

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	: Chapter 11
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THE COLLEGE OF NEW ROCHELLE,	: Case No. 19-23694 (RDD)
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Debtor.	:
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ORDER ESTABLISHING DEADLINE FOR FILING PROOFS OF CLAIM AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF

Upon the application (the “**Application**”)¹ filed by The College of New Rochelle, the above-captioned debtor and debtor-in-possession (the “**Debtor**”), for entry of an order, pursuant to Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) fixing a deadline 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 Debtor, its estate, and its 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 section 101(5) of title 11 of the United States Code (the “**Bankruptcy Code**”), against the Debtor which arose prior to the filing of the Debtor’s chapter 11 petition on September 20, 2019 (the “**Petition Date**”), shall file a proof of

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Application.



such claim in writing so that it is received on or before **January 15, 2020 at 5:00 p.m. (Prevailing Eastern Time)** (the “**Bar Date**”); and it is further

ORDERED, that notwithstanding any other provision hereof, Proofs of Claim filed by governmental units must be filed on or before March 18, 2020 (the date that is one hundred eighty (180) days after the Petition Date); and it is further

ORDERED, that the following procedures for the filing of Proofs of Claim shall apply:

- (a) Proofs of Claim shall conform substantially to Form No. 410 of the Official Bankruptcy Forms;
- (b) Proofs of Claim shall be electronically transmitted through the interface available on the Claims Agent’s website at <http://www.kccllc.net/CNR> by the claimant or by an authorized legal representative of the claimant, or by first class U.S. Mail, overnight mail or other hand delivery system with an original signature send to the following address: The College of New Rochelle Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245;
- (c) Parties who wish to receive proof of receipt of their Proof of Claim from the Claims Agent must also include with their Proof of Claim a copy of their Proof of Claim and a self-addressed, stamped envelope;
- (d) Proofs of Claim shall be deemed filed only when received by the Claims Agent on or before the Bar Date; and
- (e) Proofs of Claim shall (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary); (iii) be in the English language; and (iv) be denominated in United States currency; 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 Debtor in this case in a form substantially similar to Official Bankruptcy Form No. 410;
- (b) Any person or entity whose Claim is listed on the Schedule of Assets and Liabilities filed by the Debtor (collectively, the “**Schedules**”), if (i) the Claim is not scheduled as “disputed,” “contingent” or “unliquidated”; and

- (ii) the claimant agrees with the amount, nature and priority of the Claim as set forth in the Schedules;
- (c) Any holder of a Claim that has already been allowed in this case by order of the Court;
- (d) Any holder of a Claim which has been paid in full by the Debtor;
- (e) Any holder of a Claim for which a different deadline for filing a Proof of Claim in this case has already been fixed by this Court;
- (f) Any holder of a Claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtor's estate; or
- (g) Any person or entity with a Claim any claim limited to the repayment of principal, interest, applicable fees, premium, if any, costs and/or other charges (a "Debt Claim") on or under any bond or related obligation issued by or for the benefit of the Debtor pursuant to an indenture, related instrument or agreement ("Debt Instruments"); provided however that (i) the foregoing exclusion shall not apply to any indenture trustee, or master trustee under applicable Debt Instruments ("Indenture Trustees") or sole holder of the debt claim ("Sole Holder"); (ii) Indenture Trustees or Sole Holder shall file such proofs of claim as they shall deem necessary and appropriate in their respective sole discretion on or before the Bar Date with respect to any Debt Claims on or under Debt Instruments; and (iii) any holder of a Debt Claim wishing to assert a claim other than a Debt Claim shall be required to file a proof of claim on or before the Bar Date, unless another exception in this paragraph applies. In addition, with respect to claims filed by any Indenture Trustee or Sole Holder, such claimants need not attach copies of the documents evidencing and/or securing the claims; 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 later of the Bar Date or the date that is thirty (30) days after the date of the order authorizing such rejection, 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 if the Debtor amends or supplements the Schedules after the date of this Order, the Debtor shall give notice of any amendment or supplement to the holders of Claims affected thereby, and holders of such claims shall have thirty (30) days from the date of service of the notice to file Proofs of Claim and shall be given notice of such deadline; and it is further

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

ORDERED, that pursuant to Bankruptcy Rule 3003(c)(2), a holder of a Claim that fails 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 in this Chapter 11 case; 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; and it is further

ORDERED, that notice of the Bar Date 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 any official committee appointed in this case;
- (c) all persons or entities that have requested notice of the proceedings in the Debtor's Chapter 11 case;
- (d) all persons or entities that have filed Claims in this case;
- (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 Debtor;
- (g) all parties to litigation with the Debtor;
- (h) all former students with refund claims;
- (i) all annuitants; and

- (j) 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;

and it is further

ORDERED, that the Debtor is 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 Debtor 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: While Plains, New York
December 3, 2019

/s/ Robert D. Drain
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 11
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THE COLLEGE OF NEW ROCHELLE, : Case No. 19-23694 (RDD)
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Debtor. :
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**NOTICE OF DEADLINE REQUIRING FILING OF PROOFS OF CLAIM
ON OR BEFORE JANUARY 15, 2020 AT 5:00 P.M. (PREVAILING EASTERN TIME)**

**TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE COLLEGE OF
NEW ROCHELLE:**

The United States Bankruptcy Court for the Southern District of New York has entered an Order (the “**Bar Date Order**”) establishing **January 15, 2020 at 5:00 p.m. (Prevailing Eastern Time)** (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 The College of New Rochelle, the above-captioned debtor and debtor-in-possession (the “**Debtor**”).

