

IT IS ORDERED as set forth below:



Date: May 25, 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. 18-10274
)	
)	
Debtors.)	Jointly Administered
)	

ORDER ESTABLISHING A BAR DATE FOR FILING PROOFS OF CLAIM AND APPROVING BAR DATE NOTICE AND PROCEDURES

This matter is before the Court on the *Motion to Establish a Bar Date for Filing Proofs of Claim and for Approval of Bar Date Notice and Procedures* (the "Motion") of Fibrant, LLC and its affiliated debtors-in-possession (the "Debtors") [Docket No. 178]. All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

The Court has considered the Motion. It appears that the Court has jurisdiction over this proceeding; that this is a core proceeding; that the establishment of a date by which claims must

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 South Center, LLC (8270); and Georgia Monomers Company, LLC (0042).



be asserted against the Debtors or be forever barred is in accordance with the authority granted to this Court by the Bankruptcy Code and the Bankruptcy Rules and is necessary for the prompt and efficient administration of these chapter 11 cases; that notification of the relief granted by this Order in the manner proposed by the Debtors, as set forth herein, is fair and reasonable and will provide good, efficient, and proper notice to all creditors of their rights and obligations in connection with claims they may have against the Debtors in these chapter 11 cases; that notice of the Motion has been given 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 who received the first-day motions; (k) Koninklijke DSM, N.V. and DSM Coating Resins, Inc.; (l) ChemicalInvest Holding, B.V.; and (m) any party that has requested notice pursuant to Bankruptcy Rule 2002; that no further notice of the Motion 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. 178] is GRANTED.
2. Except for certain exceptions explicitly set forth in this Order, each person or entity (including each governmental unit, individual, partnership, joint venture, corporation, limited liability company, estate, and trust) that asserts a claim (as defined in Section 101(5) of the Bankruptcy Code) against the Debtors that arose prior to February 23, 2018 (the "Petition

Date”) shall file an original, written proof of such claim that substantially conforms to Form B410 (Official Form No. 410) so as to be received by Kurtzman Carson Consultants LLC, the Debtors' claims agent (the “Claims Agent”), on or before **July 31, 2018 (the “Bar Date”)**, either (i) by using the interface available on the Claims Agent’s website at <https://epoc.kccllc.net/fibrant>, OR (ii) by mail, overnight courier, or hand delivery to the Claims Agent’s address below:

Fibrant, LLC Claims Processing Center
c/o Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, CA 90245

3. Proofs of claim shall be deemed timely filed only if actually received by the Claims Agent on or before the Bar Date.

4. The following persons or entities are not required to file a proof of claim on or before the Bar Date:

- a. any person or entity that has already properly filed with the Claims Agent or the Clerk of the Court a proof of claim using a claim form that substantially conforms to Form B410 (Official Form No. 410);
- b. any person or entity (i) whose claim is listed on the Schedules, (ii) whose claim is not described as “disputed,” “contingent,” or “unliquidated,” (iii) who does not dispute the amount or nature of its claim as set forth in the Schedules; and (iv) who does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- c. any person or entity asserting a claim under section 507(a)(2) of the Bankruptcy Code as an administrative expense of the Debtors’ chapter 11 cases; provided, however, that any entity asserting a claim entitled to priority under Section 503(b)(9) of the Bankruptcy Code must assert such claim by filing a proof of claim by the Bar Date;
- d. any person or entity for which a specific, different deadline to file a proof of claim has been fixed by the Court;

- e. professionals retained by the Debtors or the Committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court's approval pursuant to sections 330 or 331 of the Bankruptcy Code;
- f. any person or entity whose claim has been paid in full or otherwise satisfied by the Debtors;
- g. claims made by one Debtor against another Debtor; and
- h. any person or entity that holds a claim that has been allowed by an order of the Court entered on or before the Bar Date.

5. To be properly filed pursuant to this Order, each proof of claim shall: (i) be written in the English language; (ii) be denominated in lawful currency of the United States as of the Petition Date; and (iii) conform substantially with Form B410 (Official Form No. 410).

6. Any proof of claim asserting a claim entitled to priority under Section 503(b)(9) of the Bankruptcy Code must also: (i) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).

7. Any person or entity that is required to file a proof of claim in the form and manner specified by the Order and that fails to do so on or before the Bar Date shall not receive or be entitled to receive any payment or distribution of property from the Debtors, their estates, or their successors or assigns with respect to such claim, and shall be forever barred from asserting such claim against the Debtors, their estates, or their successors or assigns.

