Reporting Period ending September 30, 2021, the Trustee obtained an order approving the IRS settlement [D.I. 878], orders approving the resolution of claims objections [D.I. 864, 874, 887], and an order approving interim distribution to chapter 11 administrative claimants [D.I. 884]. 10/29/21

For the period ending December 31, 2021, the Trustee made a partial interim distribution to chapter 11 administrative claimants. [D.I. 884]. 1/31/22

For the period ending March 31, 2022, the Trustee reviewed claims and analyzed (1) prospective distribution regarding remaining claims and (2) filing a motion to substantively consolidate the related Debtor estates. 4/29/22

For the period ending June 30, 2022, the Trustee continued the activities of the prior period and filed a motion to sell remnant assets [D.I. 905]. 7/29/22

For the period ending September 30, 2022, the Trustee obtained an order approving the remnant asset sale [D.I. 921] and obtained approval of a motion to substantively consolidate this case with related cases 15-12138, 15-12140 and 15-12141 [D.I. 924 and 926]. Pursuant to the substantive consolidation order the related cases were closed on 9/22/22. 10/18/22