### IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

BLITZ U.S.A., Inc., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 11-13603 (PJW)

(Jointly Administered)

## NOTICE OF DEADLINES FOR FILING PROOFS OF CLAIM AGAINST DEBTORS INCLUDING ANY CLAIMS PURSUANT TO 11 U.S.C. § 503(B)(9)

## TO: ALL ENTITIES WHO MAY HAVE CLAIMS AGAINST ANY DEBTOR(S) LISTED BELOW:

## PLEASE TAKE NOTICE THAT:

1. On November 9, 2011 (the "<u>Petition Date</u>"), the Debtors filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the "<u>Bankruptcy Code</u>") in the United States Bankruptcy Court for the District of Delaware (the "<u>Court</u>"). Set forth below are the name, federal tax identification number, and the case number for each of the Debtors:

DEBTOR	EIN	CASE NO.
Blitz U.S.A., Inc.	8104	11-13603
LAM 2011 Holdings, LLC	8742	11-13605
Blitz Acquisition Holdings, Inc.	8825	11-13602
Blitz Acquisition, LLC	8979	11-13606
Blitz RE Holdings, LLC	9071	11-13607
F3 Brands LLC	2604	11-13604

# **DEADLINE FOR FILING CLAIMS AGAINST THE ABOVE-REFERENCED DEBTORS:**

- 2. On May 23, 2012, the Court entered an order (the "<u>Bar Date Order</u>") establishing July 13, 2012 at 4:00 p.m. (EDT) as the deadline for general creditors to file proofs of claim against any of the Debtors (the "<u>General Bar Date</u>"), and July 13, 2012 at 4:00 p.m. (EDT) as the deadline for governmental units to file proofs of claim against any of the Debtors (the "<u>General Bar Date</u>"). The Bar Date applies to all claims against any of the Debtors that arose before November 9, 2011 <u>except</u> the Excluded Claims listed in paragraph 4 below. The Bar Date Order also sets procedures to be used for filing proofs of claim, which are summarized in this notice for your convenience.
- **3.** Unless you fall into one of the categories listed in paragraph 4, you MUST file a proof of claim if you have any claim against any of the Debtors that arose before November 9, 2011. Acts or omissions that

<sup>&</sup>lt;sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: LAM 2011 Holdings, LLC (8742); Blitz Acquisition Holdings, Inc. (8825); Blitz Acquisition, LLC (8979); Blitz RE Holdings, LLC (9071); Blitz U.S.A., Inc. (8104); and MiamiOK LLC (2604). The location of the Debtors' corporate headquarters and the Debtors' service address is: 404 26th Ave. NW Miami, OK 74354.

occurred before November 9, 2011 may give rise to claims subject to the Bar Dates even if the claims may not have become known or fixed or liquidated until after November 9, 2011. Under section 101(5) of the Bankruptcy Code and as used herein, 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, secured or unsecured.

- 4. The Bar Date Order provides that creditors do NOT have to file proofs of claim by the Bar Dates for the types of claims and interests listed below in this paragraph 4 (collectively, the "<u>Excluded Claims</u>"). You should not file a proof of claim at this time for any Excluded Claim. The Court may enter one or more separate orders at a later time requiring creditors to file proofs of claim for some kinds of Excluded Claims and setting related deadlines. If the Court does enter such an order, you will receive notice of it. Excluded Claims include:
  - (a) Claimants who already filed a Proof of Claim against any of the Debtors with the Clerk of the Bankruptcy Court for the District of Delaware in a form substantially similar to Official Bankruptcy Form No. 10;
  - (b) Any Claim that is listed on the Debtors' respective schedules of assets and liabilities (the "<u>Schedules</u>"); <u>provided</u>, <u>however</u>, that: (i) the Claim is not scheduled as "disputed," "contingent" or "unliquidated;" (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 Claim that this Court allowed before entry of the Bar Date Order;
  - (d) Any Claim against any of the Debtors that has been paid in full by any Debtor or any other party;
  - (e) Any Claim that is subject to specific deadlines fixed by this Court;
  - (f) Any claim resulting from, based on, arising from or related to any current or future state or federal lawsuits based on personal consumer gas containers. including claims for personal injury or wrongful death (collectively, the "<u>PCGC Claims</u>"). PCGC Claims include all such claims whether in tort, contract, warranty, restitution, conspiracy, contribution, indemnity, guarantee, subrogation, or any other theory of law, equity or admiralty; whether seeking compensatory, special economic and non-economic, punitive, exemplary, administrative or any other costs or damages; or whether seeking any legal, equitable or other relief of any kind whatsoever. PCGC Claims include any such claims that have been resolved or are subject to resolution pursuant to any agreement, or any such claims that are based on a judgment or verdict. While the General Bar Date does not apply to the PCGC Claims, the Debtors reserve their right to request the establishment of one or more bar dates with respect to the PCGC Claims;
  - (g) Any Claimant whose Claim is based on an interest in an equity security of the Debtors; <u>provided</u>, <u>however</u>, that any Claimant who wishes to assert a Claim against any of the Debtors based on, without limitation, Claims for damages or rescission based on the purchase or sale of an equity security, must file a Proof of Claim on or before the General Bar Date. The Debtors reserve all rights with respect to any such Claims including, *inter alia*, to assert that such Claims are subject to subordination pursuant to section 510(b) of the Bankruptcy Code; and

(h) Any Claims allowable under sections 503(b) and 507(a)(1) of the Bankruptcy Code as administrative expenses of the Debtors' Chapter 11 Cases, with the exception of Claims allowable under section 503(b)(9) of the Bankruptcy Code (with respect to the value of the goods received by the Debtors within 20 days of the Petition Date), which are subject to General Bar Date as provided above.

