

**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.	)	(Joint Administration Requested)
)	

**DEBTORS’ EMERGENCY MOTION FOR AUTHORITY TO
(A) MAINTAIN EXISTING BANK ACCOUNTS AND
(B) CONTINUE USE OF EXISTING BUSINESS FORMS**

Fibrant, LLC and its affiliated debtors-in-possession (collectively, the “Debtors”) file this *Emergency Motion For Authority to (A) Maintain Existing Bank Accounts and (B) Continue Use of Existing Business Forms* (this “Motion”). In support of this Motion, the Debtors respectfully represent as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Consideration of this Motion is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue of this proceeding is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are Section 105, 345, 1107 and 1108 of title 11 of the United States Code (the “Bankruptcy Code”).

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).

BACKGROUND

3. On February 23, 2018 (the "Petition Date"), the Debtors filed their voluntary petitions with the Court under chapter 11 of 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"),² 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 businesses 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.

RELIEF REQUESTED

7. By this Motion, the Debtors seek an order pursuant to Sections 105 and 345 of the Bankruptcy Code authorizing them to (a) maintain existing bank accounts and (b) continue the use of existing business forms.

8. In order to supervise the administration of chapter 11 cases, the Office of the United States Trustee has established certain operating guidelines for debtors-in-possession that operate their businesses. These guidelines require chapter 11 debtors, among other things, (i) to close all existing bank accounts and open new debtor-in-possession bank accounts, and (ii) to obtain business forms, including checks, that bear the designation "debtor-in-possession," the

² Capitalized terms that are used but not defined in this Application have the meanings ascribed to such terms in the First-Day Declaration.

bankruptcy case number, and the type of account for each debtor-in-possession account. These requirements are designed to provide a clear line of demarcation between pre-petition and post-petition transactions and operations and to prevent the inadvertent post-petition payment of pre-petition claims through the payment of checks drawn prior to the filing of the bankruptcy petition.

9. As more fully set forth below, the Debtors respectfully request an order: (a) authorizing the Debtors to continue to maintain existing bank accounts; (b) authorizing them to continue to utilize existing business forms, including checks; and (c) granting the Debtors a waiver, to the extent required, from the United States Trustee's guidelines with respect to those requirements identified above.

BACKGROUND AND BASIS FOR RELIEF

10. Prior to the commencement of these chapter 11 cases, the Debtors maintained two bank accounts (collectively, the "Accounts") at Bank of America (the "BOA"): a demand deposit account (the "Deposit Account") and a payroll disbursement account (the "Payroll Account"). The Debtors also maintained a deposit account (the "Wells Deposit Account") at Wells Fargo Bank ("Wells Fargo," and with BOA, the "Banks").³ The Deposit Account is used for receipts of funds for products, services, and funds transferred through the Wells Deposit Account pursuant to certain escrow agreements, as well as for disbursements, which are made by check or with electronic funds transfers, either by wire or ACH. Monies are also transferred from the Deposit Account into the Payroll Account to fund the Debtors' payroll expenses. The Debtors respectfully request that they be permitted to continue using the Accounts, to avoid any disruption or delay in making and receiving payments.

³ The last four digits of the account numbers for the Accounts are 6585 and 9654. The last four digits of the Wells Fargo account number is 3801.

11. Furthermore, by virtue of the nature and scope of the Debtors' businesses, and their numerous employees, suppliers of goods and services, and others with whom the Debtors transact business, it is important that the Debtors be permitted to continue to use existing business forms, including checks. A substantial amount of time and expense would be required to print new business forms and stationery and being required to obtain new business forms would also likely result in a substantial risk of disruption to the Debtors' ordinary business affairs.