8. Notice of the entry of this Order and of the Bar Date in a form substantially similar to the notice attached to the Motion as Exhibit B (the "Bar Date Notice"), which notice is

hereby approved in all respects, constitutes good, adequate and sufficient notice if it is served, together with a proof of claim form, by being deposited in the United States mail, first-class postage prepaid, not more than three business days after the entry of this Order:

- a. All known potential holders of claims against or interests in the Debtors;
- b. all persons on the Master Service List;
- c. all state and local government authorities where the Debtors maintained assets or conducted business operations on the Petition Date or within three years prior to the Petition Date; and
- d. through publication substantially similar to the Bar Date Notice once in *USA Today* and once in the *Augusta Chronicle* within 30 days of the date of this Order for one day.

9. Any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease must, unless otherwise stated in the order authorizing such rejection, file a proof of claim based on such rejection on or before the later of: (a) the Bar Date; or (b) the date that is thirty days after the entry of the order authorizing such rejection.

10. Nothing in this Order shall prejudice the right of the Debtors or any party-in-interest to dispute, or to assert offsets or defenses to, any claim reflected on the Debtors' Schedules as to amount, liability, classification, or otherwise and to subsequently designate any claim as disputed, contingent, or unliquidated.

11. The Debtors are hereby authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order.

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

13. Counsel for the Debtors is directed to serve a copy of this Order on all parties on the Master Service List within three days of the entry of this Order and file a certificate of service with the Clerk of the Court.

[END OF DOCUMENT]

Prepared and presented by:

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COUNSEL FOR THE
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EXHIBIT B
Proposed Bar Date Notice

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

In re:)	Chapter 11
)	
FIBRANT, LLC, et al.,)	Case No. 18-10274 (SDB)
)	
Debtors.)	Jointly Administered
)	

**NOTICE REQUIRING FILING OF PROOFS OF CLAIM
ON OR BEFORE JULY 31, 2018**

TO ALL CREDITORS AND PARTIES-IN-INTEREST WITH CLAIMS AGAINST THE DEBTORS SET FORTH BELOW:

Name of the Debtor	Case Number	Tax Identification Number	Other Names Used by Debtor in the Past 40 Years
Fibrant, LLC	18-10274	47-3726694	DSM CHEMICALS NORTH AMERICA, LLC DSM CHEMICALS NORTH AMERICA, INC. DSM CHEMICALS AUGUSTA, INC. NIPRO, INC.
Evergreen Nylon Recycling, LLC	18-10276	58-2367625	
Fibrant South Center, LLC	18-10275	46-0578270	
Georgia Monomers Company, LLC	18-10277	58-2590042	

1. On February 23, 2018 (the “Petition Date”), Fibrant, LLC, Evergreen Nylon Recycling, LLC, Fibrant South Center, LLC, and Georgia Monomers Company, LLC (collectively, and jointly administered as the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Georgia, Augusta Division (the “Court”). The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. On May 25, 2018, the Court entered an order (the “Bar Date Order”) establishing **July 31, 2018**, as the last date for the filing of proofs of claim against the Debtors (the “Bar Date”).

3. Pursuant to the terms of the Bar Date Order, other than the parties listed in the exceptions outlined in paragraph 7 below, each person or entity (including, without limitation, each governmental unit, individual, partnership, joint venture, corporation, limited liability company, estate, and trust) that wishes to assert a claim (including claims entitled to priority under Section 503(b)(9) of the Bankruptcy Code) against the Debtors arising or deemed to have arisen prior to the Petition Date must file an original proof of claim with Kurtzman Carson Consultants LLC, the Debtors' claims agent (the "Claims Agent"), that substantially conforms with Form B410 (Official Form No. 410), such as the Proof of Claim Form described in paragraph 4 below, on or before the Bar Date, either **(i) by using the interface available on the Claims Agent's website at <https://epoc.kccllc.net/fibrant>, OR (ii) by mail, overnight courier, or hand delivery to the Claims Agent's address below:**

Fibrant, LLC Claims Processing Center
c/o Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, California 90245

Proofs of claim shall be deemed timely filed only if actually received by the Claims Agent on or before the Bar Date. **Proofs of claim may not be submitted by fax, e-mail or other electronic means, except by electronic submission via the Claims Agent's website as described above.**

4. The Debtors are enclosing a proof of claim form (the "Proof of Claim Form") that substantially conforms to Official Bankruptcy Form No. 410 and has been approved by the Court for use in the Debtors' chapter 11 cases. You may utilize the enclosed Proof of Claim Form or a photocopy of it to file your claim. Though the Proof of Claim Form is enclosed, the Proof of Claim Form may also be obtained by requesting a copy from the Claims Agent by: (i) telephone: (888) 647-1715 (toll-free) or (310) 751-2619 (international) or (ii) e-mail: FibrantInfo@kccllc.com. Moreover, all court documents are available for free on the Claims Agent's website: <http://www.kccllc.net/fibrant>.