# 5. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM OR THAT THE DEBTORS BELIEVE YOU HAVE A CLAIM.

- 6. If the Debtors amend the Schedules after you receive this notice, the Debtors will give notice of that amendment to the holders of the Claims that are affected by it, and those holders will be given an opportunity to file proofs of claim before a new deadline that will be specified in that future notice.
- 7. The Bankruptcy Code provides that Debtors may, at any time before a plan of reorganization or liquidation is confirmed by the Court, choose to reject certain executory contracts or unexpired leases. If your contract or lease is rejected, you may have a claim resulting from that rejection. The deadline to file a proof of claim for damages relating to the rejection of the contract or lease is the later of (a) the General Bar Date or (b) the date provided in the order authorizing the Debtors to reject or, if no such date is provided, then thirty (30) days after the date the order is entered.

# **INSTRUCTIONS FOR FILING PROOFS OF CLAIM:**

- 8. If you file a proof of claim, your filed proof of claim must (i) be signed by the Claimant or if the Claimant is not an individual, by an authorized agent of the Claimant, (ii) be written in English, (iii) include a Claim amount denominated in United States dollars, (iv) conform substantially with the Proof of Claim Form provided by the Debtors or Official Bankruptcy Form No. 10, and (v) state a Claim against one or more of the Debtors. If a proof of claim form is not enclosed with this notice, you may obtain a proof of claim form from any bankruptcy court clerk's office, from your lawyer, from certain business supply stores, from www.uscourts.gov/bankform, or by contacting Blitz Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245, Telephone: (877) 606-7519.
- 9. Your proof of claim form must be filed so as to be RECEIVED prior to 4:00 p.m. (EDT) on July 13, 2012. You can file your proof of claim by sending the original proof of claim to Blitz Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245. KCC will not accept a Proof of Claim sent by facsimile or e-mail, and any Proof of Claim submitted via facsimile or e-mail will be disregarded.

## **CONSEQUENCES OF MISSING THE DEADLINE FOR FILING CLAIMS:**

- 10. EXCEPT WITH RESPECT TO EXCLUDED CLAIMS (AS DESCRIBED IN PARAGRAPH 4 HEREOF), IF YOU FAIL TO FILE A PROOF OF CLAIM ON OR BEFORE 4:00 P.M. (PREVAILING EASTERN TIME) ON THE APPLICABLE BAR DATE ON ACCOUNT OF ANY CLAIM YOU WISH TO ASSERT AGAINST THE DEBTORS (OR IF YOU DO NOT SUBMIT YOUR CLAIM VIA U.S. MAIL, HAND DELIVERY OR OVERNIGHT MAIL), THEN:
  - > YOU WILL NOT BE TREATED AS A CREDITOR FOR PURPOSES OF THE CHAPTER 11 CASES;
  - > YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THE CHAPTER 11 CASES ON ACCOUNT OF THAT CLAIM; AND
  - > YOU WILL NOT BE PERMITTED TO VOTE ON ANY PLAN OR PLANS OF REORGANIZATION OR LIQUIDATION FOR THE DEBTORS ON ACCOUNT OF THESE BARRED CLAIMS.

### **EXAMINATION OF SCHEDULES:**

11. The Debtors' Schedules and the Bar Date Order may be examined and inspected by interested parties during regular business hours at the Clerk of the Bankruptcy Court, United States Bankruptcy Court, District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801, during posted hours. The Debtors' Schedules and the Bar Date Order are also available online at <u>www.kccllc.net/Blitz</u>. The Court's docket sheet and documents are also accessible at the Court's internet site: <u>https://ecf.deb.uscourts.gov</u> through an account obtained from the PACER website at <u>http://pacer.psc.uscourts.gov</u>. Creditors that wish to rely on the Schedules will have the responsibility for determining that their Claims are listed accurately on them and whether such claim is scheduled as contingent, unliquidated or disputed which would require the timely filing of a proof of claim to preserve such claim.

### **QUESTIONS:**

12. Proof of Claim Forms and a copy of the Bar Date Order may be obtained by visiting <u>www.kccllc.net/Blitz</u>, by calling 1-877-606-7519 or by contacting Blitz Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245. Kurtzman Carson Consultants, LLC cannot advise you how to, or whether you should file a Proof of Claim Form.

Dated: May 23, 2012 Wilmington, Delaware BY ORDER OF THE COURT: THE HONORABLE PETER J. WALSH

/s/ Andrew C. Irgens

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Attorneys for the Debtors and Debtors in Possession