

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In the matter of:	X	
	X	
	X	
	X	Amending General Order M-350
Adoption of Second Amended Procedural	X	
Guidelines for Filing Requests for Bar Orders	X	M-386
	X	
	X	

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By resolution of the Board of Judges for the Southern District of New York, it is resolved that in order to expedite the review and entry of orders to establish deadlines for filing proofs of claim in Chapter 11 cases and to provide a standard form of order and notice, the Second Amended Guidelines for Filing Requests for Bar Orders (the "Guidelines"), annexed hereto, are adopted. All requests for bar orders filed in the United States Bankruptcy Court for the Southern District of New York shall conform substantially to the standard order and notice set forth in the second amended Guidelines.

NOW, THEREFORE, IT IS ORDERED that the annexed second amended Guidelines are adopted, effective December 1, 2009, and shall apply to all bar orders signed on or after that date.

Dated: New York, New York  
November 24, 2009

/s/ Stuart M. Bernstein  
Stuart M. Bernstein  
Chief Bankruptcy Judge

**SECOND AMENDED PROCEDURAL GUIDELINES FOR  
FILING REQUESTS FOR BAR ORDERS IN THE UNITED  
STATES BANKRUPTCY COURT FOR THE SOUTHERN  
DISTRICT OF NEW YORK**

The purpose of these guidelines is to provide a standard form for orders to establish deadlines for the filing of proofs of claim (“Bar Order”) in chapter 11 cases and thereby expedite court review and entry of such orders.

The court will expect that all proposed Bar Orders will conform to the following guidelines and use the standard form of order and notice, with only such revisions as are necessary under the circumstances of the individual case or cases. **If a proposed Bar Order and accompanying notice do not comply with these guidelines, counsel must identify and explain, in the application for approval of the Bar Order, the reason for each deviation.** These forms and the guidelines apply only in chapter 11 cases and do not apply to deadlines for filing administrative claims.

**GUIDELINES**

1. An application for entry of a Bar Order must ordinarily be filed within 30 days after the later of (i) the initial case conference and (ii) the filing of the debtor’s Schedules of Assets and Liabilities and Schedules of Executory Contracts and Unexpired Leases. If counsel believes that entry of a Bar Order should be further delayed for any reason, counsel is urged to take up the matter at the initial case conference.

2. Assuming these guidelines are followed, the application and accompanying papers may be submitted to the court without further notice as long as the application represents that the order has been approved in form and substance by any official creditors committee, by any debtor in possession lender and by any secured creditor with a lien on a substantial portion of the debtor's assets. Otherwise, the proposed Bar Order may be submitted by notice of presentment or by notice of motion on notice to any official committee, any debtor in possession lender, any party requesting notice, and the United States trustee.
3. The application may contain suggested dates for the last date to file claims (the "Bar Date"), for mailing the notice and, where appropriate, for publication, provided that, in most cases the suggested Bar Date should be at least 35 days after the mailing date and at least 28 days after the publication date, and provided further, if possible, the dates proposed by counsel provide the court with at least seven days after the application is submitted to process the order. If applicable, the application should take into account the new procedural provisions pertaining to creditors with foreign addresses [*see* Federal Rule of Bankruptcy Procedure 2002(p)]. For cause shown the court can reduce the notice period to 21 days after mailing in accordance with Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") 2002(a)(7) and 9006(c)(2).
4. The attached form of order and the accompanying form of notice to creditors assume that there are multiple debtors in jointly administered cases. In such cases the debtors must list each of the debtors and their related case numbers as part of, or as an addendum to, the notice to creditors. In single-debtor cases, the attached forms should be modified to reflect that only one debtor has filed.

5. The attached form of order contains a paragraph in brackets providing for publication of notice of the Bar Date. These guidelines do not take any position as to whether publication notice of the Bar Date is required in a particular case. Counsel should state in the application for a Bar Date whether they believe publication is required and, if so, the time and place of publication, and in appropriate cases should raise the issue at the initial case conference. The published notice should be substantially similar to the written notice to creditors, although it may omit certain provisions (such as the definition of the term “claim”) in order to reduce costs.
6. The attached form of order and notice contain instructions for proofs of claim to be mailed to the court or to be hand delivered or delivered by overnight courier directly to the division of the court where the case is being administered. In cases where it is anticipated that more than 1,000 proofs of claim will be filed, counsel must arrange with a claims/noticing agent (“Claims Agent”) appointed by court order provide an address to receive of mailed proofs of claim. In such cases counsel must also provide creditors with individualized proof of claim forms, and the order has a suggested paragraph for use in such situations. In smaller cases it is not necessary to utilize a claims agent, and all claims may be filed directly with the division of the court where the case is being administered. Furthermore, in cases *without* claims agents, attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of claim electronically on the Court’s Case Management/Electronic Case File (“CM/ECF”) system.
7. If a Claims Agent is used in connection with the administration of the mailing of the notice of the Bar Date and related matters, such agent should be retained pursuant to

