



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 GRANTING DEBTORS' MOTION TO
REJECT CERTAIN EXECUTORY CONTRACTS
NUNC PRO TUNC TO PETITION DATE**

[Relates to Docket No. 16]

This matter is before the Court on the *Debtors' Motion for Entry of an Order Authorizing the Rejection of Certain Executory Contracts* [Docket No. 16] (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. It appears that the Court has jurisdiction over this proceeding; that notice of the Motion has been given to (a) the Office of the United States

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).



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) any party that has requested notice pursuant to Bankruptcy Rule 2002; and (n) the counter-parties to the Rejected Agreements; that this is a core proceeding; that a hearing regarding the Motion was held on March 1, 2018; and the Court having determined that the relief requested in the Motion is in the best interest of the Debtors' estates, their creditors and their other stakeholders and is the result of the Debtors' exercise of their business judgment; and that good and sufficient cause exists for such relief.

Accordingly, it is hereby ORDERED as follows:

1. The Motion [Docket No. 16] 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 Rejected Agreements identified on Exhibit 1, attached hereto, are deemed rejected effective as of the Petition Date pursuant to Bankruptcy Code section 365.

3. Counsel to 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) any party that has requested notice pursuant to Bankruptcy Rule 2002; and (n) the counter-parties to the Rejected Agreements, within three (3) days of the entry of this Order and to file a certificate of service with the Clerk of the Court.

4. Any and all claims arising out of the rejection of the Rejected Agreements are required to be filed on or prior to the bar date established for non-governmental entities by subsequent order of this Court (the "Bar Date"). Any such claims that are not filed on or prior to the Bar Date shall be deemed irrevocably waived, shall not be asserted against the Debtors or their estates and shall not be entitled to participate in any distributions payable to the Debtors' creditors.

5. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

END OF DOCUMENT

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Exhibit 1**Rejected Contract Listing**

Counter Parties	Contract Title	Debtors	Contract Type	Effective Date
American Railcar Leasing LLC	Master Lease and Rider #1, Amendment #1	DSM Chemicals North America LLC	Lease: Equipment	06/25/2015
Anderson Shipping Company	Anderson Shipping Company Customs Power of Attorney	DSM Chemicals North America LLC	Unknown	07/16/2015
Augusta Communications Inc.	Agreement between DSM and Augusta Communications for Managed Services of Site Radios and Supporting Systems	DSM Chemicals North America LLC	Maintenance: Equipment	01/01/2016
BMSI Packaging Inc.	Second Amendment to Product Purchasing Agreement	DSM Services USA, Inc.	Purchase Contract / Purchase Order	06/23/2015
The BOC Group Inc.	On Site Product Purchase Agreement	DSM Chemicals North America	Purchase Contract / Purchase Order	11/19/2007
Chevron Phillips Chemical Company LP	Cyclohexane Contract of Sale	DSM Chemicals North America Inc.	Supply Agreement	01/01/2014
Chicago Freight Car Leasing Co	Second Supplement to Lease #1101 Dated 12/10/2008	DSM Chemicals North America Inc.	Lease: Equipment	12/10/2008
Chicago Freight Car Leasing Co.	Third Supplement to Lease @1101 Dated 12/8/2008 between Chicago Freight and DSM	DSM Chemicals North America Inc.	Lease: Equipment	12/10/2008
Enviance Inc.	Second Amendment to Application Services Provider Customer Agreement	DSM Chemicals North America Inc.	Purchase Contract / Purchase Order	09/07/2011

