

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

In re:

GWG Holdings, Inc., *et al.*¹

Debtors.

Chapter 11

Case No. 22-90032 (MI)

(Jointly Administered)

**JOINT STATUS REPORT OF THE WIND DOWN TRUST AND
THE LITIGATION TRUST FOR THE QUARTER ENDING SEPTEMBER 30, 2025**

On April 20, 2022, GWG Holdings, Inc. and several affiliates filed voluntary bankruptcy petitions under chapter 11 of the Bankruptcy Code. On October 31, 2022, the DLP Debtors filed their own chapter 11 cases. On June 20, 2023 (the “Confirmation Date”), the Court confirmed the Debtors’ joint Plan (the “Plan”)^{1,2} by entering its Findings of Fact, Conclusions of Law, and Order Confirming Debtors’ Further Modified Second Amended Joint Chapter 11 Plan (ECF. No 1952) (the “Confirmation Order”). The Plan went effective on August 1, 2023 (the “Plan Effective Date”). The Wind Down Trust and the Litigation Trust were created pursuant to the Plan. Michael I. Goldberg was appointed as the trustee of the Litigation Trust (the “Litigation Trustee”). Elizabeth C. Freeman was appointed as the trustee of the Wind Down Trust (the “WDT Trustee”).³ The Trusts are governed by the Plan, Confirmation Order, the GWG Wind Down Trust Agreement (the “WDT Agreement”), and the Litigation Trust Agreement.

The Litigation Trust received all of the Debtors’ interest in the D&O Liability Insurance Policies (as defined in the Plan) and all of the Debtors’ litigation claims. The net amount recovered from the pursuit or settlement of the litigation claims will be distributed by the Litigation Trust to the Wind Down Trust. The Wind Down Trust was vested with the reversionary and beneficial interest in the Litigation Trust plus all of the Debtors’ non-litigation assets.

The Trustees previously filed a Joint Status Report on November 14, 2023, for the quarter ending September 30, 2023 [ECF No. 2301], on February 15, 2024, for the year ending December 31, 2023 [ECF No. 2381], on May 15, 2024, for the quarter ending March 31, 2024 [ECF No. 2454],

¹ The Debtors in these chapter 11 cases (these “Chapter 11 Cases”), along with the last four digits of each Debtor’s federal tax identification number, were: GWG Holdings, Inc. (2607); GWG Life, LLC (6955); GWG Life USA, LLC (5538); GWG DLP Funding IV, LLC (2589); GWG DLP Funding VI, LLC (none); and GWG DLP Funding Holdings VI, LLC (none). Further information regarding the cases is available at www.gwgwinddowntrust.com

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Plan.

³ On November 5, 2025, the Wind Down Trustee filed a Notice of Resignation of Elizabeth C. Freeman as the Wind Down Trustee of the GWG Wind Down Trust, providing notice that Ms. Freeman is resigning as Wind Down Trustee effective sixty days from the date of the notice or such other date as determined by the Bankruptcy Court. [ECF No. 2772].

on August 15, 2024, for the quarter ending June 30, 2024 [ECF No. 2475], on November 14, 2024, for the quarter ending September 30, 2024 [ECF No. 2507], on April 1, 2025, for the year ending December 31, 2024 [ECF No. 2557], on May 15, 2025, for the quarter ending March 31, 2025 [ECF No. 2618], and on August 15, 2025, for the quarter ending June 3, 2025 [ECF No. 2737]. The Litigation Trustee filed an additional status report on March 1, 2024 [ECF No. 2391].

The WDT Trustee is charged with liquidating the Wind Down Trust assets. As of the Plan Effective Date, the Debtors' approximately 26,000 L bondholders, as well as other stakeholders (including all other general unsecured creditors, preferred equity holders, and common equity holders), hold interests in the Wind Down Trust (collectively, the "WDT Interest holders"). To the extent available, WDT Interest holders will receive distributions from the Wind Down Trust in accordance with the Plan and WDT Agreement. The Wind Down Trust maintains a website to provide information to the WDT Interest holders at www.gwgholdingstrust.com.

