

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

-----X	
	:
In re:	: Chapter 11
	:
HERB PHILIPSON'S ARMY AND NAVY	:
STORES INC.,	:
	: Case No. 18-61376-6 (DD)
Debtor. <sup>4</sup>	:
	:
-----X	

**NOTICE OF DEADLINE FOR FILING REQUESTS FOR  
PAYMENT OF CLAIMS ENTITLED TO ADMINISTRATIVE  
EXPENSE STATUS UNDER SECTION 503(B)(9) OF THE BANKRUPTCY CODE**

**TO: ALL ENTITIES WHO MAY HAVE AN ADMINISTRATIVE EXPENSE ARISING  
UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE AGAINST THE DEBTOR  
PLEASE TAKE NOTICE THAT:**

1. October 8, 2018 (the "Petition Date"), Herb Philipson's Army and Navy Stores Inc. (the "Debtor") filed a voluntary petition for relief under chapter 11 of the of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of New York (the "Court").

**DEADLINE FOR FILING SECTION 503(B)(9) CLAIMS  
AGAINST THE ABOVE-REFERENCED DEBTOR**

2. Pursuant to an order of this Court entered on November 21, 2018 (the "Section 503(b)(9) Bar Date Order"), the deadline for all persons and entities (including, without limitation, individuals, partnerships, joint ventures, corporations, estates, governmental units (as such term is defined in section 101(27) of the Bankruptcy Code), and trusts) to file a request for payment (a "Section 503(b)(9) Claim Request") for the value of any goods sold to the Debtor in the ordinary course of business and received by the Debtor within 20 days before the Petition Date (*i.e.*, between September 18, 2018 and October 8, 2018) (a "Section 503(b)(9) Claim") is **December 28, 2018 at 5:00 p.m. (Eastern Time)**.

3. The Section 503(b)(9) Bar Date and the procedures set forth below for the filing of Section 503(b)(9) Claim Requests apply to all persons and entities asserting a Section 503(b)(9) Claim against the Debtor.

<sup>4</sup> The last four digits of the Debtor's federal tax identification number are 4814.



**WHO MUST FILE A SECTION 503(B)(9) CLAIM REQUEST**

4. You **MUST** file a Section 503(b)(9) Claim Request if you have a Section 503(b)(9) Claim against the Debtor for the value of any goods sold to such Debtor in the ordinary course of business and received by the Debtor within 20 days before the Petition Date (*i.e.*, between September 18, 2018 and October 8, 2018).

5. **THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HOLD A CLAIM AGAINST THE DEBTOR OR THAT THE DEBTOR OR THE COURT BELIEVE THAT YOU HOLD A CLAIM AGAINST THE DEBTOR. YOU SHOULD NOT FILE A SECTION 503(b)(9) CLAIM REQUEST IF YOU DO NOT HOLD A SECTION 503(b)(9) CLAIM AGAINST THE DEBTOR.**

**INSTRUCTIONS FOR FILING A SECTION 503(b)(9) CLAIM REQUEST.**

6. Each Section 503(b)(9) Claim Request must:
- a. identify (i) the amount of the Section 503(b)(9) Claim, (ii) the value of the Goods the Section 503(b)(9) claimant contends the Debtor received within 20 days before the Petition Date, (iv) the date and place of receipt of the Goods by the Debtor, and (v) the method of delivery of the Goods to the Debtor;
  - b. include or attach documentation identifying (i) the particular invoice(s) related to such Section 503(b)(9) Claim and (ii) any demand to reclaim goods sold to the Debtor under section 546(c) of the Bankruptcy Code; and
  - c. certify that the goods were provided in the ordinary course of the Debtor's business

7. To file a Section 503(b)(9) Claim Request you must deliver the Section 503(b)(9) Claim Request by mail, courier service, hand delivery, or in person so as to be **actually received** by the Debtor's claims agent no later than **5:00 p.m. (Eastern Time), on December 28, 2018** at the following address:

Herb Philipson's Claims Processing Center  
c/o KCC  
2335 Alaska Ave  
El Segundo, CA 90245

***Section 503(b)(9) Claim Requests sent by facsimile or email will not be accepted.***

8. A copy of your Section 503(b)(9) Claim Request must also be sent to: (i) the Debtor, Herb Philipson's Army and Navy Stores Inc., 1899 Black River Boulevard North, Rome, NY 13440; (ii) counsel to the Debtor, Griffin Hamersky LLP, 420 Lexington Avenue, Suite 400, New York, NY 10170 (Attn: Scott A. Griffin, Esq. and Michael D. Hamersky, Esq.); and (iii) proposed counsel for the Official Committee of Unsecured Creditors, Lowenstein Sandler LLP, 1251 Avenue of the Americas (Attn: Jeffrey L. Cohen, Esq. and Eric S. Chafetz, Esq.).

9. Section 503(b)(9) Claim Requests will be deemed filed only when **actually received** by KCC. If you wish to receive acknowledgment of KCC's receipt of your Section 503(b)(9) Claim Request, you must also submit a copy of your original Section 503(b)(9) Claim Request and a self-addressed, stamped envelope.

10. If a Section 503(b)(9) Claim Request form is not enclosed with this notice, you may obtain a Section 503(b)(9) Claim Request form by visiting KCC's website at <http://www.kccllc.net/herbphilipsons/> or by contacting KCC by regular mail at Herb Philipson's Claims Processing Center c/o KCC, 2335 Alaska Avenue, El Segundo, CA 90245 or by email at: [HerbsInfo@kccllc.com](mailto:HerbsInfo@kccllc.com) or by telephone at (877) 606-7510. (toll free). KCC cannot advise you how to file, or whether you should file, a Section 503(b)(9) Request.

**CONSEQUENCES OF MISSING THE DEADLINE FOR FILING SECTION 503(b)(9) CLAIMS**

11. **ANY PERSON OR ENTITY HOLDING A SECTION 503(b)(9) CLAIM THAT FAILS TO FILE A SECTION 503(b)(9) CLAIM REQUEST ON OR BEFORE THE SECTION 503(b)(9) BAR DATE SHALL BE FOREVER BARRED, ESTOPPED, AND PERMANENTLY ENJOINED FROM ASSERTING SUCH SECTION 503(b)(9) CLAIM AGAINST THE DEBTOR OR ITS ESTATE, AND SUCH HOLDER SHALL NOT BE ENTITLED TO RECEIVE ANY DISTRIBUTION IN THESE CHAPTER 11 CASES ON ACCOUNT OF SUCH SECTION 503(b)(9) CLAIM OR RECEIVE FURTHER NOTICES REGARDING SUCH SECTION 503(b)(9) CLAIM; PROVIDED, HOWEVER, THAT HOLDERS OF SECTION 503(b)(9) CLAIMS SHALL NOT BE PREVENTED FROM FILING NON-PRIORITY GENERAL UNSECURED CLAIMS FOR SUCH AMOUNTS BEFORE THE APPLICABLE BAR DATE.**

**GRIFFIN HAMERSKY LLP**

By: /s/ Scott A. Griffin  
Scott A. Griffin  
Michael D. Hamersky  
420 Lexington Avenue, Suite 400  
New York, New York 10170  
Telephone: (646) 998-5575  
Facsimile: (646) 998-8284

Counsel for the Debtor  
and Debtor in Possession