

**IT IS ORDERED** as set forth below:



**Date: March 21, 2018**

*Susan D. Barrett*

Susan D. Barrett  
United States Bankruptcy Judge

**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, et al.<sup>1</sup></b>	)	<b>Case No. 18- <u>10274</u></b>
	)	
	)	
<b>Debtors.</b>	)	<b>Jointly Administered</b>
	)	

**FINAL ORDER (A) PROHIBITING UTILITIES FROM ALTERING, REFUSING, OR DISCONTINUING SERVICE ON ACCOUNT OF PRE-PETITION INVOICES, (B) DEEMING UTILITIES ADEQUATELY ASSURED OF FUTURE PERFORMANCE, AND (C) ESTABLISHING PROCEDURES FOR DETERMINING ADEQUATE ASSURANCE OF PAYMENT**

This matter is before the Court on the *Emergency Motion for Interim and Final Orders (A) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service on Account of Pre-Petition Invoices, (B) Deeming Utilities Adequately Assured of Future Performance, and (C) Establishing Procedures for Determining Adequate Assurance of Payment* (the "Motion") of

<sup>1 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).



Fibrant, LLC and its affiliated debtors-in-possession (the “Debtors”). On **March 7, 2018**, the Court granted the Motion on an interim basis and scheduled a Final Hearing for **March 21, 2018**. 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 on the Motion. 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 Utility Companies; 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. 14) is GRANTED.
2. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

3. The Debtors are directed to pay on a timely basis, in accordance with their pre-petition practices, all undisputed invoices in respect of post-petition utility services rendered by the Utility Companies to the Debtors.

4. If a Utility Company requests to receive the Adequate Assurance Deposit, the Debtors are directed to pay the appropriate Adequate Assurance Deposit to the Utility Company. A Utility Company seeking the proposed Adequate Assurance Deposit must have requested the Adequate Assurance Deposit in writing to counsel for the Debtors, at King & Spalding LLP, 1180 Peachtree Street, Atlanta, Georgia 30309-3521, (Attention: Jonathan W. Jordan), so that it was received on or before 4:00 p.m. (Eastern Time) on March 26, 2018.

5. As a condition of receiving the Adequate Assurance Deposit, the requesting Utility Company shall be deemed to have stipulated that (i) the Adequate Assurance Deposit constitutes adequate assurance of payment to such Utility Company within the meaning of Section 366 of the Bankruptcy Code and (ii) it shall not seek additional or different adequate assurance during the course of these chapter 11 cases absent further order from this Court and a showing of changed circumstances.

6. No Utility Company may alter, refuse, terminate, or discontinue services to, and/or discriminate against the Debtors on the basis of commencement of these cases or on account of unpaid invoices for service provided by any of the Utility Companies to the Debtors prior to the Petition Date.

7. The Determination Procedures set forth in the Interim Order are hereby approved on a final basis.

8. In addition, the Debtors are authorized, as necessary, to provide notice and a copy of this Final Order to any Additional Utility Companies as such Additional Utility Companies

are identified. Such Additional Utility Companies shall be subject to the terms of the Final Order, including the Determination Procedures. **If an Additional Utility Company fails to submit a Request within 20 days after being served with this Final Order, the Additional Utility Company shall be deemed to have received adequate assurance of payment that is satisfactory to such Additional Utility Company pursuant to Section 366(c)(2) of the Bankruptcy Code without prejudice to the right of such Additional Utility Company to seek relief in the future pursuant to Section 366(c)(3)(A).**

9. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation and/or interpretation of this Order.

10. 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.; (m) the Utility Companies; 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:

KING & SPALDING LLP

/s/ Paul K. Ferdinands

Paul K. Ferdinands

Georgia Bar No. 258623

pferdinands@kslaw.com

Jonathan W. Jordan

Georgia Bar No. 404874

jjordan@kslaw.com

Sarah L. Primrose

Georgia Bar No. 532582

sprimrose@kslaw.com

1180 Peachtree Street

Atlanta, Georgia 30309-3521

Telephone: (404) 572-4600

Facsimile: (404) 572-5100

AND

KLOSINSKI OVERSTREET, LLP

James C. Overstreet Jr.

Georgia Bar No. 556005

jco@klosinski.com

1229 Augusta West Parkway

Augusta, GA 30909

Telephone: (706) 863-2255

Facsimile: (706) 863-5885

PROPOSED COUNSEL FOR THE  
DEBTORS-IN-POSSESSION