court order. A form of order that lists the services the firm should provide is available from the Office of the Clerk of the Court and on the Court's web site.

8. The attached form of order is intended for use only in connection with the filing of proofs of claim. If a deadline is required for the filing of proofs of equity interest, a substantially similar motion may be filed, or counsel may submit an order and accompanying notice that combines a Bar Date for the filing of proofs of claim and proofs of interest. Notice of a deadline for the filing of administrative claims should **not** ordinarily be combined with a notice of any other Bar Date.
9. The attached forms of order and notice contain a list of persons and entities that are exempted from the requirement to file a proof of claim. It is anticipated that the persons and entities listed in the forms provided will not be required to file proofs of claim in most chapter 11 cases, although there will of course be variations in specific situations and the list is not intended to be exhaustive. Some of the subparagraphs are bracketed, reflecting the fact that the exemption may often have no application or that the debtor may choose not to exempt the particular category from the filing requirement. In addition to those creditors who are included in the attached form of notice and order, a debtor may wish to consider (i) exempting claims of its officers, directors, and employees for indemnification, contribution or reimbursement; (ii) exempting claims of persons or entities against any of the debtors' non-debtor affiliates; and (iii) exempting claims for principal, interest and applicable fees and charges on a bond, note or debenture, provided that any indenture trustee for such instrument would not be exempted from the requirement of filing a proof of claim, and provided further that each holder would be required to file a proof of claim for

damages in connection with respect to its ownership of, or purchase or sale of, the applicable instrument.

10. The notice to creditors should contain the name and telephone number of an individual at the law firm representing the debtor or at a bankruptcy services firm retained by the debtor to whom questions may be addressed. The notice should not contain the name of the bankruptcy judge but may provide that the notice is "By Order of the Court."
11. The computer disk submitted to the court with the order should contain not only the form of Bar Order but also the text of the notice to creditors, in the event that the notice needs to be revised before entry.

[FORM OF BAR ORDER]

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----x  
In re:

Debtors.

Chapter 11

Case Nos.: \_\_-\_\_\_\_( )

Through \_\_-\_\_\_\_( )

(Jointly Administered)

-----x  
**ORDER ESTABLISHING DEADLINE FOR FILING PROOFS OF CLAIM  
AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the application of the above-captioned Debtors and Debtors in Possession (collectively, the “Debtors”), for an order, pursuant to Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 3003(c)(3), fixing a deadline (the “Bar Date”) and establishing procedures for filing proofs of claim and approving the form and manner of service thereof, and it appearing that the relief requested is in the best interests of the Debtors, their estates, and creditors and that adequate notice has been given and that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefor, it is hereby

**ORDERED**, that except as otherwise provided herein, all persons and entities, (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts and governmental units) that assert a claim, as defined in § 101(5) of the Bankruptcy Code, against the Debtors which arose on or prior to the filing of the Chapter

11 petitions on \_\_\_\_\_ (the "Filing Date"), shall file a proof of such claim in writing so that it is received on or before \_\_\_\_\_, 20\_\_; and it is further

[**ORDERED**, that notwithstanding any other provision hereof, proofs of claim filed by governmental units must be filed on or before \_\_\_\_\_ (the date that is 180 days after the date of the order for relief); and it is further]<sup>1</sup>

**ORDERED**, that the following procedures for the filing of proofs of claim shall apply:

- (a) Proofs of claim must conform substantially to Official Bankruptcy Form No. 10;
- (b) [(1) *Cases with Claims Agents – Insert this Subparagraph:*] Proofs of claim must be filed either by U.S. Postal Service mail or overnight delivery [the original proof of claim to the United States Bankruptcy Court, Southern District of New York, c/o [address provided by Claims Agent] or by delivering the original proof of claim by hand to the United States Bankruptcy Court, Southern District of New York [insert the address of the division of the court where the case is being administered];  
**[(2) *Cases Without Claims Agents – Insert this Subparagraph:***  
Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of claim electronically on the Court's Case Management/Electronic Case File

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<sup>1</sup> For use only when the general Bar Date is less than 180 days after the Filing Date. Section 502(b)(9) of the Bankruptcy Code requires that governmental units have at least 180 days after the order for relief to file a proof of claim (however, a different deadline may apply for certain tax-related claims in a chapter 13 case).