The Bar Date and the procedures set forth below for filing proofs of claim apply to all claims against the Debtor that arose prior to September 20, 2019 (the “**Filing Date**”), the date on which the Debtor commenced its case under chapter 11 of title 11 of the United States Bankruptcy Code (the “**Bankruptcy Code**”), except for those holders of the claims listed in Section 4 below that are specifically excluded from the Bar Date filing requirement. Governmental units may have until March 18, 2020, the date that is one hundred eighty (180) days after the order for relief, to file proofs of claim.

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 Debtor or to share in distributions from the Debtor’s bankruptcy estate if you have a claim that arose prior to the Filing Date, and it is not one of the types of claims described in Section 4 below. Claims based on

acts or omissions of the Debtor 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. 410, a copy of which is annexed to this Notice. Additional proof of claim forms may be obtained at www.uscourts.gov/forms/bankruptcy-forms or www.kccllc.net/CNR.

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.

Your proof of claim form shall not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor’s initials) or a financial account number (only the last four digits of such financial account).

3. WHEN AND WHERE TO FILE

Except as provided for herein, all proofs of claim must be filed so as to be received **on or before January 15, 2020 at 5:00 p.m. (Prevailing Eastern Time)**. Proofs of Claim shall be electronically transmitted through the interface available on the Claims Agent’s website at <http://www.kccllc.net/CNR> by the claimant or by an authorized legal representative of the claimant, or by first class U.S. Mail, overnight mail or other hand delivery system with an original signature sent to the following address:

The College of New Rochelle Claims Processing Center
c/o Kurtzman Carson Consultants LLC
222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245.

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

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) Any person or entity that has already filed a proof of claim against the Debtor in this case in a form substantially similar to Official Bankruptcy Form No. 410;
- (b) Any person or entity whose claim is listed on the Schedules of Assets and Liabilities filed by the Debtor (collectively, the “**Schedules**”) [Docket Entry No. 21], if (i) the claim is not scheduled as “disputed,” “contingent,” or “unliquidated” and (ii) you agree with the amount, nature and priority of the claim as set forth in the Schedules;
- (c) Any holder of a claim that has already been allowed in this case by Order of the Court;
- (d) Any holder of a Claim which has been paid in full by the Debtor;
- (e) Any holder of a Claim for which a different deadline for filing a Proof of Claim in this case has already been fixed by this Court;
- (f) Any holder of a Claim allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration of the Debtor’s estate; or
- (g) Any person or entity with a Claim any claim limited to the repayment of principal, interest, applicable fees, premium, if any, costs and/or other charges (a “Debt Claim”) on or under any bond or related obligation issued by or for the benefit of the Debtor pursuant to an indenture, related instrument or agreement (“Debt Instruments”); provided however that (i) the foregoing exclusion shall not apply to any indenture trustee, or master trustee under applicable Debt Instruments (“Indenture Trustees”) or sole holder of the debt claim (“Sole Holder”); (ii) Indenture Trustees or Sole Holder shall file such proofs of claim as they shall deem necessary and appropriate in their respective sole discretion on or before the Bar Date with respect to any Debt Claims on or under Debt Instruments; and (iii) any holder of a Debt Claim wishing to assert a claim other than a Debt Claim shall be

required to file a proof of claim on or before the Bar Date, unless another exception in this paragraph applies. In addition, with respect to claims filed by any Indenture Trustee or Sole Holder, such claimants need not attach copies of the documents evidencing and/or securing the claims.

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

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 based on such rejection on or before the later of the Bar Date or the date that is thirty (30) days after the date of the order authorizing such rejection. 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 Date Order, 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 ITS CLAIM AGAINST THE DEBTOR AND ITS CHAPTER 11 ESTATE, FROM VOTING ON ANY PLAN OF REORGANIZATION FILED IN THIS CASE, AND FROM PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTOR'S CHAPTER 11 CASE ON ACCOUNT OF SUCH CLAIM.

7. THE DEBTOR'S SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against the Debtor in the Debtor's Schedules. If you agree with the nature, amount and status of your claim as listed in the Debtor's Schedules, and if your claim is not described as "disputed," "contingent," or "unliquidated," you do not need to file a proof of claim. Otherwise, you must file a proof of claim before the Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtor's Schedules are available for inspection on the Court's Internet Website at <http://www.nyeb.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, 300 Quarropas Street, White Plains, New York 10601. Copies of the Debtor's Schedules may also be obtained at www.kccllc.net/CNR or by written request to the Debtor's counsel addressed to Cullen and Dykman LLP, Attn: Bonnie L. Pollack, Esq., 100 Quentin Roosevelt Blvd., Garden City, New York 11530.

If you are unsure about any of these matters, including whether you should file a proof of claim, you may wish to consult an attorney.

Dated: Garden City, New York
December 3, 2019

BY ORDER OF THE COURT

CULLEN AND DYKMAN LLP

BY: s/ Bonnie Pollack
Matthew G. Roseman, Esq.
Bonnie L. Pollack, Esq.
100 Quentin Roosevelt Boulevard
Garden City, New York 11530
(516) 357-3700

Attorneys for The College of New Rochelle