The WDT Trustee provides the following summary of major events to date regarding her efforts to liquidate the Wind Down Trust assets:

The Policy Portfolio Sale

Following the Plan Effective Date, the WDT Trustee commenced a marketing process for the sale of the Policy Portfolio Equity Interests. After a thorough evaluation of available alternatives as well as an analysis of the ongoing costs to maintain the Policy Portfolio, the WDT Trustee elected to sell the Wind Down Trust's interests in the Policy Portfolio to Apex Longevity Fund LLC ("Apex"). The Bankruptcy Court approved the sale on October 3, 2023. The sale closed on October 13, 2023. In addition to assuming the secured debt obligation of approximately \$605 million, Apex paid the Wind Down Trust \$10 million in cash.

Sale of FOXO Technologies, Inc. Stock

On October 13, 2023, the Wind Down Trust sold its 4,646,698 shares of FOXO Stock. The Wind Down Trust realized net proceeds of \$586,942.

Fifth Season Litigation

Prior to the confirmation of the Plan, the Debtors commenced litigation with Fifth Season Investments, LLC ("Fifth Season"). The dispute centered around Fifth Season's demand for \$18.3 million dollars plus fees and costs (totaling over \$24 million) based on an asserted break-up fee. A trial was conducted on the matter on October 3rd and 4th, 2023. After the close of evidence, but before closing arguments, the Trust and Fifth Season reached a settlement. The agreement provided for Fifth Season to have a claim of \$8 million. On November 16, 2023, the Court entered an Order approving the compromise with Fifth Season [ECF No. 2305]. Payment to Fifth Season has been made.

Beneficient Stock

On September 29, 2023, Beneficient's Registration Statement on Form S-1 (File No. 333-273322) (the "Registration Statement") was declared effective by the Securities and Exchange Commission. The Registration Statement registers the offer and sale of shares of Ben Stock, from

time to time, by the Wind Down Trust. Following the effectiveness of the Registration Statement, the Wind Down Trust began selling a limited amount of shares of Ben Stock on the open market.

The Beneficient share price has dropped significantly since the Confirmation Date. On June 20, 2023, the share price closed at \$4.57. By the Effective Date, August 1, 2023, the share price closed at \$2.00. The shares began trading at less than \$0.10 a share in mid-March 2024. Beneficient's stockholders approved a reverse share split on March 21, 2024. The shares began trading on a split adjusted basis on April 18, 2024. On June 26, 2025, the share price closed at \$.29 per share, or \$.004 per share on a pre-split basis. On June 26, 2025, the Trust completed the sale of all Beneficient shares.

The WDT Trustee received a number of inquiries from WDT Interest holders regarding the possibility of distributing Ben Stock directly to interest holders in lieu of monetizing the shares. The WDT Trustee engaged securities counsel and evaluated whether such a distribution of shares is feasible and in compliance with applicable law. The WDT Trustee and the Trust advisors were not able to find a feasible, compliant, cost-effective path to the distribution of the shares themselves.

Professional Fee Accommodations

After the Effective Date of the Plan, professionals retained during the bankruptcy case that were to be paid by the Debtors filed their applications for final approval of their pre-confirmation fees. The Trustee successfully negotiated accommodations with many professionals. After comments from the Court during a hearing regarding approval of those fees, several additional professionals agreed to accommodations akin to those reached with other professionals – a 5% reduction from the professional fees requested.

The amounts necessary to pay professional fees were reserved in escrow held by the Wind Down Trust. The savings from accommodations reached over \$4.5 million thus far. One additional fee application is pending and an additional accommodation is expected. The WDT benefits from the accommodations as any unused professional fee escrow funds belong to the Wind Down Trust.