12. This Court is authorized to grant the relief requested in this Motion pursuant to Section 105(a), which provides as follows:

The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, *sua sponte*, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

11 U.S.C. § 105(a).

13. Relief similar to that requested herein has been granted by courts in other substantial chapter 11 cases in Georgia. *See, e.g., In re S. Reg'l Health Sys., Inc.*, No. 15-64266 (Bankr. N.D. Ga. Aug. 11, 2015) (Hagenau, J.) [Docket No. 67]; *In re Cagle's, Inc.*, No. 11-80202 (Bankr. N.D. Ga. Oct. 20, 2011) (Bihary, J.) [Docket No. 31]; *In re Sea Island Co.*, Case No. 10-21034 (Bankr. S.D. Ga. Sept. 10, 2010) (Dalis, J.) [Docket No. 171]; *In re TitleMax Holdings, LLC*, Case No. 09-40805 (Bankr. S.D. Ga. Apr. 23, 2009) (Davis, J.); *In re Durango Ga. Paper Co.*, Case No. 02-21669 (Bankr. S.D. Ga. Nov. 26, 2002) (Davis, J.); *In re Friedman's Inc.*, Case No. 05-40129 (Bankr. S.D. Ga. Jan. 20, 2005) (Davis, J.); *In re AtheroGenics, Inc.*, Case No. 08-78200 (Bankr. N.D. Ga. Oct. 16, 2008) (Massey, J.); *In re Foamex Int'l. Inc.*, Case No. 05-12685 (Bankr. D. Del. Sept. 21, 2005) (Walsh, J.); *In re*

Meridian Auto. Systems-Composites Ops., Inc., No. 05-11168 (Bankr. D. Del. Apr. 27, 2005) (Walrath, J.); *In re Rhodes, Inc.*, Case No. 04-78434 (Bankr. N.D. Ga. Nov. 5, 2004) (Diehl, J.); *In re Galey & Lord, Inc.*, Case No. 04-43098 (Bankr. N.D. Ga. Aug. 19, 2004) (Diehl, J.); *In re Dan River Inc.*, Case No. 04-10990 (Bankr. N.D. Ga. Apr. 1, 2004) (Drake, J.); *In re SHC, Inc.*, Case No. 03-12002 (Bankr. D. Del. July 2, 2003) (MFW); *In re Centennial HealthCare Corp.*, Case No. 02-74974 (Bankr. N.D. Ga. Dec. 24, 2002) (Massey, J.); *In re The New Power Co.*, No. 02-10835 (Bankr. N.D. Ga. June 17, 2002) (Drake, J.).

14. Because of the disruption to the Debtors' business that would result if the Debtors were forced to open one or more new accounts, the Debtors request that this Court allow them to maintain their existing bank accounts and business forms. The Debtors also ask for authorization to open, when necessary, additional FDIC-insured bank accounts subject to any order of this Court.

15. For the foregoing reasons, the Debtors believe that granting the relief requested herein is appropriate and in the best interests of their estates. The Debtors will not pay pre-petition claims (except as specifically authorized by this Court), and creditors will not be prejudiced by the relief requested herein because they have received notice of the Debtors' bankruptcy filing and are aware of the Debtors' status as debtors-in-possession.

16. To the extent the 14-day stay of Bankruptcy Rule 6004(h) may be construed to apply to the subject matter of this Motion, the Debtors request that such stay be waived.

NOTICE

17. 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.; (m) the Banks; and (n) 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 authorizing the Debtors to maintain their existing bank accounts and continue use of their existing business forms; and
- (b) grant the Debtors such other and further relief as is just and proper.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Dated: February 23, 2018
Augusta, Georgia

Respectfully submitted,

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PROPOSED COUNSEL FOR THE
DEBTORS-IN-POSSESSION

EXHIBIT A
Proposed Order

**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
)	

**ORDER GRANTING DEBTORS’ EMERGENCY MOTION FOR AUTHORITY
TO (A) MAINTAIN EXISTING BANK ACCOUNTS AND (B) CONTINUE
USE OF EXISTING BUSINESS FORMS**

This matter is before the Court on the *Emergency Motion For Authority to (A) Maintain Existing Bank Accounts and (B) Continue Use of Existing Business Forms* (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

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).

on the Motion on [____], 2018. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that notice of the 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.; (m) the Banks; and (n) 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 (Docket No. ____) is GRANTED.
2. The Debtors are authorized to: (a) maintain and continue to use the Accounts; and (b) treat the Accounts for all purposes as accounts of the Debtors as debtor-in-possession accounts.
3. The Banks are authorized to continue to service and administer the Accounts as an accounts of the Debtors as debtors-in-possession without interruption and in the usual and ordinary course, and to receive, process, honor, and pay any and all checks, drafts, wires, or automated clearinghouse transfers ("ACH Transfers") drawn on the Accounts after the Petition Date by holders or makers thereof, as the case may be. In the course of providing services to the