("CM/ECF") system. Those without accounts to the CM/ECF system must file their proofs of claim by mailing or delivering the original proof of claim by hand to the United States Bankruptcy Court, Southern District of New York, [insert the address of the division of the court where the case is being administered];

- (c) Proofs of claim will be deemed filed only when received by the Clerk of the Bankruptcy Court on or before the Bar Date;
- (d) Proofs of claim must (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iii) be in the English language; and (iv) be denominated in United States currency;
- (e) [In multiple debtor cases] Proofs of claim must specify by name and case number the Debtor against which the claim is filed; if the holder asserts a claim against more than one Debtor or has claims against different Debtors, a separate proof of claim form must be filed with respect to each Debtor; and it is further

**ORDERED**, that the following persons or entities need not file a proof of claim on or prior to the Bar Date:

- (a) Any person or entity that has already filed a proof of claim against the Debtors with the Clerk of the Bankruptcy Court for the Southern District of New York in a form substantially similar to Official Bankruptcy Form No. 10;

- (b) Any person or entity whose claim is listed on the Schedules filed by the Debtors, provided that (i) the claim is not scheduled as “disputed,” “contingent” or “unliquidated”; and (ii) the claimant does not disagree with the amount, nature and priority of the claim as set forth in the Schedules; [and (iii) the claimant does not dispute that the claim is an obligation of the specific Debtor against which the claim is listed in the Schedules];
- (c) Any holder of a claim that heretofore has been allowed by order of this Court;
- (d) Any person or entity whose claim has been paid in full by any of the Debtors;
- (e) Any holder of a claim for which specific deadlines have previously been fixed by this Court;
- (f) [Any Debtor having a claim against another Debtor or any of the non-debtor subsidiaries of [name of parent corporation] having a claim against any of the Debtors;]
- (g) Any holder of a claim allowable under § 503(b) and § 507(a)(2) of the Bankruptcy Code as an expense of administration;
- (h) [Others;] and it is further

**ORDERED**, that any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which the order authorizing such rejection is dated on or before the date of entry of this Order, must file a proof of claim based on such rejection on or before the Bar Date, and any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as

to which an order authorizing such rejection is dated after the date of entry of this Order, must file a proof of claim on or before such date as the Court may fix in the applicable order authorizing such rejection; and it is further

**ORDERED**, that holders of equity security interests in the Debtors need not file proofs of interest with respect to the ownership of such equity interests, provided, however, that if any such holder asserts a claim against the Debtors (including a claim relating to an equity interest or the purchase or sale of such equity interest), a proof of such claim must be filed on or prior to the Bar Date pursuant to the procedures set forth in this Order; and it is further

**ORDERED**, that if the Debtors amend or supplement the Schedules subsequent to the date hereof, the Debtors shall give notice of any amendment or supplement to the holders of claims affected thereby, and such holders shall be afforded 30 days from the date of such notice to file proofs of claim in respect of their claims or be barred from doing so, and shall be given notice of such deadline; and it is further

**ORDERED**, that nothing in this Order shall prejudice the right of the Debtors or any other party in interest to dispute or assert offsets or defenses to any claim reflected in the Schedules; and it is further

**ORDERED**, that pursuant to Bankruptcy Rule 3003(c)(2), all holders of claims that fail to comply with this Order by timely filing a proof of claim in appropriate form shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution; and it is further

**ORDERED**, that a copy of the notice substantially in the form annexed hereto is approved and shall be deemed adequate and sufficient if served by first-class mail at least 35 days prior to the Bar Date on:

