

In re:
Fibrant, LLC
Debtor

Case No. 18-10274-SDB
Chapter 11

CERTIFICATE OF NOTICE

District/off: 113J-1

User: mweaver
Form ID: pdf004

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 21, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 23, 2018.

NO NOTICES MAILED.

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
+E-mail/Text: jjordan@kslaw.com Mar 21 2018 18:48:48 Jonathan W. Jordan, King & Spaulding,
1180 Peachtree Street, NE, Atlanta, GA 30309-3531

TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 23, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 21, 2018 at the address(es) listed below:

Bowen Anderson Klosinski on behalf of Debtor Fibrant, LLC bak@klosinski.com, vshaw@klosinski.com
Brian Fenton McEvoy on behalf of Creditor Chemtrade Chemicals US LLC and Chemtrade Chemicals Corporation bmcevoy@polsinelli.com, mhobby@polsinelli.com;atldocketing@polsinelli.com
Christopher A Ward on behalf of Creditor Chemtrade Chemicals US LLC and Chemtrade Chemicals Corporation cward@polsinelli.com, lsuprum@polsinelli.com;delawaredocketing@polsinelli.com;atldocketing@polsinelli.com
James C. Overstreet, Jr. on behalf of Debtor Fibrant South Center, LLC jco@klosinski.com, jco@ecf.inforuptcy.com
James C. Overstreet, Jr. on behalf of Debtor Evergreen Nylon Recycling, LLC jco@klosinski.com, jco@ecf.inforuptcy.com
James C. Overstreet, Jr. on behalf of Debtor Georgia Monomers Company, LLC jco@klosinski.com, jco@ecf.inforuptcy.com
James C. Overstreet, Jr. on behalf of Debtor Fibrant, LLC jco@klosinski.com, jco@ecf.inforuptcy.com
Jeffrey R. Miller on behalf of Other Professional Kurtzman Carson Consultants, LLC ecfpleadings@kccllc.com
John K. Rezac on behalf of Creditor DSM Coating Resins, Inc. jrezac@taylorenghish.com
Matthew W. Levin on behalf of Interested Party Fibrant Holding B.V. mlevin@swlawfirm.com, fharris@swlawfirm.com;centralstation@swlawfirm.com;rwilliamson@swlawfirm.com
Matthew W. Levin on behalf of Interested Party Augusta Holdco Inc. mlevin@swlawfirm.com, fharris@swlawfirm.com;centralstation@swlawfirm.com;rwilliamson@swlawfirm.com
Matthew W. Levin on behalf of Interested Party CAP I B.V. mlevin@swlawfirm.com, fharris@swlawfirm.com;centralstation@swlawfirm.com;rwilliamson@swlawfirm.com
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Matthew W. Levin on behalf of Interested Party ChemicaInvest Holding B.V. mlevin@swlawfirm.com, fharris@swlawfirm.com;centralstation@swlawfirm.com;rwilliamson@swlawfirm.com
Matthew W. Levin on behalf of Interested Party CAP II B.V. mlevin@swlawfirm.com, fharris@swlawfirm.com;centralstation@swlawfirm.com;rwilliamson@swlawfirm.com
Office of the U. S. Trustee Ustpregion21.sv.ecf@usdoj.gov
Robert Patrick Vance on behalf of Creditor Chevron Phillips Chemical Company pvance@joneswalker.com
Stephen S. Roach on behalf of Creditor Augusta Sulfate, LLC stephen.roach@troutmansanders.com

TOTAL: 18



181027418032300000000002

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**

In re:)	Chapter 11
)	
FIBRANT, LLC, et al.¹)	Case No. 18- <u>10274</u>
)	
)	
Debtors.)	Jointly Administered
)	

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

^{1 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).

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

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