

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

In re: ) Chapter 11  
)  
FIBRANT, LLC, *et al.*,<sup>1</sup> ) Case No. 18-10274  
)  
)  
Debtors. ) (Joint Administration Requested)  
)  
\_\_\_\_\_ )

**DEBTORS’ EMERGENCY MOTION FOR AN ORDER  
ESTABLISHING NOTICE AND ADMINISTRATIVE PROCEDURES**

Fibrant, LLC and its affiliated debtors-in-possession (collectively, the “Debtors”) file this *Emergency Motion for an Order Establishing Notice and Administrative Procedures* (this “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 statutory predicate for the relief requested herein is Rule 2002 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

**BACKGROUND**

3. On February 23, 2018 (the “Petition Date”), the Debtors filed voluntary petitions 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*

<sup>1</sup> 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).



*Applications* (the “First-Day Declaration”),<sup>2</sup> filed on the Petition Date and incorporated herein by reference.

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

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

### **RELIEF REQUESTED**

7. The Debtors request entry of an order establishing appropriate notice and administrative procedures. For the reasons set forth below, the Debtors request entry of an order limiting notice on various matters to only the affected parties as described herein.

### **BASIS FOR RELIEF**

8. Currently, several hundred creditors and parties-in-interest may be technically entitled to receive notice in these cases. To require the Debtors to provide notice of all pleadings and other papers filed in these cases to each of these parties-in-interest would be extremely burdensome and costly to the Debtors’ estates as a result of photocopying and postage expenses as well as other expenses associated with such large mailings.

9. Therefore, the Debtors propose to establish a master service list (the “Master Service List”), which would initially include the following: (i) the Office of the United States Trustee for the Southern District of Georgia; (ii) the Debtors; (iii) the attorneys for the Debtors; (iv) the Debtors’ 20 largest unsecured creditors on a consolidated basis, or the attorneys for the official committee of unsecured creditors appointed in these chapter 11 cases (the “Creditors”

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<sup>2</sup> Capitalized terms that are used but not defined in this Motion have the meanings ascribed to such terms in the First-Day Declaration.

Committee”); (v) the attorneys for any other committee appointed by the Court; (vi) those persons who have formally appeared and requested service in these cases pursuant to Bankruptcy Rule 2002; (vii) the Internal Revenue Service; (viii) the Georgia Department of Revenue; (ix) the Attorney General for the State of Georgia; (x) the United States Attorney for the Southern District of Georgia; (xi) the United States Environmental Protection Agency; (xii) Koninklijke DSM, N.V. and DSM Coating Resins, Inc.; and (xiii) the Georgia Environmental Protection Division.

10. With respect to the Debtors’ 20 largest unsecured creditors on a consolidated basis, at such time that the Creditors’ Committee, if any, is formed, the Debtors will add the attorneys for the Creditors’ Committee to the Master Service List and will remove the Debtors’ 20 largest unsecured creditors on a consolidated basis.

11. In furtherance of the above noticing request and consistent with the relief requested in this Motion, the Debtors have prepared a proposed Initial Master Service List, a copy of which is attached hereto as Exhibit A and is incorporated herein by reference.

12. The proceedings with respect to which notice would be limited to the Master Service List would include all matters covered by Bankruptcy Rule 2002, with the express exception of the following: (i) notice of the first meeting of creditors pursuant to Section 341 of the Bankruptcy Code; (ii) the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c); and (iii) notice and transmittal of ballots for accepting or rejecting a chapter 11 plan. The Master Service List also would be used for proceedings in addition to Rule 2002 matters that may be required by local bankruptcy rules to be served upon all parties-in-interest. Parties directly affected by particular pleadings will receive service copies of those pleadings.

13. The Debtors will update the Master Service List on a monthly basis to include the name and address of any party-in-interest that has made a written request for notice since the prior month. Such updated Master Service List will be filed with the Court and circulated to all parties appearing thereon only in the event that there is a change to the Master Service List.

