

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>IN RE:</b>	§	
	§	<b>Chapter 7</b>
<b>DEEPROOT CAPITAL MANAGEMENT, LLC, ET AL.,<sup>1</sup></b>	§	
	§	<b>Case No. 21-51523-MMP</b>
<b>Debtors.</b>	§	
	§	<b>Jointly Administered</b>

**DEBTORS’ UNOPPOSED MOTION TO EXTEND DEADLINES FOR FILING  
SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS**

Debtors deeproot Capital Management, LLC, *et al.*, file this unopposed motion to extend the deadlines for filing schedules of assets and liabilities and statements of financial affairs (collectively, the “Schedules and Statements”) in each of the Debtors’ cases until January 6, 2022.

In support thereof, the Debtors state as follows:

**I. JURISDICTION**

1. Pursuant to 28 U.S.C. §§ 1334 and 157, the Court has jurisdiction to hear this Motion. Pursuant to 28 U.S.C. § 157(b)(2)(A) and (O) the Motion presents a core proceeding.

**II. BACKGROUND**

a. The SEC Lawsuit

2. On August 20, 2021, the Securities and Exchange Commission (“SEC”) filed a Complaint against Debtors deeproot Funds LLC and Policy Services, Inc. with Debtors deeproot Tech, LLC, deeproot Pinball LLC, deeproot Studios LLC as relief defendants (altogether, the “Entity Defendants”) under the case styled: *Securities and Exchange Commission v. Robert J.*

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<sup>1</sup> The Debtors in these chapter 7 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Policy Services, Inc. (2864), Wizard Mode Media, LLC (3205), deeproot Pinball LLC (0320), deeproot Growth Runs Deep Fund, LLC (8046), deeproot 575 Fund, LLC (9404), deeproot 3 Year Bonus Income Debenture Fund, LLC (7731), deeproot BonusGrowth 5 Year Debenture Fund, LLC (9661), deeproot Tech LLC (9043), deeproot Funds LLC (9404), deeproot Studios LLC (6283), and deeproot Capital Management, LLC (2638).

*Mueller, et al.*, Case No. 21-785 pending the U.S. District Court for the Western District of Texas, San Antonio Division (the “SEC Lawsuit”).

3. On September 23, 2021, the District Court entered its Order Freezing Certain Assets, Ordering an Accounting, and Preliminary Injunction, which froze certain bank accounts and business operations of the Entity Defendants. The Debtors’ manager has not been able to access the Debtors’ facilities in several months.

4. The SEC Lawsuit is still pending, and the Debtor Entity Defendants received permission from the SEC and the U.S. District Court to file these Chapter 7 bankruptcy proceedings through an Order Modifying Asset Freeze entered on October 29, 2021.

b. The Bankruptcy Cases

5. These cases were commenced by the filing of voluntary petitions under Chapter 7 of the Bankruptcy Code on December 9, 2021 (the “Petition Date”).

6. The cases were split between this Court and Judge Gorgotta’s Court and between two Chapter 7 trustees, Randy Osherow and Pat Lowe.

7. On December 13, 2021, Debtors filed their Expedited Motions for Joint Administration.

8. On December 13, 2021, the cases originally assigned to Judge Gorgotta were reassigned to Judge Parker.

9. At a hearing held on December 20, 2021, the Court granted the Debtors’ request for joint administration, and orders granting the joint administration were entered in each of the Debtor’s cases on December 21, 2021.

10. On December 20, 2021, Randy Osherow rejected his appointment as Chapter 7 trustee in Case Nos. 21-51513, 21-51514, 21-51516, and 21-51523. Pat Lowe (“Trustee”) is now

the Chapter 7 trustee for all the Debtors' estates.

11. The deadline for the Debtors to file their individual Schedules and Statements is December 23, 2021, which was set according to Bankruptcy Rule 1007(c).

12. The Debtors are working with the Chapter 7 trustee to gain access to their books and records. The Debtors are diligently working on the Schedules and Statements with the limited, outdated information currently available to them, but the Debtors require additional time to complete the Schedules and Statements beyond the current deadline of December 23, 2021.

13. The Debtors conferred with counsel for the United States Trustee (the "UST"), who indicated that the UST does not oppose an extension of the deadline to file Schedules and Statement to January 6, 2022.

14. The Debtors also conferred with the Chapter 7 trustee regarding this extension request, and the trustee is not opposed to the extension.

### **III. RELIEF REQUESTED**

15. Pursuant to Bankruptcy Rules 1007(b) and (c), the Debtors are required to file the Schedules and Statements within fourteen days after the chapter 7 filings. As stated, the current deadline for the Debtor to file the Schedules and Statements is December 23rd.

16. The Debtors are diligently working on the Schedules and Statements but need additional time to obtain the necessary information to complete them.

17. The Court has authority to grant an extension of the time for the filing of Schedules and Statements under Bankruptcy Rule 1007(c).