Debtors, the Banks are authorized, without further order of this Court, to deduct from the Accounts their customary fees and expenses associated with the nature of the deposit and other services rendered to the Debtors, whether arising pre-petition or post-petition, and further, to charge back to the accounts of the Debtors any amounts resulting from returned checks or other returned items, regardless of whether such items were deposited pre-petition or post-petition and regardless of whether the returned items related to pre-petition or post-petition items; *provided, however,* that, in addition to the requirements thereof, any checks, drafts, wires, or ACH Transfers drawn or issued by the Debtors before the Petition Date shall be timely honored by the Banks to the extent necessary to comply with any order of this Court authorizing payment of certain pre-petition claims, subject to the availability of funds, unless the Banks are instructed by a Debtor to stop payment on or otherwise dishonor such check, draft, wire, or ACH Transfer.

4. Notwithstanding anything to the contrary in any other order in these cases entered contemporaneously with this Order, the Banks: (a) are authorized to accept and honor all representations from the Debtors as to which checks, drafts, wires, or ACH Transfers should be honored or dishonored consistent with any order(s) of this Court, whether the checks, drafts, wires, or ACH Transfers are dated prior to, on, or subsequent to the Petition Date and whether or not the Banks believe the payment is or is not authorized by any order(s) of the Court; (b) have no duty to inquire as to whether such payments are authorized by any order(s) of the Court; and (c) have no liability to any party on account of the Debtors' instructions in accordance with this Order or for honoring a pre-petition check or other item as the result of an innocent mistake made despite implementation of customary item handling procedures.

5. Nothing contained herein shall prevent the Debtors from opening any additional bank accounts or closing any existing bank account(s) as they may deem necessary and

appropriate, and the Banks are authorized to honor the Debtors' request to open or close, as the case may be, such bank accounts or additional bank accounts; *provided, however*, that any new account shall be with a bank that is insured with the Federal Deposit Insurance Corporation and that is organized under the laws of the United States or any State thereof.

6. Any and all accounts opened by the Debtors on or after the Petition Date at any bank shall, for all purposes under this Order, similarly be subject to the rights and obligations of this Order.

7. The Debtors and the Banks are hereby authorized to continue to perform pursuant to the terms of any pre-petition agreements that may exist between them, except and to the extent otherwise directed by the terms of this Order. The parties to such agreements shall continue to enjoy the rights and remedies afforded to them under such agreements, except to the extent modified by the terms of this Order or by operation of the Bankruptcy Code.

8. The Debtors are authorized to continue to use existing business forms (including checks) and stationery without alteration or change.

9. Neither this Order, nor the Debtors' payment of any amounts authorized by this Order, shall: (i) result in any assumption of any executory contract by the Debtors; (ii) result in a commitment to continue any plan, program, or policy of the Debtors; or (iii) impose any administrative, pre-petition, or post-petition liabilities upon the Debtors.

10. To the extent the 14-day stay of Bankruptcy Rule 6004(h) may be construed to apply to the subject matter of this Order, such stay is hereby waived.

11. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

12. Counsel for the Debtors are 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.; (m) the Banks; and (n) 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 the Court.

END OF DOCUMENT

Prepared and presented by:

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PROPOSED COUNSEL FOR THE
DEBTORS-IN-POSSESSION

**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. 18-10274
)	
)	
Debtors.	)	Jointly Administered
<hr/>		

**ORDER (1) GRANTING, ON AN INTERIM BASIS, DEBTORS' EMERGENCY
MOTION FOR AUTHORITY TO (A) MAINTAIN EXISTING
BANK ACCOUNTS AND (2) SETTING FINAL HEARING**

[Relates to Docket No. 12]

This matter is before the Court on the *Emergency Motion For Authority to (A) Maintain Existing Bank Accounts and (B) Continue Use of Existing Business Forms* [Docket No. 12] (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.

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

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 on March 1, 2018. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that notice of the 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) ChemicaInvest Holding, B.V.; (m) the Banks; and (n) 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 interim relief.