14. Upon the completion of noticing any particular matter, the Debtors or their agent will submit to the Court either an affidavit of service or certification of service annexing the list of those parties who received the subject notice.

15. The Debtors assert that the relief requested in this Motion is in the best interests of their estates and creditors, and will not prejudice the rights of any party-in-interest in these cases.

#### **NOTICE**

16. 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 other 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 B 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

*/s/ Paul K. Ferdinands* \_\_\_\_\_

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PROPOSED COUNSEL FOR THE  
DEBTORS-IN-POSSESSION

**EXHIBIT A**  
**Master Service List**

**MASTER SERVICE LIST**

**Parties Receiving ECF Notification:**

<p>King &amp; Spalding LLP                  Paul K. Ferdinands                  Jonathan W. Jordan                  Sarah L. Primrose                  1180 Peachtree Street                  Atlanta, GA 30309-3521                  Email: pferdinands@kslaw.com                  jjordan@kslaw.com                  sprimrose@kslaw.com</p> <p>Counsel for Debtor</p>	<p>KLOSINSKI OVERSTREET, LLP                  James C. Overstreet Jr.                  1229 Augusta West Parkway                  Augusta, GA 30909                  Email: jco@klosinski.com</p> <p>Counsel for Debtor</p>
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**Parties Not Receiving ECF Notification:**

<p>Office of the United States Trustee                  Johnson Square Business Center                  Suite 725                  2 East Bryan Street                  Savannah, GA 31401</p>	<p>Internal Revenue Service                  Insolvency Stop 334D, Room 400                  401 West Peachtree Street NW                  Atlanta, GA 30308</p>
<p>Georgia Department of Revenue                  Bankruptcy Section                  1800 Century Center Boulevard                  Suite 15300                  Atlanta, GA 30345</p>	<p>Lynne Riley                  State Revenue Commissioner                  Georgia Department of Revenue                  1800 Century Boulevard                  Atlanta, GA 30345</p>
<p>Internal Revenue Service                  Centralized Insolvency Operation                  PO Box 21126                  Philadelphia, PA 19114</p>	<p>Christopher M. Carr                  Georgia Attorney General                  40 Capitol Square, SW                  Atlanta, GA 30334</p>
<p>U.S. Attorney                  600 James Brown Blvd, Suite 200                  Augusta, GA 30901</p>	<p>Fibrant, LLC                  Attn: David Leach                  1408 Columbia Nitrogen Drive                  Augusta, GA 30901</p>
<p>Georgia Environmental Protection Division                  EPD Director's Office:                  2 Martin Luther King Jr. Drive S.E                  Suite 1456                  Atlanta, GA 30334</p>	<p>United States Environmental Protection Agency                  EPA Regional Administrator                  EPA Region 4                  61 Forsyth Street SW                  Atlanta, GA 30303</p>
<p>Koninklijke DSM, N.V.                  HET OVERLOON 1                  HEERLEN                  6411 TE                  Netherlands</p>	<p>DSM Coating Resins, Inc.                  P.O.Box 2452                  Augusta, GA 30903</p>

**Top 20 Unsecured Creditors:**

<u>Chemtrade Chemicals US LLC</u>
<u>Chevron Phillips Chemical Co. LP</u>
<u>Interstate Commodities, Inc.</u>
<u>GATX Corporation (GATX Rail)</u>
<u>Linde, INC.</u>
<u>Midwest Railcar Corporation</u>
<u>Flint Hills Resources, LP</u>
<u>American Railcar Leasing LLC</u>
<u>Emerson Process Management, LLP</u>
<u>BMSI Packaging Services, Inc.</u>
<u>Veenschoten and Company Inc.</u>
<u>Koch Rail LLC</u>
<u>Control Southern Inc.</u>
<u>Nanjing Baose Co. Ltd.</u>
<u>Interstate Commodities, Inc.</u>
<u>Regal Brown, Inc.</u>
<u>Griffin Gear, Inc.</u>
<u>MRC Global (US), INC.</u>
<u>Horne Label &amp; Printing LLC</u>
<u>Hoerbiger Service Inc.</u>



