

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

In re:	)	Chapter 11
)	
FIBRANT, LLC,	)	Case No. 18- <u>10274</u>
)	
Debtor.)	
)	
<u>Tax I.D. No. 47-3726694</u>)	
In re:	)	Chapter 11
)	
EVERGREEN NYLON RECYCLING,	)	Case No. 18- <u>10276</u>
LLC,)	
)	
Debtor.)	
)	
<u>Tax I.D. No. 58-2367625</u>)	
In re:	)	Chapter 11
)	
FIBRANT SOUTH CENTER, LLC	)	Case No. 18- <u>10275</u>
)	
Debtor.)	
)	
<u>Tax I.D. No. 46-0578270</u>)	
In re:	)	Chapter 11
)	
GEORGIA MONOMERS	)	Case No. 18- <u>10277</u>
COMPANY, LLC)	
)	
Debtor.)	
)	
<u>Tax I.D. No. 58-2590042</u>	)	(Joint Administration Requested)

**DEBTORS’ EMERGENCY MOTION FOR ENTRY OF AN ORDER DIRECTING
JOINT ADMINISTRATION OF RELATED CHAPTER 11 CASES**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) file this *Emergency Motion for Entry of an Order Directing Joint Administration of Related Chapter 11 Cases* (the “Motion”). In support of this Motion, the Debtors respectfully represent as follows:



JURISDICTION AND VENUE

1. This Court has jurisdiction over these cases and this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(A). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The predicate for the relief requested herein is Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 1015(b).

BACKGROUND

3. On the date hereof (the “Petition Date”), each of the Debtors filed a voluntary petition with the Court under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

4. The factual background relating to the Debtors’ commencement of these cases is set forth in detail in the *Declaration of David Leach in Support of First-Day Motions and Applications* (the “First-Day Declaration”),¹ filed on the Petition Date and incorporated herein by reference.

5. The Debtors have continued in possession of their properties and continue to operate and manage their business as debtors-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code.

6. As of the date of this filing, no official committee of unsecured creditors has been appointed in these cases, and no request has been made for the appointment of a trustee or examiner.

¹ Capitalized terms that are used but not defined in this Motion have the meanings ascribed to such terms in the First-Day Declaration.

RELIEF REQUESTED

7. The Debtors request that the Court order procedural consolidation and joint administration of their related chapter 11 cases. The Debtors also request that the Court maintain one file and one docket for all of the jointly-administered cases under the case of Fibrant, LLC and that the Court administer these chapter 11 cases under a consolidated caption, as follows:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

In re:	)	Chapter 11
)	
FIBRANT, LLC, <i>et al.</i>, ¹	)	Case No. 18-<u>10274</u>
)	
Debtors.	)	Jointly Administered
<hr style="border-top: 1px solid black;"/>		

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number (if any), are: Fibrant, LLC (6694); Evergreen Nylon Recycling, LLC (7625); Fibrant Center South, LLC (8270); and Georgia Monomers Company, LLC (0042).

8. The Debtors also seek the Court’s direction that a notation substantially similar to the following notation be entered on the docket of each of the Debtors’ cases to reflect the joint administration of these cases:

An Order has been entered in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration of the chapter 11 cases of: Fibrant, LLC, Case No. 18-10274; Evergreen Nylon Recycling, LLC, Case No. 18-10276; Fibrant South Center, LLC, Case No. 18-10275; and Georgia Monomers Company, LLC, Case No. 18-10277. **All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 18-10274, Fibrant, LLC.**

9. Finally, the Debtors seek authority to file monthly operating reports required by the U.S. Trustee Operating Guidelines on a consolidated basis. This will further administrative economy and efficiency without prejudice to any party-in-interest.

BASIS FOR RELIEF

10. Bankruptcy Rule 1015(b) provides, in relevant part, that if “two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates.” The Debtors are “affiliates” as that term is defined under Section 101(2) of the Bankruptcy Code. Accordingly, the Court is authorized to grant the requested relief.