Valuation as of the Effective Date

Pursuant to the Wind Down Trust Agreement, Section 5.4, the Trust was required to provide to the WDT Interest holders, a report of the valuation of the Wind Down Trust Assets as of the Effective Date, August 1, 2023. On January 31, 2024, the Wind Down Trust filed the GWG Wind Down Trust Good Faith Valuation of Trust Assets (the "Valuation Report") [ECF No. 2339]. The Valuation Report and information to assist WDT Interest Holders in determining their respective effective date interest values can be found at www.gwgholdingstrust.com/asset-values. It is not anticipated that any further estimates as to value of the Trust will be made and none are required.

Taxes

Grantor Trust Letters for the year ended December 31, 2023, were made available to WDT Interest holders holding direct interests. Information for the tax year 2023 regarding obtaining the Grantor Trust Letters was posted on the Trust website under the Taxes/Financials tab. The Wind Down Trust published information for interest holders with indirect interests on the FIS Tax Information

Reporting Suite (formerly Wall Street Concepts) and the LENS Grantor Trust Letters for the 2024 tax year for Interest holders holding direct interests will be made available to those direct Interest holders. Information for Indirect interest holders will again be published to the FIS Tax Information Reporting Suite as well as on the Lens Portal. The Trust intends to publish the Grantor Trust Letter for Indirect interest holders to the Trust website on a tab labeled 2024 Tax Information.

Reconciliation of Claims

The Wind Down Trustee and Litigation Trustee were charged with reviewing the approximately 5,454 proofs of claims filed in these cases. Pursuant to Article VII.B, the Plan provides the Litigation Trustee had sole authority with regards to the Litigation Trust Reconciliation Claims. The Wind Down Trustee had the responsibility to reconcile all other Claims. April 30, 2025 was the deadline to file any objections to Claims. On or prior to April 30, 2025, the Wind Down Trustee and the Litigation Trustee filed objections or entered into agreements with parties to extend the time to object by the Litigation Trustee. The Wind Down Trustee reconciled the majority of claims out of court and the result was the filing of 25 objections to claims. One claim remains to be resolved by the Wind Down Trustee.

The Litigation Trust

The Litigation Trustee has filed multiple adversary and arbitration proceedings to date. The first adversary proceeding is styled *Goldberg v. Heppner, et al.*, Adv. Pro. No. 24-3090, and alleges claims and causes of action arising out of, among other things, the relationship between the Debtors and Beneficient. The defendants include Mr. Bradley K. Heppner, Beneficient, parties related to Mr. Heppner and/or Beneficient, and various former directors and officers of the Debtors. The complaint is available on the Trust's website: https://gwgholdingstrust.com/wp-content/uploads/2024/05/2024-04-19_Unsealed-Complaint.pdf. The defendants in that case filed motions to dismiss the Litigation Trustee's claims, and the Litigation Trustee filed an omnibus opposition brief on November 25, 2024. The parties subsequently reached an agreement to settle the Litigation Trust's claims against a subset of defendants who are insured under the Debtors' D&O insurance policies (the "D&O Settlement"),⁴ which the Bankruptcy Court approved on June 13, 2025 [ECF No. 2700].