**EXHIBIT B**  
**Proposed Order**

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

<b>In re:</b>	)	<b>Chapter 11</b>
	)	
<b>FIBRANT, LLC, <i>et al.</i>,<sup>1</sup></b>	)	<b>Case No. 18-_____</b>
	)	
	)	
<b>Debtors.</b>	)	<b>Jointly Administered</b>
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**ORDER ESTABLISHING NOTICE AND ADMINISTRATIVE PROCEDURES**

This matter is before the Court on the *Emergency Motion for an Order Establishing Notice and Administrative Procedures* (the “Motion”) of Fibrant, LLC and its affiliated debtors-in-possession (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 *Declaration of David Leach in Support of First-Day Motions and Applications*, and the matters reflected in the record of the hearing held on the Motion. It appears that the Court has jurisdiction over this proceeding; that this is a core

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<sup>1</sup> 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).

proceeding; that 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 other party that has requested notice pursuant to Bankruptcy Rule 2002; 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 (Docket No. [\_\_\_\_]) is GRANTED.
2. The Debtors shall establish a master service list (the "Master Service List") that shall initially include the following parties-in-interest: (i) the Office of the United States Trustee for the Southern District of Georgia; (ii) the Debtors; (iii) the attorneys for the Debtors; (iv) the Debtors' 20 largest unsecured creditors on a consolidated basis, or the attorneys for the official committee of unsecured creditors appointed in these chapter 11 cases (the "Creditors' Committee"); (v) the attorneys for any other committee appointed by the Court in these cases; (vi) those persons who have formally appeared and requested service in these cases pursuant to Bankruptcy Rule 2002; (vii) the Internal Revenue Service; (viii) the Georgia Department of Revenue; (ix) the attorney general for the State of Georgia; (x) the United States Attorney for the Southern District of Georgia; (xi) the United States Environmental Protection Agency; (xii)

Koninklijke DSM, N.V. and DSM Coating Resins, Inc.; and (xiii) the Georgia Environmental Protection Division.

3. The Debtors shall update the Master Service List monthly and shall file an updated Master Service List with the Court if it includes changes from the last Master Service List filed with the Court.

4. The Master Service List shall identify interested parties and their counsel who participate in the Court's Electronic Case Filing ("ECF") system.

5. Any person filing a pleading or other paper in these cases shall serve such pleading or paper on (a) all parties-in-interest listed on the most recent Master Service List, and (b) any creditor or other party-in-interest whose interests are likely to be affected directly by the pleading or proceeding.

6. The electronic service of a Notice of Electronic Filing of a pleading or paper by any person who participates in the ECF system constitutes service of the pleading or paper on any other interested party listed on the Master Service List who participates in the ECF system, and no conventional service on such interested party shall be required; *provided, however*, that notices required by Bankruptcy Rule 2002(a)(1), (4), (5), and (7), and (b)(1) and (2) shall be served conventionally in hard copy.

7. Notwithstanding the foregoing, the following shall be provided to all known creditors and other parties-in-interest, at their last address known to the Debtors, unless otherwise ordered by the Court: (i) notice of the first meeting of creditors pursuant to Section 341 of the Bankruptcy Code; (ii) the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c); (iii) the time fixed for filing objections to, and the hearing to consider approval of,

a disclosure statement or confirmation of a plan of reorganization; and (iv) notice and transmittal of ballots for accepting or rejecting a plan of reorganization.

8. Counsel to the Debtors are directed to serve a copy of this Order on all parties on the Master Service List within three days of the entry of this Order and to file a certificate of service with the Clerk of the Court.

END OF DOCUMENT

Prepared and presented by:

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