Counter Parties	Contract Title	Debtors	Contract Type	Effective Date
Formosa Plastics Corporation USA	Caustic Agreement with Formosa (North American Framework Agreement for Goods--Caustic Soda)	DSM Chemicals North America Inc.	Purchase Contract / Purchase Order	01/01/2010
Formosa Plastics Corp. USA	First Amendment to the Caustic Soda 50% Solution Agreement	DSM Chemicals North America Inc.	Purchase Contract / Purchase Order	01/01/2013
Formosa Plastics Corp. USA	Second Amendment to the Caustic Soda 50% Solution Agreement	DSM Chemicals North America LLC	Purchase Contract / Purchase Order	07/01/2016
GATX Corporation	Renewal of Contract 2123, Rider 0009--Revised	DSM Chemicals North America Inc.	Lease: Equipment	09/03/2013
GATX Corporation	Renewal of Contract 2123, Rider 0010	DSM Chemicals North America Inc.	Service Contract	09/03/2013
GATX Corporation Rail North America	Renewal of Contract No. 2123, Rider No. 12	DSM Chemicals North America Inc.	Freight Services Agreement	08/31/2014
GATX Corporation Rail	Renewal of Contract 2123, Rider 0013	DSM Chemicals North America Inc.	Lease: Equipment	01/01/2014
GATX Corporation Rail	Rider 0016	DSM Chemicals North America Inc.	Service Contract	
GATX Corporation	Renewal of Rider 0017	DSM Chemicals North America Inc.	Service Contract	09/01/2011
GATX Corporation Rail North America	Rider 20 Renewal Agreement	Fibrant, LLC	Freight Services Agreement	04/15/2016
GATX Corporation Rail	Renewal of Contract 2123, Rider 0021	DSM Chemicals North America Inc.	Service Contract	04/01/2013
GATX Corporation Rail	Rider 0022	DSM Chemicals North America Inc.	Lease: Equipment	12/01/2010

Counter Parties	Contract Title	Debtors	Contract Type	Effective Date
GATX Corporation	Amendment to Revised Renewal of Contract 2123, Rider 0023	DSM Chemicals North America Inc.	Lease: Equipment	05/20/2013
GATX Corporation Rail North America	Rider No. 25 to Car Service Contract No. 2123	DSM Chemicals North America Inc.	Lease: Equipment	09/01/2013
General Electric Railcar Services Corporation	Rider No. 16 Renewal No. 4 to Car Leasing Agreement No. 6082-01	DSM Chemicals North America Inc. DSM Chemicals North America LLC	Lease: Equipment	02/01/2015
General Electric Railcar Services Corporation	Rider No. 18 Renewal No. 4 to Car Leasing Agreement No. 6082-01	DSM Chemicals North America Inc. DSM Chemicals North America LLC	Lease: Equipment	01/01/2015
General Electric Railcar Services Corporation	Rider No. 20 Renewal No. 1-A and 1-B to Car Leasing Agreement 6082-01	DSM Chemicals North America LLC DSM Chemicals North America Inc.	Lease: Equipment	01/01/2015
General Chemical Corporation	Third Amendment to Agreement	DSM Chemicals North America Inc.	Purchase Contract / Purchase Order	01/31/2013
General Chemical Corporation	Fourth Amendment to Agreement	DSM Chemicals North America Inc.	Purchase Contract / Purchase Order	01/31/2013

Counter Parties	Contract Title	Debtors	Contract Type	Effective Date
Morrall Companies LLC	Storage and Handling Agreement	DSM Chemicals North America Inc.	Storage Agreement	08/15/2014
Olin Corporation Olin Chlor Alkali Products	Agreement for the Supply of Caustic Soda 50% Solution	DSM Chemicals North America LLC	Purchase Contract / Purchase Order	01/01/2016
Pollock Financial Services	Copier-Printer Management Program	DSM Chemicals North America Inc.	Unknown	07/01/2015
R.M. Railcars LLC	Rider No. 5 to Master Lease No. DSM 0315	DSM Chemicals North America Inc.	Lease: Auto	04/20/2015
Shintech Inc.	Framework Agreement for Caustic Soda 50% Solution	DSM Chemicals North America Inc.	Purchase Contract / Purchase Order	01/01/2014
General Electric Railcar Services Corporation	Rider No.16 Renewal No.4to Car Leasing Agreement NO.6082-01	DSM Chemicals North America Inc.	Lease: Auto	02/28/2015
General Electric Railcar Services Corporation	Rider 18 Renewal 4 to Car Leasing Agreement No.6082-01	DSM Chemicals North America Inc.	Lease: Auto	02/28/2015
General Electric Railcar Services Corporation	Rider 20 Renewal No.1-A to Car Leasing Agreement 6082-01	DSM Chemicals North America Inc.	Lease: Auto	04/01/2015
Independent Ag Inc.	Independent Ag AS Supply Agreement	DSM Chemicals North America Inc.	Sales Contract/Trade Agreement	07/01/2015
Independent Ag Inc.	Independent AG AS Supply Agreement	DSM Chemicals North America Inc.	Sales Contract/Trade	07/01/2015

