

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

RM Holdco LLC, et al.<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-11795 (MFW)

(Jointly Administered)

**Re: Docket No. 255**

**ORDER PURSUANT TO SECTIONS 501 AND 502 OF THE BANKRUPTCY CODE,  
BANKRUPTCY RULES 2002 AND 3003 (c)(3), AND LOCAL RULE 2002-1, (I)  
ESTABLISHING BAR DATES FOR FILING PROOFS OF CLAIM AND (II)  
APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the motion (“Motion”)<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry an order (i) establishing deadlines for filing proofs claim against the Debtors in the Chapter 11 Cases, and (ii) approving the form and manner of notice thereof; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012; and it appearing that this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and it appearing that this Court is able to issue a final order consistent with Article III of the United States Constitution; and it appearing that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and opportunity for a hearing on the Motion

<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each of the Debtors’ respective federal tax identification numbers, are as follows: RM Holdco LLC (6847); RM Opco LLC (7122); RM HQ LLC (8615); RM Chevys LLC (N/A); RM Acapulco LLC (N/A); and RM El Torito LLC (N/A). The Debtors’ headquarters and mailing address is 5660 Katella Avenue, Suite 200, Cypress, CA 90630. The Debtors operate restaurants under the following names: (1) El Torito Cantina Autentica; (2) Chevys Fresh Mex; (3) Acapulco Restaurant y Cantina; (4) El Torito Grill Mexican Revolution; (5) Sinigual Contemporary Mexican Cuisine; (6) Las Brisas; and (7) Who Song and Larry’s.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meaning given to them in the Motion.



having been given; and the Court having determined that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors and other parties in interest; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. Unless otherwise provided herein, the following Bar Dates are hereby established

in the Chapter 11 Cases:

- a. **5:00 p.m. Eastern Time on the later of November 15, 2018 and the first business day that is 30 days after the Service Date** as the deadline for each person or entity (including individuals, partnerships, corporations, joint ventures and trusts, but not including governmental units (as defined in section 101(27) of the Bankruptcy Code) ("Governmental Units")) to file a proof of claim that substantially conforms to the Proof of Claim Form attached as Exhibit 2 to the Bar Date Order or Official Bankruptcy Form No. B410 (a "Proof of Claim") in respect of a prepetition claim (as defined in section 101(g) of the Bankruptcy Code), including, for the avoidance of doubt, secured claims, unsecured priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy Code against any of the Debtors (the "General Bar Date"), unless otherwise provided herein;
- b. **5:00 p.m. Eastern Time on February 1, 2019** as the deadline for Governmental Units to file a Proof of Claim in respect of a prepetition claim against any of the Debtors (the "Governmental Bar Date");
- c. **5:00 p.m. Eastern Time on the later of November 15, 2018 and the first business day that is 30 days after the Service Date** (the "Administrative Claims Bar Date") as the deadline for each person or entity that asserts a request for payment of administrative claims arising between the Petition Date and October 10, 2018 (other than claims for professional fees and expenses in the Chapter 11 Cases and claims asserting administrative priority and arising in the ordinary course of business after the Petition Date) (each, an "Administrative Claim") to file a request for payment of such Administrative Claims;<sup>3</sup>

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<sup>3</sup> Administrative Claims filed without a notice shall not be scheduled for hearing.

- d. **the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, or (ii) 5:00 p.m. Eastern Time on the first business day that is 30 days after the Debtors provide notice of a previously unfiled Schedule or an amendment or supplement to the Schedules** as the deadline by which claimants holding claims affected by such filing, amendment or supplement must file Proofs of Claim with respect to such claim (the “Amended Schedules Bar Date”); and
  - e. **The later of (i) the General Bar Date or the Governmental Bar Date, as applicable, (ii) 5:00 p.m. Eastern Time on the first business day that is twenty-one (21) days after the effective date of any plan of reorganization or liquidation for the Debtors in the event such date is the effective date of rejection of an executory contract or unexpired lease of the Debtors, or (iii) 5:00 p.m. Eastern Time on the first business day that is thirty (30) days after the entry of an order approving the rejection of such executory contract or unexpired lease of the Debtors** as the deadline by which any claimant asserting claims resulting from the Debtors’ rejection of such executory contract or unexpired lease (a “Rejection Damages Claim”) must file a Proof of Claim for damages arising from such rejection (the “Rejection Damages Bar Date” and, together with the General Bar Date, the Governmental Bar Date, the Administrative Claims Bar Date, and the Amended Schedules Bar Date, the “Bar Dates”).
3. The (i) Proof of Claim Form, substantially in the form attached hereto as Exhibit 2, and (ii) the proposed notice of the Bar Date, substantially in the form attached hereto as Exhibit 1 (the “Bar Date Notice”), are approved.
4. Except as otherwise set forth herein, all persons or entities holding claims against the Debtors arising before the Petition Date or Administrative Claims arising prior to October 10, 2018 are required to file Proofs of Claim or requests for payment of Administrative Claims, as applicable, on or before the applicable Bar Date or be forever barred from filing or recovering on such claims, except for the following parties:
- a. any DIP Secured Party and any Prepetition Secured Parties with respect to any of the DIP Obligations, the Prepetition Obligations, or any “adequate protection” obligations under the DIP Order;
  - b. any person or entity that already has filed a signed proof of claim against the applicable Debtor(s) with KCC or the Clerk of the Bankruptcy Court for the District of Delaware in a form substantially similar to Official Bankruptcy Form B410;