- (a) the United States trustee;
- (b) counsel to each official committee;
- (c) all persons or entities that have requested notice of the proceedings in the chapter 11 cases;
- (d) all persons or entities that have filed claims;
- (e) all creditors and other known holders of claims as of the date of this Order, including all persons or entities listed in the Schedules as holding claims;
- (f) all parties to executory contracts and unexpired leases of the Debtors;
- (g) all parties to litigation with the Debtors;
- (h) the Internal Revenue Service for the district in which the case is pending and, if required by Bankruptcy Rule 2002(j), the Securities and Exchange Commission and any other required governmental units (a list of such agencies is available from the Office of the Clerk of the Court); and
- (i) such additional persons and entities as deemed appropriate by the Debtors;

and it is further

[**ORDERED**, that with regard to those holders of claims listed on the Schedules, the Debtors shall mail one or more proof of claim forms (as appropriate) substantially similar to the Proof of Claim form annexed to the application as Exhibit \_\_\_\_\_, indicating on the form how the Debtors have scheduled such creditor's claim in the

Schedules (including the identity of the Debtor, the amount of the claim and whether the claim has been scheduled as contingent, unliquidated or disputed);<sup>2</sup> and it is further]

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<sup>2</sup> For use only by Debtors that provide individualized proof of claim forms;

[**ORDERED**, that with regard to its current employees, the Debtors shall distribute notice of the Bar Date to such employees using a notice substantially similar to the form of notice annexed to the application as Exhibit \_\_\_\_, which notice is approved;<sup>3</sup> and it is further]

[**ORDERED**, that pursuant to Bankruptcy Rule 2002(f), the Debtors shall publish notice of the Bar Date in substantially the form hereto as Exhibit \_\_\_\_ (the “Publication Notice”) once, in the \_\_\_\_\_ [and the \_\_\_\_\_] at least 28 days prior to the Bar Date, which publication is hereby approved and shall be deemed good, adequate and sufficient publication notice of the Bar Date;<sup>4</sup> and it is further]

[**ORDERED**, that any person or entity who desires to rely on the Schedules will have the responsibility for determining that the claim is accurately listed in the Schedules;<sup>5</sup> and it is further]

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<sup>3</sup> For use only by Debtors that provide a special notice to current employees; the form of notice may state in substance that the Debtors have filed under chapter 11 and believe they have, by court order or otherwise, paid all prepetition employee obligations, but that if the employee believes that he or she has an unpaid claim for prepetition wages, salaries or commissions, including vacation, severance and sick leave pay, or contributions to employee benefit plans or other benefits, the employee must file such claims on or before the Bar Date. The notice must also provide information as to the form and manner of filing a claim or provide the employee with reasonable access to such information.

<sup>4</sup> For Debtors that propose to publish notice of the Bar Date. See Guideline 5.

<sup>5</sup> For use only by Debtors that do not provide individualized proof of claim forms. See footnote 3, above.

**ORDERED**, that the Debtors [and their Claims Agent] are authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order; and it is further

**ORDERED**, that entry of this Order is without prejudice to the right of the Debtors to seek a further order of this Court fixing a date by which holders of claims or interests not subject to the Bar Date established herein must file such proofs of claim or interest or be barred from doing so.

Dated: \_\_\_\_\_, New York  
\_\_\_\_\_ , 20\_\_

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UNITED STATES BANKRUPTCY JUDGE

[FORM OF NOTICE OF BAR DATE]

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 11

Case Nos.: \_\_ - \_\_\_\_ (\_\_\_)

Through \_\_ - \_\_\_\_ (\_\_\_)

Debtors.

(Jointly Administered)

-----X

**NOTICE OF DEADLINE REQUIRING FILING OF PROOFS OF  
CLAIM ON OR BEFORE \_\_\_\_\_**

**TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST [NAME  
DEBTORS] [ANY OF THE DEBTOR ENTITIES LISTED [ABOVE] [ON  
PAGE \_\_\_\_ OF THIS NOTICE]]**

The United States Bankruptcy Court for the Southern District of New York has entered an Order establishing [**set forth date in bold**](the "Bar Date") as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units) to file a proof of claim against any of the Debtors listed [above] [on page \_\_\_\_ of this Notice] (the "Debtors").

The Bar Date and the procedures set forth below for filing proofs of claim apply to all claims against the Debtors that arose prior to \_\_\_\_\_, the date on which the Debtors commenced cases under chapter 11 of the United States Bankruptcy Code, except for those holders of the claims listed in Section 4 below that are specifically excluded from the Bar Date filing requirement.