⁴ The settling Defendants are Bradley K. Heppner; Beneficient f/k/a The Beneficient Company Group, L.P.; Beneficient Management, L.L.C.; Beneficient Company Holdings, L.P.; Beneficient Capital Company, L.L.C.; Beneficient Capital Company II, L.L.C.; The Beneficient Company Group (USA), L.L.C.; CT Risk Management, L.L.C.; Beneficient Fiduciary Financial, L.L.C.; The LT-1 Liquid Trust; The LT-2 Liquid Trust; The LT-5 Liquid Trust; The LT-7 Liquid Trust; The LT-8 Liquid Trust; The LT-9 Liquid Trust; The Collective Collateral Trust I; The Collective Collateral Trust II; The Collective Collateral Trust III; The Collective Collateral Trust IV; The Collective Collateral Trust V; The Collective Collateral Trust VI; The Collective Collateral Trust VII; The Collective Collateral Trust VIII; LiquidTrust Management, L.L.C.; Funding Trust Management, L.L.C.; Peter T. Cangany, Jr.; Thomas O. Hicks; Bruce W. Schnitzer; Murray T. Holland; Timothy L. Evans; David F. Chavenson; John Stahl; The LT-1 Collective Collateral Trust; The LT-1 Collective Collateral Trust; The LT-2 Collective Collateral Trust; The LT-3 Collective Collateral Trust; The LT-4 Collective Collateral Trust; The LT-5 Collective Collateral Trust; The LT-6 Collective Collateral Trust; The LT-7 Collective Collateral Trust; The LT-8 Collective Collateral Trust; and The LT-9 Collective Collateral Trust.

The D&O Settlement specifically preserves all claims and causes of action against the "Reserved Trust Action Defendants," which are defined to include "The Bradley K. Heppner Family Trust; The Heppner Family Home Trust;

Because the D&O Settlement also resolves claims asserted in the class action styled *In re GWG Holdings, Inc. Securities Litigation*, Case No. 3:22-cv-00410-B (the “Class Action”) pending in the District Court in the Northern District of Texas (“District Court”), the D&O Settlement must also be approved by the District Court. The District Court preliminarily approved the D&O Settlement on September 25, 2025. The District Court has scheduled a second, final approval hearing for January 13, 2026, at 10 a.m. in Courtroom 1516 of the Earle Cabell Federal Building, located at 1100 Commerce Street, Dallas, Texas 75242-1003.

The second adversary proceeding is styled *Goldberg v. Sabes, et al.*, Adv. Pro. No. 24-03089, and asserts avoidance claims arising out of the Debtors’ payment of a dividend to shareholders in September 2018. The defendants in that adversary proceeding include Jon R. Sabes, Steven F. Sabes, and various related parties (the “Sabes Defendants”). That complaint is available on the Trust’s website: <https://gwgholdingstrust.com/wp-content/uploads/2024/05/2024-04-19-1-Complaint-re-Avoidance.pdf>. The Litigation Trustee reached a settlement in principle with the Sabes Defendants on February 12, 2025, which the Bankruptcy Court approved on June 13, 2025 [ECF No. 2699].

The third adversary proceeding is styled *Goldberg v. Foley & Lardner LLP*, Adv. Pro. No. 24-03199, and asserts claims for aiding and abetting/knowing participation in breach of fiduciary duty claims, professional negligence/legal malpractice, breach of fiduciary duty, and avoidance claims arising out of Foley & Lardner LLP’s actions as counsel to a special committee of GWG’s board of directors. That complaint is available on the Trust’s website: <https://gwgholdingstrust.com/wp-content/uploads/2024/11/GWG-Litigation-Trust-v-Foley-Complaint.pdf>. Foley & Lardner LLP filed a motion to compel arbitration and stay the adversary proceeding on November 6, 2024. On February 26, 2025, the Bankruptcy Court entered an order compelling arbitration of the claims asserted in the Litigation Trustee’s complaint. The Litigation Trustee subsequently initiated an arbitration proceeding against Foley & Lardner LLP, as ordered by the Bankruptcy Court. That arbitration proceeding is ongoing.

The fourth adversary proceeding is styled *Goldberg v. Holland & Knight LLP, et al.*, Adv. Pro. No. 25-03064, and asserts claims under the Racketeering Influenced and Corrupt Organizations Act and for aiding and abetting/knowing participation in breach of fiduciary duty, civil conspiracy, fraud, and negligent misrepresentation. That complaint is available on the Trust’s website: <https://gwgholdingstrust.com/wp-content/uploads/2025/03/HollandKnight-Complaint.pdf>. The defendants filed a motion to dismiss the Litigation Trustee’s complaint on June 2, 2025, and the Litigation Trustee filed an opposition brief on August 1, 2025. The defendants’ reply brief was filed on September 26, 2025. No hearing date has been set for defendants’ motion to dismiss.

