

**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 (SDB)
)	
Debtors.)	Jointly Administered
)	

**EMERGENCY MOTION TO CONTINUE HEARING ON
PLAN CONFIRMATION
[EXPEDITED CONSIDERATION REQUESTED]**

Fibrant, LLC and its affiliated debtors-in-possession (the “Debtors”) respectfully request that the Court continue its scheduled hearing on confirmation of the Debtors’ Amended and Restated Plan of Liquidation for Fibrant, LLC *et al.*, dated February 13, 2019 [Docket No. 600] (the “Plan”) from its current setting of April 17, 2019 to **May 20, 21 or 22, 2019**. In support of this Motion, the Debtors respectfully represent as follows:

1. The Plan is premised upon closing a transaction pursuant to which a majority of the Debtors’ real property will be transferred to an affiliate of Environmental Liability Transfer, Inc. (“ELT”). The funding for the Plan would be provided by ChemicalInvest Holding, B.V. (“ChemicalInvest”), which is a Dutch company that is an indirect ultimate parent of the Debtors. In connection with providing the Plan funding, ChemicalInvest has requested releases from liability and other protections from all of the parties-in-interest in these cases, including the Georgia Department of Natural Resources, Environmental Protection Division (“EPD”) and the United States Environmental Protection Agency (“EPA”). The Debtors, ChemicalInvest, EPD

¹The 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).



and EPA have been in discussions regarding the Plan and the ELT transaction for a number of months. EPD has expressed its support for the Plan and the ELT transaction, but EPA has not yet agreed to support the Plan. Recently, EPA and the United States Department of Justice (“DOJ”) indicated that EPA may be willing to support the Plan if certain modifications to the Plan language are made.

2. EPA and DOJ have requested a 3-4 week continuance of the confirmation hearing to allow EPA and DOJ to propose Plan modifications to the Debtors and, if modified language is agreed to, to obtain internal EPA and DOJ approvals to the Plan (as modified). EPA and DOJ have stated that this process cannot be completed by April 17, 2019, the current setting.

3. A continuance will also allow additional time for the Debtors, the Official Committee of Unsecured Creditors (the “Committee”), ChemicalInvest, EPD, certain objecting insurers, and other parties-in-interest to negotiate modified Plan language that, if agreed to, will resolve objections of other parties and streamline the confirmation hearing.

4. Counsel for the Debtors has informed the Committee, ChemicalInvest, EPA, the insurers, and others that it will seek a continuance of the confirmation date of April 17, 2019. No parties have indicated they oppose a continuance.

5. The Debtors request a continuance of the Plan confirmation hearing to May 20, 21, or 22, 2019.

REQUEST FOR EXPEDITED TREATMENT

6. In light of the relief requested, and because counsel from out of state will be making travel arrangements to attend a hearing on April 17, 2019, the Debtors respectfully ask that the Court consider this motion on an expedited basis.

NOTICE

7. Notice of this Motion shall be provided to the parties set forth on the Master Service List and all parties that have filed objections to the Plan. The Debtors submit that, under the circumstances, no other or further notice is required.

CONCLUSION

For the foregoing reasons, the Debtors respectfully request that the Court continue the April 17, 2019 hearing on Plan confirmation to **May 20, 21 or 22, 2019**.

Dated: April 15, 2019

Respectfully submitted,

KING & SPALDING LLP

/s/ Jonathan W. Jordan

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COUNSEL FOR THE
DEBTORS-IN-POSSESSION

EXHIBIT A
Proposed Order

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**ORDER GRANTING DEBTORS' EMERGENCY MOTION TO CONTINUE
HEARING ON PLAN CONFIRMATION**

[Relates to Docket No. ___]

Upon consideration of the Debtors' *Emergency Motion to Continue Hearing on Plan Confirmation* (the "Motion")² seeking entry of an Order continuing the hearing on the Amended

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and Restated Plan of Liquidation for Fibrant, LLC, *et al.* dated February 13, 2019 [Docket No. 600] (the “Plan”); and good, adequate and sufficient cause having been shown to justify the immediate entry of this Order; and after due deliberation and sufficient cause appearing therefor, IT IS HEREBY ORDERED:

1. The hearing on confirmation of the Plan is continued from April 17, 2019 to May ____, 2019 at 10:00 a.m. (Eastern Time).
2. The Debtors shall serve a copy of this Order on all objecting parties and parties on the Master Service List that the hearing has been continued as set forth herein.
3. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation or implementation of this Order.

END OF DOCUMENT

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Motion.

Prepared and presented by:

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