11. Joint administration of these chapter 11 cases will provide significant administrative convenience without harming the substantive rights of any party in interest. Subsidiaries of Fibrant, LLC (“Fibrant”) have comparatively few assets, employees or operations relative to those of Fibrant. The Debtors intend to file with the Court numerous motions and applications, including the various motions and applications which have been filed on the first day of these cases. Joint administration for procedural purposes will avoid unnecessary delay and expense by obviating the need for the Debtors to file duplicative motions and applications, or the burdensome necessity of duplicating notices to numerous creditors. Joint administration will also eliminate the possibility of duplicative creditor committees, with their attendant expense, and ensure all creditors have equal access to the same information. It will eliminate the need for the Court to enter duplicative orders in each of these chapter 11 cases and streamline supervision of the administrative aspects of these chapter 11 cases by the Office of the United States Trustee for the Southern District of Georgia.

12. The rights of the respective creditors will not be adversely affected by joint administration of these cases because the relief sought in this Motion is purely procedural, and is in no way intended to affect substantive rights.

EMERGENCY CONSIDERATION

13. The Debtors respectfully request emergency consideration of this Motion pursuant to Bankruptcy Rule 6003, which empowers a court to grant relief within the first 21 days after the commencement of a chapter 11 case “to the extent that relief is necessary to avoid immediate and irreparable harm.” It is important to get the cases on the right track early because creditors need to be notified of first-day motions in an efficient manner, committees may be appointed quickly by the United States Trustee, and the Court will be asked to enter orders on important, time-sensitive motions quickly. Joint administration, if promptly implemented, will eliminate confusion, duplication of effort, and waste of estate and government resources.

NOTICE

14. Notice of this Motion has been provided to: (a) the Office of the United States Trustee for the Southern District of Georgia; (b) the holders of the 20 largest unsecured claims against the Debtors on a consolidated basis; (c) the agent to lenders that previously asserted a blanket lien on Fibrant’s assets; (d) the Internal Revenue Service; (e) the United States Attorney’s Office for the Southern District of Georgia; (f) the Office of the Georgia Attorney General; (g) the Georgia Department of Revenue; (h) the United States Environmental Protection Agency, (i) the Georgia Environmental Protection Division; (j) parties receiving any other first-day motions; (k) Koninklijke DSM, N.V. and DSM Coating Resins, Inc.; (l) ChemicalInvest Holding, B.V.; and (m) any party that has requested notice pursuant to Bankruptcy Rule 2002. In light of the nature of the relief requested, the Debtors submit that no further notice is necessary.

CONCLUSION

WHEREFORE the Debtors respectfully request that this Court:

- (a) enter an order in the form attached hereto as **Exhibit A** granting the relief requested herein; and
- (b) grant the Debtors such other and further relief as is just and proper.

Dated: February 23, 2018
Augusta, Georgia

Respectfully submitted,

KING & SPALDING LLP

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

In re:) **Chapter 11**
)
FIBRANT, LLC,) **Case No. 18-**10274
)
Debtor.)

Tax I.D. No.)
In re:) **Chapter 11**
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EVERGREEN NYLON RECYCLING,) **Case No. 18-**10276
LLC,)
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FIBRANT SOUTH CENTER, LLC,) **Case No. 18-**10275
)
Debtor.)

Tax I.D. No.)
In re:) **Chapter 11**
)
GEORGIA MONOMERS COMPANY, LLC) **Case No. 18-**10277
)
Debtor.)
Tax I.D. No.)

ORDER DIRECTING JOINT ADMINISTRATION OF RELATED CHAPTER 11 CASES

[Relates to Docket No.]

This matter is before the Court on the *Emergency Motion for Entry of an Order Directing Joint Administration of Related Chapter 11 Cases* (the “Motion”) of the above captioned debtors and debtors-in-possession (collectively, the “Debtors”). All capitalized terms used but not defined herein shall have the meanings given to them in the Motion.