Accordingly, it is hereby ORDERED as follows:

1. The Motion (Docket No. 12) is GRANTED on an interim basis as set forth in this Order.
2. Pending the Final Hearing (defined below), the Debtors are authorized to: (a) maintain and continue to use the Accounts; and (b) treat the Accounts for all purposes as accounts of the Debtors as debtor-in-possession accounts.
3. The Banks are authorized to continue to service and administer the Accounts as accounts of the Debtors as debtors-in-possession without interruption and in the usual and

ordinary course, and to receive, process, honor, and pay any and all checks, drafts, wires, or automated clearinghouse transfers (“ACH Transfers”) drawn on the Accounts after the Petition Date by holders or makers thereof, as the case may be. In the course of providing services to the Debtors, the Banks are authorized, without further order of this Court, to deduct from the Accounts their customary fees and expenses associated with the nature of the deposit and other services rendered to the Debtors, whether arising pre-petition or post-petition, and further, to charge back to the accounts of the Debtors any amounts resulting from returned checks or other returned items, regardless of whether such items were deposited pre-petition or post-petition and regardless of whether the returned items related to pre-petition or post-petition items; *provided, however,* that, in addition to the requirements thereof, any checks, drafts, wires, or ACH Transfers drawn or issued by the Debtors before the Petition Date shall be timely honored by the Banks to the extent necessary to comply with any order of this Court authorizing payment of certain pre-petition claims, subject to the availability of funds, unless the Banks are instructed by a Debtor to stop payment on or otherwise dishonor such check, draft, wire, or ACH Transfer.

4. Notwithstanding anything to the contrary in any other order in these cases entered contemporaneously with this Order, the Banks: (a) are authorized to accept and honor all representations from the Debtors as to which checks, drafts, wires, or ACH Transfers should be honored or dishonored consistent with any order(s) of this Court, whether the checks, drafts, wires, or ACH Transfers are dated prior to, on, or subsequent to the Petition Date and whether or not the Banks believe the payment is or is not authorized by any order(s) of the Court; (b) have no duty to inquire as to whether such payments are authorized by any order(s) of the Court; and (c) have no liability to any party on account of the Debtors’ instructions in accordance with this

Order or for honoring a pre-petition check or other item as the result of an innocent mistake made despite implementation of customary item handling procedures.

5. In the absence of obtaining prior authorization from the Court or the consent of the U.S. Trustee, the Debtors shall not open any additional bank accounts except for debtor-in-possession accounts that are collateralized in compliance with 11 U.S.C. § 345 and located at banks on the U.S. Trustee's list of Authorized Depositories for the Southern District of Georgia.

6. The Debtors and the Banks are hereby authorized to continue to perform pursuant to the terms of any pre-petition agreements that may exist between them, except and to the extent otherwise directed by the terms of this Order. The parties to such agreements shall continue to enjoy the rights and remedies afforded to them under such agreements, except to the extent modified by the terms of this Order or by operation of the Bankruptcy Code.

7. The Debtors are authorized to continue to use existing business forms (including checks) and stationery without alteration or change.

8. Neither this Order, nor the Debtors' payment of any amounts authorized by this Order, shall: (i) result in any assumption of any executory contract by the Debtors; (ii) result in a commitment to continue any plan, program, or policy of the Debtors; or (iii) impose any administrative, pre-petition, or post-petition liabilities upon the Debtors.

9. To the extent the 14-day stay of Bankruptcy Rule 6004(h) may be construed to apply to the subject matter of this Order, such stay is hereby waived.

10. A final hearing on the Motion (the "Final Hearing") is scheduled for **April 24, 2018 at 10:00 a.m.** before the Honorable Susan Barrett, United States Bankruptcy Judge, at The United States Bankruptcy Courthouse, 600 James Brown Blvd, Plaza Bldg., Augusta, Georgia 30901.

11. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

12. Counsel for the Debtors are 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.; (m) the Banks; and (n) 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 the Court.