5. For purposes of the Bar Date Order and this notice, the term "Claim" means: (i) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (ii) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

6. Any proof of claim asserting a claim entitled to priority under Section 503(b)(9) of the Bankruptcy Code must also: (i) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under section 546(c) of the Bankruptcy Code (if applicable).

7. The following persons and entities are not required to file a proof of claim on or before the Bar Date:

- a. any person or entity that has already properly filed with the Claims Agent or the Clerk of the Court a proof of claim using a claim form that substantially conforms to Form B410 (Official Form No. 410);
- b. any person or entity (i) whose claim is listed on the Schedules, (ii) whose claim is not described as “disputed,” “contingent,” or “unliquidated,” (iii) who does not dispute the amount or nature of its claim as set forth in the Schedules; and (iv) who does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- c. any person or entity asserting a claim under section 507(a)(2) of the Bankruptcy Code as an administrative expense of the Debtors’ chapter 11 cases; provided, however, that any entity asserting a claim entitled to priority under Section 503(b)(9) of the Bankruptcy Code must assert such claim by filing a proof of claim by the Bar Date;
- d. any person or entity for which a specific, different deadline to file a proof of claim has been fixed by the Court;
- e. professionals retained by the Debtors or the Committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court’s approval pursuant to sections 330 or 331 of the Bankruptcy Code;
- f. any person or entity whose claim has been paid in full or otherwise satisfied by the Debtors;
- g. claims made by one Debtor against another Debtor; and
- h. any person or entity that holds a claim that has been allowed by an order of the Court entered on or before the Bar Date.

8. Any proof of claim must clearly indicate the name of the individual Debtor against whom the claim is asserted and the applicable bankruptcy case number for such Debtor. If a claim is asserted against more than one of the Debtors, a separate proof of claim for each Debtor against whom a claim is asserted must be submitted to the Claims Agent pursuant to paragraph 3 above.

9. Any person or entity that holds a Claim that arises from the rejection of an executory contract or unexpired lease must, unless otherwise stated in the order authorizing such rejection, file a proof of claim based on such rejection on or before the later of: (a) the Bar Date or (b) the date that is thirty days after entry of the order authorizing such rejection.

10. Any person or entity that is required to file a timely proof of claim in the form and manner specified by the Bar Date Order and that fails to do so on or before the Bar Date shall not receive or be entitled to receive any payment or distribution of property from the Debtors, their estates, or their successors or assigns with respect to such Claim,

and shall be forever barred from asserting such Claim against the Debtors, their estates, or their successors or assigns.

11. Furthermore, acts or omissions of the Debtors that occurred prior to the Petition Date, including any acts or omissions related to any indemnity agreements, guarantees, or services provided to or by the Debtors, may give rise to Claims against the Debtors notwithstanding the fact that such Claims (or the injuries on which they are based) may be contingent or may not have matured or become fixed or liquidated prior to such date. Therefore, any creditor having a Claim or potential Claim against the Debtors, no matter how remote or contingent, must file a proof of claim on or before the Bar Date.

12. Each proof of claim filed must: (i) be written in the English language; (ii) be denominated in lawful currency of the United States as of the Petition Date; (iii) identify the particular Debtor against which a Claim is asserted; and (iv) conform substantially to Form B410 (Official Form No. 410). You should not file a proof of claim if you do not have a Claim against the Debtors.

13. The Debtors' Statements of Financial Affairs and Schedules of Assets and Liabilities are available for inspection during regular business hours at the office of the Clerk of the Court, Southern District of Georgia, Federal Justice Center, 600 James Brown Blvd., Augusta, GA 30901. The Debtors' Schedules are also available at the Claims Agent's website: <http://www.kccllc.net/fibrant>. Parties wishing to receive such materials by mail should contact the Debtors' Claims Agent by phone (888) 647-1715 (toll free) or (310) 751-2619 (international toll) or by e-mail form at <http://www.kccllc.net/fibrant/inquiry>, or send requests to:

Fibrant, LLC Claims Processing Center
c/o Kurtzman Carson Consultants LLC
2335 Alaska Avenue
El Segundo, California 90245

14. The Debtors reserve the right to dispute, or to assert offsets or defenses against, any Claim asserted against them. Nothing in this Notice shall preclude the Debtors from objecting to any Claim asserted against them on any grounds.

15. **A claimant should consult an attorney with inquiries, such as whether he or she should file a proof of claim.**