

SO ORDERED.

SIGNED this 18th day of March, 2019.



*Benjamin A. Kahn*

BENJAMIN A. KAHN  
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

In re:	)	Chapter 11
	)	
Advanced Sports Enterprises, Inc., <i>et al.</i> , <sup>a</sup>	)	
	)	Case No. 18-80856
	)	(Jointly Administered)
	)	
Debtors.	)	
	)	

ORDER ESTABLISHING PROCEDURE TO DETERMINE SECTION 503(b)(9)  
ADMINISTRATIVE EXPENSES

**URGENT NOTICE OF PENDING DEADLINE**

Pursuant to this Order, the United States Bankruptcy Court for the Middle District of North Carolina has established a deadline of **May 17, 2019** for filing a request for allowance of an administrative expense claim under 11 U.S.C. § 503(b)(9) in the above captioned case. All parties asserting administrative expense claims, as defined in sections 101(5) and 503(b)(9) of 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), for the value of goods sold in the ordinary course of business and received by Advanced Sports Enterprises, Inc., Advanced Sports, Inc., Performance Direct, Inc., Bitech, Inc. and Nashbar Direct, Inc. (the “Debtors”), which do business as “Performance Bicycle” within 20 days before November 16, 2018 (the “Petition Date”) must file a request for payment on such claim on or before May 17, 2019 (the “Bar Date”). Each Section 503(b)(9) Claim must set forth certain information regarding the claim

<sup>a</sup> The Debtors in this case, along with each Debtor’s case number, are: (i) Advanced Sports Enterprises, Inc., Case No. 18-80856; (ii) Advanced Sports, Inc., Case No. 18-80857; (iii) Performance Direct, Inc., Case No. 18-80860; (iv) Bitech, Inc., Case No. 18-80858; and (v) Nashbar Direct, Inc., Case No. 18-80859. Each Debtor is a North Carolina Corporation.



with specificity as provided in this Order. The Section 503(b)(9) Claim also must be served on the parties identified in this Order and filed with the Bankruptcy Court on or before the Bar Date.

**Any person or entity holding a Section 503(b)(9) Claim that fails to file such claim on or before the Bar Date shall be forever barred and estopped from asserting a Section 503(b)(9) Claim against the Debtor or its estate.**

THIS MATTER came before the Court on March 7, 2019 to consider the “Motion to Establish Procedure to Determine Section 503(b)(9) Administrative Expenses” (the “Motion”)<sup>b</sup> filed by the Debtors pursuant to Section 503(b)(9) of the Bankruptcy Code.

After considering the matters set forth in the Motion and the comments of parties in interest, the Court finds that the relief requested in the Motion is in the best interest of the Debtors’ estates, and for good and sufficient reasons appearing, it is hereby ORDERED as follows:

1. The Motion is GRANTED as set forth herein.
2. All Section 503(b)(9) Claims must be filed with the Court by May 17, 2019 (the “Bar Date”). Any Section 503(b)(9) Claim that is not timely filed with the Court by the Bar Date in the manner set forth herein shall be disallowed, and the holder of such Section 503(b)(9) Claim shall be forever barred, estopped, and permanently enjoined from asserting such Section 503(b)(9) Claim against the Debtors or their estates.
3. Unless a motion or application for approval of a Section 503(b)(9) Claim has been filed with the Court prior to the entry of this Order, all Section 503(b)(9) Claims must be submitted on the 503(b)(9) Claim Form attached to this Order and are required to set forth with specificity (i) an identification of the goods that were received by the Debtor within twenty (20) days before the Petition Date; (ii) the date(s) that such goods were received by the Debtor; (iii) the value of the goods received by the Debtor within twenty (20) days before the Petition Date; (iv) the aggregate amount of the Section 503(b)(9) Claim; and (v) a verified statement that the goods were sold to the Debtor in the ordinary course of its business and the claimant remains unpaid for the claim asserted.

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<sup>b</sup> All capitalized terms not otherwise defined herein shall have the meaning set forth in the Motion.

4. All Section 503(b)(9) Claim Forms may be filed electronically on the Court's website at: <http://www.ncmb.uscourts.gov/>. The Court strongly encourages the e-filing of claims. If filing by paper, this form can be mailed to the Bankruptcy Clerk's Office at 101 S. Edgeworth Street, Greensboro, NC 27401 so as to be received by the Court by the Bar Date.

5. The Clerk's Office is directed to file copies of all motions or applications seeking allowance and payment of Section 503(b)(9) Claims that were filed prior to the entry of this Order in the official claims registry for the applicable Debtors' case.

6. Each 503(b)(9) Claim Form shall only assert its claim against a single Debtor, and file such claim in the official claim registry with respect to that Debtor. If a claimant asserts a 503(b)(9) Claim against more than one Debtor, then it must file a separate 503(b)(9) Claim Form for each Debtor.

7. The hearings on the administrative expense applications filed by VB Enterprises Inc. (Dkt. No. 230) and Shanghai General Sports Co., Ltd. (Dkt. No. 346) are hereby continued indefinitely, with the date and time of the hearings of such applications to be established by further order of this Court.

8. Nothing in this Order shall be construed to limit or in any way affect the ability of the Debtors or any party in interest to dispute any Section 503(b)(9) Claim on any ground or to assert offsets or defenses to such claim as to amount, liability, status or otherwise.

9. The Debtors shall serve a copy of this Order on all known creditors and other parties-in-interest in accordance with the Order Granting Motion to Establish Procedures entered on November 21, 2018, not later than three business days after the entry of this Order and file a certificate of service with the Clerk.

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