Counter Parties	Contract Title	Debtors	Contract Type	Effective Date
			Agreement	
Nylon Polymer Company LLC	Agreement of Lease By and Between DSM Chemicals North America, Inc. And Nylon Polymer Company, LLC	DSM Chemicals North America Holding Inc.	Lease: Building and Land	03/16/1997
Praxair Inc.	Amendment No. 5 to the Praxair Crude CO2 Purchase Supply Agreement	DSM Chemicals North America Inc.	Sales Contract/Trade Agreement	05/01/2012
PraxAir Inc.	Amend.3 CO2 Purchase and Sale Agreement	DSM Chemicals North America Inc.	Sales Contract/Trade Agreement	06/01/2006
PraxAir Inc.	Amendment 4 CO2 Purchase Sale Agreement	DSM Chemicals North America Holding Inc.	Sales Rep/Agency	06/01/2006
The Scotts Company LLC	Scotts Manufacturing and Supply Agreement	DSM Chemicals North America Inc.	Sales Contract/Trade Agreement	10/01/2015
CPS	Ammonium Sulfate Supply Agreement	Fibrant. LLC	Supply Agreement	01/01/2015
American Railcar Leasing LLC	Master Service Contract, No. MSC C-9235	DSM Chemicals North America LLC	Lease: Equipment	06/01/2015
Great Walton Railroad Company	Storage Track Agreement	Fibrant, LLC	Track Space Lease	06/10/2016
DSM Coating Resins, Inc.	Service Level Agreement	DSM Chemicals North America Inc.	Service Agreement	02/18/2015
Enviance Inc.	Second Amendment to Application Service Provider Customer Agreement	DSM Chemicals North America Inc.	Service Contract	03/31/2015
Union Tank Car Company	Renewal Proposal for Rider A014	DSM Chemicals North America Inc.	Freight Services Agreement	10/31/2012
Honeywell International Inc.	Tolling Agreement	Fibrant, LLC	Sales Tolling Agreement	08/31/2016
General Electric Railcar Services Corporation GE Capital Rail Services	Riders No. 22 -A and -B to Car Leasing Agreement 6082-01	DSM Chemicals North America Inc.	Lease: Equipment	07/08/2011

Counter Parties	Contract Title	Debtors	Contract Type	Effective Date
Union Tank Car Company	Renewal Proposal for Rider A013	DSM Chemicals North America Inc.	Lease: Equipment	07/01/2015
Wells Fargo Equipment Finance Inc. d/b/a Midwest Railcar Capital Equipment Company	Extension No. 1 to Schedule #1 By and Between Wells Fargo Equipment Finance and DSM Chemicals North America, Inc.	DSM Chemicals North America Inc.	Lease: Equipment	11/01/2013
Wells Fargo Equipment Finance Inc. d/b/a Midwest Railcar Capital Equipment Company	Wells Fargo Equipment Finance, Inc. d/b/a Midwest Railcar Capital Equipment Company Schedule #2 and Memorandum of Schedule #2 to Full Service Master Lease Agreement	DSM Chemicals North America Inc.	Lease: Equipment	01/16/2013
Wells Fargo Equipment Finance Inc. d/b/a Midwest Railcar Capital Equipment Company	Schedule #3 to the Full Master Lease Agreement	DSM Chemicals North America Inc.	Lease: Equipment	01/16/2013
Wells Fargo Equipment Finance Inc. d/b/a Midwest Railcar Capital Equipment Company	First Amendment of Full Service Master Lease Agreement	DSM Chemicals North America Inc.	Lease: Equipment	01/18/2013
DSM Engineering Plastics, Inc.	Amendment No. 1 to Service Level Agreement	Fibrant, LLC	Service Agreement	04/15/2016
DSM Engineering Plastics, Inc.	Service Level Agreement	DSM Chemicals North America Inc.	Service Agreement	02/18/2015
PotashCorp	Ammonia Supply Agreement	Fibrant LLC	Purchase Contract / Purchase Order	01/01/2016

Counter Parties	Contract Title	Debtors	Contract Type	Effective Date
Flint Hills Resources LP	Cyclohexane Sales Agreement	DSM Chemicals North America Inc.	Sales Contract/Trade Agreement	01/01/2014
Midwest Railcar Corporation	Midwest Railcar Corporation Full Service Master Lease Agreement	Fibrant, LLC	Lease: Railway Cars	06/30/2017