

IT IS ORDERED as set forth below:



Date: May 2, 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**
)
_____)

**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

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 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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