Finally, the Litigation Trustee has initiated a confidential arbitration proceeding against one of GWG’s former professionals, which is currently scheduled for hearing in April 2026. The Litigation Trust also has entered into tolling agreements with other third parties and continues to investigate whether any additional claims may exist against those parties. The Litigation Trust has

The Highland Business Holdings Trust; The Highland Investment Holdings Trust; Beneficient Holdings, Inc.; Bradley Capital Company, L.L.C.; Elmwood Bradley Oaks, L.P.; The Highland Investment Holdings Trust; Timothy B. Harmon, solely in his capacity as trustee of The Highland Investment Holdings Trust; HCLP Credit Company, L.L.C.; HCLP Nominees, L.L.C.; Highland Consolidated, L.P.; and Research Ranch Operating Company, L.L.C.”

and may continue to engage in pre-suit negotiations or mediations with those parties or pursue those claims in an appropriate forum.

As noted above, the Bankruptcy Court approved the D&O Settlement and the Sabes settlement on June 13, 2025. In addition to those two settlements, the Bankruptcy Court approved the Litigation Trustee's pre-suit settlements with Whitley Penn LLP (GWG's former auditor) [ECF No. 2701] and Mayer Brown LLP (GWG's former counsel) [ECF No. 2703]. Information about these settlements is available at <https://gwgholdingstrust.com/settlements/>.

As of September 30, 2025, the Litigation Trust (or the Wind Down Trust, on behalf of the Litigation Trust) had received settlement proceeds totaling \$31,910,333.46 million from Mayer Brown LLP (\$21 million),⁵ Whitley Penn LLP (\$8.5 million), the Sabes defendants (\$2.3 million), and five other parties (which collectively totaled \$110,333.46).⁶ As shown in the following chart, these settlement proceeds resulted in a net distribution of \$22,964,683.85 to a segregated account maintained by the Wind Down Trust:

Total Settlement Proceeds Received	\$	31,910,333.46
Less Attorney's Fees & Expenses	\$	(8,211,134.43)
Less LT Success Fee ⁷	\$	(239,630.00)
Less Notice Costs	\$	(494,885.19)
Net Distribution to WDT	\$	22,964,683.85

In addition, after the District Court preliminarily approved the D&O Settlement on September 25, 2025, proceeds from the D&O Settlement (totaling \$50.5 million, representing the Settlement Amount) were deposited into a segregated account maintained by the Wind Down Trust to be held in escrow pending the outcome of the District Court's final approval hearing on the D&O Settlement. [ECF No. 2533-1 at ¶8].

The Litigation Trustee has not established an expense reserve from the settlement proceeds received as of September 30, 2025, but does intend to do so from future settlement proceeds received by the Litigation Trust.⁸ The Litigation Trust was initially funded under the Plan with \$3 million (the "Initial Litigation Trust Funding Amount"). As of September 30, 2025, the Litigation Trust had spent approximately \$1.99 million, including approximately: \$883,000 in Litigation

⁵ Pursuant to the terms of the settlement agreement with Mayer Brown [ECF No. 2540-1], the balance of the Mayer Brown settlement (\$9 million) will be paid on or about January 27, 2026.

⁶ The Litigation Trustee made a good faith determination that the economic value of these claims was substantially less than \$5 million (and likely *de minimis*), and therefore that such settlements did not require Bankruptcy Court approval under Section 3.2(a) of the Litigation Trust Agreement. [ECF No. 1910 at § 3.2(a)].