END OF DOCUMENT

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**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. 18-10274
)	
Debtors.	)	Jointly Administered
)	

**FINAL ORDER GRANTING DEBTORS’ EMERGENCY MOTION FOR
AUTHORITY TO (A) MAINTAIN EXISTING BANK ACCOUNTS AND (B)
CONTINUE USE OF EXISTING BUSINESS FORMS**

This matter is before the Court on the *Emergency Motion For Authority to (A) Maintain Existing Bank Accounts and (B) Continue Use of Existing Business Forms* (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 hearings held

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on the Motion on March 1, 2018 and April 24, 2018. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that notice of the 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.; (m) the Banks; and (n) 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 (Docket No. 12) is GRANTED on a final basis.
2. The Debtors are authorized to: (a) maintain and continue to use the Accounts; and (b) treat the Accounts for all purposes as accounts of the Debtors as debtor-in-possession accounts.
3. The Banks are authorized to continue to service and administer the Accounts as an accounts of the Debtors as debtors-in-possession without interruption and in the usual and ordinary course, and to receive, process, honor, and pay any and all checks, drafts, wires, or automated clearinghouse transfers ("ACH Transfers") drawn on the Accounts after the Petition Date by holders or makers thereof, as the case may be. In the course of providing services to the

Debtors, the Banks are authorized, without further order of this Court, to deduct from the Accounts their customary fees and expenses associated with the nature of the deposit and other services rendered to the Debtors, whether arising pre-petition or post-petition, and further, to charge back to the accounts of the Debtors any amounts resulting from returned checks or other returned items, regardless of whether such items were deposited pre-petition or post-petition and regardless of whether the returned items related to pre-petition or post-petition items; *provided, however,* that, in addition to the requirements thereof, any checks, drafts, wires, or ACH Transfers drawn or issued by the Debtors before the Petition Date shall be timely honored by the Banks to the extent necessary to comply with any order of this Court authorizing payment of certain pre-petition claims, subject to the availability of funds, unless the Banks are instructed by a Debtor to stop payment on or otherwise dishonor such check, draft, wire, or ACH Transfer.

4. Notwithstanding anything to the contrary in any other order in these cases entered contemporaneously with this Order, the Banks: (a) are authorized to accept and honor all representations from the Debtors as to which checks, drafts, wires, or ACH Transfers should be honored or dishonored consistent with any order(s) of this Court, whether the checks, drafts, wires, or ACH Transfers are dated prior to, on, or subsequent to the Petition Date and whether or not the Banks believe the payment is or is not authorized by any order(s) of the Court; (b) have no duty to inquire as to whether such payments are authorized by any order(s) of the Court; and (c) have no liability to any party on account of the Debtors' instructions in accordance with this Order or for honoring a pre-petition check or other item as the result of an innocent mistake made despite implementation of customary item handling procedures.

5. Nothing contained herein shall prevent the Debtors from opening any additional bank accounts or closing any existing bank account(s) as they may deem necessary and

appropriate, and the Banks are authorized to honor the Debtors' request to open or close, as the case may be, such bank accounts or additional bank accounts; *provided, however*, that any new account shall be with a bank that is insured with the Federal Deposit Insurance Corporation and that is organized under the laws of the United States or any State thereof.

6. Any and all accounts opened by the Debtors on or after the Petition Date at any bank shall, for all purposes under this Order, similarly be subject to the rights and obligations of this Order.

7. The Debtors and the Banks are hereby authorized to continue to perform pursuant to the terms of any pre-petition agreements that may exist between them, except and to the extent otherwise directed by the terms of this Order. The parties to such agreements shall continue to enjoy the rights and remedies afforded to them under such agreements, except to the extent modified by the terms of this Order or by operation of the Bankruptcy Code.

8. The Debtors are authorized to continue to use existing business forms (including checks) and stationery without alteration or change.

9. Neither this Order, nor the Debtors' payment of any amounts authorized by this Order, shall: (i) result in any assumption of any executory contract by the Debtors; (ii) result in a commitment to continue any plan, program, or policy of the Debtors; or (iii) impose any administrative, pre-petition, or post-petition liabilities upon the Debtors.

10. To the extent the 14-day stay of Bankruptcy Rule 6004(h) may be construed to apply to the subject matter of this Order, such stay is hereby waived.

11. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

12. Counsel for the Debtors are directed to serve a copy of this Order on all parties listed 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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