The Court has considered the Motion, the First-Day Declaration, and the matters reflected in the record of the hearing held on the Motion on February ___, 2018. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that notice of the Motion has been given to: (a) the Office of the United States Trustee for the Southern District of Georgia; (b) the holders of the 20 largest unsecured claims against the Debtors on a consolidated basis; (c) the agent to lenders that previously asserted a blanket lien on Fibrant’s assets; (d) the Internal Revenue Service; (e) the United States Attorney’s Office for the Southern District of Georgia; (f) the Office of the Georgia Attorney General; (g) the Georgia Department of Revenue; (h) the United States Environmental Protection Agency, (i) the Georgia Environmental Protection Division; (j) parties receiving any other first-day motions; (k) Koninklijke DSM, N.V. and DSM Coating Resins, Inc.; (l) ChemicalInvest Holding, B.V.; and (m) any party that has requested notice pursuant to Bankruptcy Rule 2002; that no further notice is necessary; that the relief sought in the Motion is in the best interests of the Debtors, their estates, and their creditors; and that good and sufficient cause exists for such relief.

Accordingly, it is hereby ORDERED as follows:

1. The Motion is GRANTED.
2. The above-captioned chapter 11 cases are consolidated for procedural purposes only and shall be jointly administered by the Court under Case No. 18-10274.

3. The caption of the jointly administered cases should read as follows:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

In re:	)	Chapter 11
)	
FIBRANT, LLC, et al.,¹	)	Case No. 18-<u>10274</u>
)	
Debtors.	)	Jointly Administered

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number (if any), are: Fibrant, LLC (6694); Evergreen Nylon Recycling, LLC (7625); Fibrant Center South, LLC (8270); and Georgia Monomers Company, LLC (0042).

4. The foregoing caption satisfies the requirements set forth in Section 342(c)(1) of the Bankruptcy Code.

5. A docket entry substantially similar to the following notation be entered on the docket of each of the Debtors’ cases to reflect the joint administration of these cases:

An Order has been entered in accordance with Rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing joint administration of the chapter 11 cases of: Fibrant, LLC, Case No. 18-10274; Evergreen Nylon Recycling, LLC, Case No. 18-10276; Fibrant South Center, LLC, Case No. 18-10275; and Georgia Monomers Company, LLC, Case No. 18-10277. **All further pleadings and other papers shall be filed in and all further docket entries shall be made in Case No. 18-10274, Fibrant, LLC.**

6. The Debtors shall maintain, and the Clerk of the United States Bankruptcy Court for the Southern District of Georgia shall keep, one consolidated docket, one file, and one consolidated service list for these chapter 11 cases.

7. The Debtors are authorized to file the monthly operating reports required by the U.S. Trustee Operating Guidelines on a consolidated basis.

8. Nothing contained in the Motion or this Order shall be deemed or construed as directing or otherwise effecting a substantive consolidation of these chapter 11 cases and this Order shall be without prejudice to the rights of the Debtors to seek entry of an order substantively consolidating their respective cases.

9. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

10. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

11. Counsel for the Debtors is directed to serve a copy of this Order on (a) the Office of the United States Trustee for the Southern District of Georgia; (b) the holders of the 20 largest unsecured claims against the Debtors on a consolidated basis; (c) the agent to lenders that previously asserted a blanket lien on Fibrant's assets; (d) the Internal Revenue Service; (e) the United States Attorney's Office for the Southern District of Georgia; (f) the Office of the Georgia Attorney General; (g) the Georgia Department of Revenue; (h) the United States Environmental Protection Agency, (i) the Georgia Environmental Protection Division; (j) parties receiving any other first-day motions; (k) Koninklijke DSM, N.V. and DSM Coating Resins, Inc.; (l) ChemicalInvest Holding, B.V. and (m) any party that has requested notice pursuant to Bankruptcy Rule 2002 within three days of the entry of this Order and to file a certificate of service with the Clerk of Court.

END OF DOCUMENT

Prepared and presented by:

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