18. No party will be prejudiced by the requested extension.

19. As stated above and set forth in the certificate of conference below, undersigned counsel has conferred with the trial attorney for the UST and the Chapter 7 trustee regarding the

relief requested herein, and counsel has indicated that the UST is unopposed and agreeable to the requested extension, and the chapter 7 trustee is unopposed to this relief as well.

WHEREFORE the Debtors request that the Court enter an Order Granting Extension of Time to File Schedules of Assets and Liabilities and Statements of Financial Affairs beyond the current deadline, to and including January 6, 2022, without prejudice to the Debtors' right to seek an additional extension if cause so exists, and that the Court grant the Debtors such other and further relief as is just and proper.

Respectfully submitted,

/s/ Catherine A. Curtis

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Catherine A. Curtis, Tex. Bar No. 24095708  
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*Counsel to the Debtors*

### **CERTIFICATE OF CONFERENCE**

I certify that on December 21, 2021, I conferred with counsel to the UST and Pat Lowe, the Chapter 7 trustee for all the Debtors' cases, and the UST and Chapter 7 trustee for all the Debtors are unopposed to the extension requested in this motion.

/s/ Catherine A. Curtis

Catherine A. Curtis

**CERTIFICATE OF SERVICE**

I certify that on December 22, 2021, a true and correct copy of the foregoing document was served on the parties on the attached service list, via ECF and/or email service where available, and otherwise via First Class United States Postal service.

*/s/ Catherine A. Curtis* \_\_\_\_\_

Catherine A. Curtis

**Debtors**

Policy Services, Inc.  
deeproot Pinball, LLC  
deeproot Growth Runs Deep Fund, LLC  
deeproot 575 Fund, LLC  
deeproot 3 Year Bonus Income Fund, LLC  
deeproot BonusGrowth 5 Year Debenture  
Fund, LLC  
deeproot Tech, LLC  
deeproot Funds, LLC  
deeproot Studios, LLC  
deeproot Capital Management, LLC  
12621 Silicon Dr.  
San Antonio, TX 78249

Wizard Mode Media, LLC  
12227 S. Business Park Drive, Suite 130  
Draper, UT 84020

Internal Revenue Service  
Centralized Insolvency Operation  
Post Office Box 7346  
Philadelphia, PA 19101-7346

Securities and Exchange Commission  
David Woodcock, Regional Director  
Burnett Plaza  
801 Cherry St., Suite 1900, Unit 18  
Fort Worth, TX 76102

**Debtors' Counsel**

Wick Phillips Gould & Martin, LLP  
Attn: Catherine A. Curtis  
3131 McKinney Ave., Suite 500  
Dallas, TX 75204

**United States Trustee**

Office of the United States Trustee  
615 E. Houston Street, Suite 533  
San Antonio, TX 78205

**Chapter 7 Trustee**

John Patrick Lowe  
2402 East Main Street  
Uvalde, TX 78801

Securities and Exchange Commission  
Secretary of the Treasury  
100 F St NE  
Washington, DC 20549

**Exhibit A**

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**IN RE:**

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**Chapter 7**

**DEEPROOT CAPITAL  
MANAGEMENT, LLC, ET AL.,<sup>2</sup>**

**Case No. 21-51523-MMP**

**Debtors.**

**Jointly Administered**

**ORDER GRANTING UNOPPOSED MOTION TO EXTEND DEADLINE FOR FILING  
SCHEDULES AND STATEMENTS OF FINANCIAL AFFAIRS**

On this day came for consideration the Unopposed Motion to Extend Time to File Schedules and Statements of Financial Affairs (the "Motion"), filed by Debtors deeproot Capital

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<sup>2</sup> The Debtors in these chapter 7 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Policy Services, Inc. (2864), Wizard Mode Media, LLC (3205), deeproot Pinball LLC (0320), deeproot Growth Runs Deep Fund, LLC (8046), deeproot 575 Fund, LLC (9404), deeproot 3 Year Bonus Income Debenture Fund, LLC (7731), deeproot BonusGrowth 5 Year Debenture Fund, LLC (9661), deeproot Tech LLC (9043), deeproot Funds LLC (9404), deeproot Studios LLC (6283), and deeproot Capital Management, LLC (2638).



Management, LLC, *et al.* The Court finds that notice of the Motion was reasonable and sufficient under the circumstances. Based upon the pleadings and representations of counsel and the lack of any opposition by the United States Trustee or the Chapter 7 trustee to the Motion, the Court finds that the Motion should be granted. **IT IS THEREFORE,**

**ORDERED** that the Motion is granted. **IT IS FURTHER,**

**ORDERED** that the deadline for filing the Schedules and Statements of Financial Affairs, required to be filed by each one of the Debtors pursuant to Federal Rule of Bankruptcy Procedure 1007(b) and (d) is hereby extended to and including January 6, 2022.

### END OF ORDER ###

PREPARED AND SUBMITTED BY:

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