## **1. WHO MUST FILE A PROOF OF CLAIM**

You **MUST** file a proof of claim to vote on a Chapter 11 plan filed by the Debtors or to share in distributions from the Debtors' bankruptcy estates if you have a claim that arose prior to \_\_\_\_\_ (the "Filing Date"), and it is not one of the types of claim described in Section 4 below. Claims based on acts or omissions of the Debtors that occurred before the Filing Date must be filed on or prior to the Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Filing Date.

Under section 101(5) of the Bankruptcy Code and as used in this Notice, the word "claim" means: (a) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

## **2. WHAT TO FILE**

[Your filed proof of claim must conform substantially to Official Form No. 10; a case-specific proof of claim form accompanies this notice.] [The Debtors are enclosing a proof of claim form for use in these cases; if your claim is scheduled by the Debtors, the form also sets forth the amount of your claim as scheduled by the Debtors, the specific Debtor against which the claim is scheduled and whether the claim is scheduled as disputed, contingent or unliquidated. You will receive a different proof of claim form for each claim scheduled in your name by the Debtors. You may utilize the proof of claim

form(s) provided by the Debtors to file your claim.]<sup>6</sup> [Additional proof of claim forms may be obtained at [www.uscourts.gov/bkforms](http://www.uscourts.gov/bkforms).]

All proof of claim forms must be **signed** by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. It must be written in English and be denominated in United States currency. You should attach to your completed proof of claim any documents on which the claim is based (if voluminous, attach a summary) or an explanation as to why the documents are not available.

Any holder of a claim against more than one Debtor must file a separate proof of claim with respect to each such Debtor and all holders of claims must identify on their proof of claim the specific Debtor against which their claim is asserted and the case number of that Debtor's bankruptcy case. A list of the names of the Debtors and their case numbers is [set forth in the case caption above] [attached to this Notice].

### **3. WHEN AND WHERE TO FILE**

***[(A) Cases with Claims Agents – Insert the following as Paragraph 3:]***

Except as provided for herein, all proofs of claim must be filed so as to be received **on or before** \_\_\_\_\_ at the following address:

**[Insert address provided by claims agent]**

#### **IF DELIVERED BY HAND:**

United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 534  
New York, NY 10004-1408  
**[or the address of the division where the case is being administered.]**

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<sup>6</sup> One of these two bracketed statements will ordinarily be appropriate depending on whether individualized proof of claim forms are provided to creditors.

Proofs of claim will be deemed filed only when received by the Bankruptcy Court or at the addresses listed herein on or before the Bar Date. Proofs of claim may not be delivered by facsimile, telecopy or electronic mail transmission.

[Governmental units may have until \_\_\_\_\_, the date that is 180 days after the order for relief, to file proofs of claim.]<sup>7</sup>

**[(B) Cases Without Claims Agents – Insert the following as Paragraph 3:]**

Except as provided for herein, all proofs of claim must be filed so as to be received **on or before** \_\_\_\_\_.

Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of claim electronically on the Court's Case Management/Electronic Case File (“CM/ECF”) system.

Those without accounts to the CM/ECF system must file their proofs of claim by mailing or delivering the original proof of claim by hand or overnight courier to the Court at the address provided below:

**United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 534  
New York, New York 10004-1408**

**[or the address of the division where the case is being administered.]**

Proofs of claim will be deemed filed only when received by the Bankruptcy Court on or before the Bar Date. Proofs of claim may not be delivered by facsimile, telecopy or electronic mail transmission.

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<sup>7</sup> See footnote 1, above.

[Governmental units may have until \_\_\_\_\_, the date that is 180 days after the order for relief, to file proofs of claim.]<sup>8</sup>

#### **4. WHO NEED NOT FILE A PROOF OF CLAIM**

You do **not** need to file a proof of claim on or prior to the Bar Date if you are:

- (a) A person or entity that has already filed a proof of claim against the Debtors with the Clerk of the Bankruptcy Court for the Southern District of New York in a form substantially similar to Official Bankruptcy Form No. 10;
- (b) A person or entity whose claim is listed on the Schedules if (i) the claim is not scheduled as “disputed,” “contingent,” or “unliquidated” and (ii) you do not disagree with the amount, nature and priority of the claim as set forth in the Schedules [and (iii) you do not dispute that your claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules];
- (b) A holder of a claim that has previously been allowed by order of the Court;
- (c) A holder of a claim that has been paid in full by any of the Debtors;
- (d) A holder of a claim for which a specific deadline has previously been fixed by this Court;
- (e) [Any Debtor having a claim against another Debtor or any of the non-debtor subsidiaries of [Parent Corporation] having a claim against any of the Debtors;]

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<sup>8</sup> See footnote 1, above.

