

IT IS ORDERED as set forth below:



Date: March 8, 2018

Susan D. Barrett
United States Bankruptcy Judge

**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
)	

**ORDER AUTHORIZING THE RETENTION OF
KURTZMAN CARSON CONSULTANTS, LLC AS CLAIMS,
NOTICING, AND BALLOTING AGENT FOR THE DEBTORS**

[Relates to Docket No. 9]

This matter is before the Court on the Application for Authority to Retain Kurtzman Carson Consultants, LLC as Claims, Noticing, and Balloting Agent for the Debtors [Docket No. 9] (the "Application") 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 Application.

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 Application, the *Declaration of David Leach in Support of First-Day Motions and Applications*, the *Declaration of Evan Gershbein*, and the matters reflected in the record of the hearing held on the Application on March 1, 2018. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that notice of the Application 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.; and (m) any other party that has requested notice pursuant to Bankruptcy Rule 2002; and that good and sufficient cause exists for such relief. Accordingly, it is hereby ORDERED as follows:

1. The Application is granted on an interim basis and will become final on March 28, 2018, if no interested party files an objection on or before that date. If an objection is filed, a hearing will be scheduled for April 24, 2018 at 10:00 a.m.

2. Subject to paragraph 1 of this Order, the terms and conditions of this Order shall be immediately effective and enforceable as of the Petition Date.

3. The Debtors are authorized to retain KCC as claims, noticing and balloting agent, *nunc pro tunc* to the Petition Date to perform the services described in the Application under the terms of the KCC Agreement attached as Exhibit A to the Application.

4. KCC shall not be required to file fee applications with this Court pursuant to Bankruptcy Code Sections 330 and 331 on account of the services provided by KCC. KCC shall be compensated by the Debtors on the terms contained in the KCC Agreement. The fees and expenses of KCC incurred in the performance of services shall be treated as administrative expenses of the estates, and shall be paid by the Debtors in the ordinary course of business.

5. Upon closing of the chapter 11 cases, KCC shall return all proofs of claim received by it and the official claims registry to the Clerk's Office.

6. The Debtors and KCC are authorized and empowered to take such actions as may be necessary and appropriate to implement the terms of this Order.

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

8. Notwithstanding any other provision of this Order, the Application or the KCC Agreement, (i) the Debtors shall not be obligated to pay to KCC any taxes required to be paid by KCC to a taxing authority as a result of or measured by payments made to KCC under the KCC Agreement (e.g., KCC's federal, state or local income taxes); (ii) KCC shall give the Debtors advance written notice of any proposed increase in KCC's prices, charges and rates; (iii) written copies of all work created by KCC for the Debtors (e.g., claims registers, service lists, voting reports, mailing lists) shall be provided by KCC to the Debtors, the Clerk's Office, and/or the U.S. Trustee's Office upon request; (iv) KCC shall not dispose of any data, storage media or other materials furnished by the Debtors to KCC without the Debtors' prior written consent; and (v) the Debtors shall be permitted to assign the KCC Agreement to any chapter 11 trustee appointed in these cases or to any chapter 7 trustee (in the event these cases are converted to cases under chapter 7 of the Bankruptcy Code).

9. Counsel to 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 other 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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