⁷ The GWG Litigation Trustee's compensation under the GWG Litigation Trust Agreement includes a success fee comprised of (a) 2% of the net amount available for distribution to the Wind Down Trust Beneficiaries *plus* (b) 2% of the amount of any fees and expenses paid to any experts and/or contingency counsel retained by the Litigation Trustee on behalf of the Litigation Trust ("Success Fee"). [See ECF No. 1910 at Schedule A]. At the time a Success Fee is paid, 50% of all monthly compensation paid or payable to the Litigation Trustee is credited against any Success Fee. *Id.*

⁸ As previously disclosed, the Litigation Trustee intends to establish a \$2.5 million reserve to fund reasonably anticipated expenses in the ongoing adversary and arbitration proceedings against non-settling parties, in accordance with Section 3.4 of the GWG Litigation Trust Agreement. [See, e.g., ECF No. 2582 at 4 & n.5; ECF No. 2749-3 & n.2].

Trust expenses and monthly fees paid to the Litigation Trustee; \$400,000 in expert fees; \$350,000 in fees associated with storing and producing documents and other electronically stored information; \$260,000 in arbitration and mediation fees; and \$95,500 in other expenses (e.g., asset investigation-related costs, travel-related expenses for hearings, mediations and depositions, court costs, process server fees, court reporter fees, copy services, etc.). The Litigation Trustee anticipates that additional funds will be needed to pay expenses in the ongoing adversary and arbitration proceedings (and any other litigation pursued by the Litigation Trust), especially as the two arbitration proceedings discussed above move through fact and expert discovery and toward a final hearing.

The Litigation Trustee has also reached proposed settlements with Richards, Layton & Finger, P.A. (“RLF”) [ECF No. 2749], Paul Capital Advisors, LLC and affiliated entities (“PCA”) [ECF No. 2751], Beneficient [ECF No. 2750], and Jackson Walker LLP (“Jackson Walker”). The Litigation Trustee’s motion seeking approval of the proposed settlement with Jackson Walker was filed in the consolidated proceedings styled *In re Professional Fee Matters Concerning the Jackson Walker Law Firm*, Civ. No. 4:23-cv-04787 (S.D. Tex.) [ECF No. 100]. Each of the foregoing settlements is subject to approval by the Bankruptcy Court or, in the case of the settlement with Jackson Walker, by the U.S. District Court for the Southern District of Texas. The Litigation Trustee’s motions seeking approval of these settlements and supporting exhibits (including the settlement agreements and estimated distributions resulting from the settlements) are available for free at <https://gwgholdingstrust.com/settlements/>.

No hearing date has yet been set for the motions seeking approval of the proposed settlements with RLF, PCA, Beneficient, or Jackson Walker. On November 3, 2025, Chief United States District Court Judge Alia Moses entered an order recusing United States Bankruptcy Judge Marvin Isgur from this case [ECF No. 2771]. The order provided that the case would be transferred to another United States Bankruptcy Judge in the Southern District of Texas. Once the case is reassigned, the Litigation Trustee will seek a hearing date for the motions seeking approval of the proposed settlements with RLF, PCA, and Beneficient. Pursuant to an order Chief United States District Court Judge Alia Moses entered on November 12, 2025, the Litigation Trustee’s motion seeking approval of the proposed settlement with Jackson Walker will be held in abeyance pending a report and recommendation from Honorable Eduardo Rodriguez, Chief Bankruptcy Judge for the Southern District of Texas, on certain motions filed by the United States Trustee. *See In re Professional Fee Matters Concerning the Jackson Walker Law Firm*, Civ. No. 4:23-cv-04787 [ECF No. 109] (S.D. Tex.).

The Trustees encourage holders to review the information found on the Trust website www.gwgholdingstrust.com. All communications to Mr. Goldberg should be related strictly to the litigation filed by the Litigation Trustee (see <https://gwgholdingstrust.com/litigation-trust/>). Mr. Goldberg cannot respond to questions pertaining to claims, Computershare, distributions, or other administrative matters.

Please call or email the GWG Wind Down Trust at 713-654-5150 or inquiry@gwgholdingstrust.com.