(f) A holder of a claim allowable under § 503(b) and § 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtors' estates;

(g) [Others.]

If you are a holder of an equity interest in the Debtors, you need not file a proof of interest with respect to the ownership of such equity interest at this time. However, if you assert a claim against the Debtors, including a claim relating to such equity interest or the purchase or sale of such interest, a proof of such claim must be filed on or prior to the Bar Date pursuant to procedures set forth in this Notice.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtors but may not have an unpaid claim against the Debtors. The fact that you have received this Notice does not mean that you have a claim or that the Debtors or the Court believe that you have a claim against the Debtors.

#### **5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

If you have a claim arising out of the rejection of an executory contract or unexpired lease as to which the order authorizing such rejection is dated on or before \_\_\_\_\_, the date of entry of the Bar Order, you must file a proof of claim by the Bar Date. Any person or entity that has a claim arising from the rejection of an executory contract or unexpired lease, as to which the order is dated after the date of entry of the Bar Order, you must file a proof of claim with respect to such claim by the date fixed by the Court in the applicable order authorizing rejection of such contract or lease.

#### **6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE BAR DATE**

ANY HOLDER OF A CLAIM THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THIS ORDER, AS SET FORTH IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM WILL BE BARRED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTORS AND THEIR CHAPTER 11 ESTATES, FROM VOTING ON ANY PLAN OF REORGANIZATION FILED IN THESE CASES, AND FROM PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTORS' CASES ON ACCOUNT OF SUCH CLAIM.

**7. THE DEBTORS' SCHEDULES AND ACCESS THERETO**

You may be listed as the holder of a claim against one or more of the Debtors in the Debtors' Schedules of Assets and Liabilities and/or Schedules of Executory Contracts and Unexpired Leases (collectively, the "Schedules").

[To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed proof of claim forms regarding the nature, amount, and status of your claim(s). If you received postpetition payments from the Debtors (as authorized by the Court) on account of your claim, the enclosed proof of claim form will reflect the net amount of your claims. If the Debtors believe that you hold claims against more than one Debtor, you will receive multiple proof of claim forms, each of which will reflect the nature and amount of your claim against one Debtor, as listed in the Schedules.]<sup>9</sup>

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<sup>9</sup> For use only by Debtors that provide individualized proof of claim forms

[If you rely on the Debtors' Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules][however, you may rely on the enclosed form, which lists your claim as scheduled, identifies the Debtor against which it is scheduled, and specifies whether the claim is disputed, contingent or unliquidated.]<sup>10</sup>

As set forth above, if you agree with the nature, amount and status of your claim as listed in the Debtors' Schedules, and if you do not dispute that your claim is only against the Debtor specified by the Debtors, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need not file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so before the Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtors' Schedules are available for inspection on the Court's Internet Website at <http://www.nysb.uscourts.gov>. A login and password to the Court's Public Access to Electronic Court Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. Copies of the Schedules may also be examined between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday at the Office of the Clerk of the Bankruptcy Court, One Bowling Green, Room 511, New York, New York 10004-1408 [or 300 Quarropas Street, Room 248, White Plains, New York 10601 or 355 Main Street, Poughkeepsie, New York 12601]. Copies of the Debtors' Schedules may also be obtained by written request to Debtors' [counsel at the address and telephone number set forth below] [Claims Agent at the following address and telephone number]:

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<sup>10</sup> A variant of this paragraph may be used depending on whether the Debtors provide individualized proof of claim forms.

**A holder of a possible claim against the Debtors should consult an attorney regarding any matters not covered by this notice, such as whether the holder should file a proof of claim.**

Dated: \_\_\_\_\_, New York

**BY ORDER OF THE COURT**

\_\_\_\_\_, 20\_\_

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COUNSEL FOR THE DEBTORS AND  
DEBTORS IN POSSESSION  
FIRM NAME  
ADDRESS  
PHONE NUMBER