- c. any person or entity whose claim is listed on the Schedules if: (a) the claim is not scheduled as any of “disputed,” “contingent,” or “unliquidated;” (b) such entity agrees with the amount, nature, classification, and priority of the claim as set forth in the Schedules; and (c) such person or entity does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- d. any person or entity whose claim has been allowed by order of the Court entered on or before the applicable Bar Date;
- e. any person or entity whose claim is subject to a separate deadline that has been fixed by an order of the Court entered on or before what would otherwise be the applicable Bar Date;
- f. any person or entity whose claim has been paid in full by any of the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court;
- g. any person or entity who holds an equity interest based on equity securities of a Debtor that is based exclusively on the ownership of common or preferred stock, membership interests, or partnership interests, or warrants, options, or rights to purchase, sell, or subscribe to such a security or interest; provided, however, that any person or entity who wishes to assert a claim against any of the Debtors based on transactions in the Debtors’ securities, including, but not limited to, claims for damages or rescission based on the purchase or sale of such securities, must file a proof of claim on or prior to the General Bar Date; provided, further, that the Debtors reserve all rights in respect of any such claims, including, without limitation, to assert that any such claim is subject to subordination pursuant to section 510(b) of the Bankruptcy Code;
- h. a current employee of the Debtors, if an order of the Court authorized the Debtors to honor such claim in the ordinary course of business for wages, commissions, or benefits; provided, however, that a current employee must submit a Proof of Claim by the applicable Bar Date for all other claims arising prior to the Petition Date (or all other Administrative Claims arising prior to October 10, 2018), including claims for wrongful termination, discrimination, harassment, hostile work environment, and/or retaliation and any claims arising the ordinary course of business for wages, commissions, or benefits not authorized to be paid by the Debtors by a prior order of the Court, including, without limitation, because such claim exceeds the statutory cap set forth in section 507(a)(4) of the Bankruptcy Code;
- i. any person or entity asserting a claim solely against one or more of the Debtors’ non-Debtor affiliates;
- j. any Debtor or non-Debtor affiliate a claim against another Debtor;

- k. any person or entity that is a party to a nonresidential real property lease of the Debtors not previously rejected by order of the Court entered on or before the applicable Bar Date and that (i) previously asserted, in a writing filed with the Court, a claim for a cure amount in connection with an objection to the assumption and assignment of such lease; or (ii) asserts a cure amount no greater than the amount identified on the schedule of assumed executory contracts and unexpired leases most recently filed by the Debtors that lists such lease; provided, however, that a party to a previously rejected nonresidential real property lease of the Debtors must submit a Proof of Claim by the applicable Bar Date for all other claims arising prior to the Petition Date (or all other Administrative Claims arising prior to October 10, 2018) or a Rejection Damages Claim on account of the Debtors' rejection of such lease;
  - l. any person or entity that asserts a claim for professional fees and expenses for which such person or entity (i) is entitled to payment pursuant to the DIP Order or (ii) has been retained by an express order of the Court pursuant to section 327, 328, 363, or 1103 of the Bankruptcy Code (in which case such person or entity must seek payment of such fees and expenses in accordance with the provisions of the Bankruptcy Code and any procedures established by order of the Court); and
  - m. any person or entity asserting a claim allowable under 503(b) and 506(a)(2) of the Bankruptcy Code as an administrative expense that (i) arose after October 10, 2018, (ii) arose in the ordinary course of business of the Debtors (other than claims asserting priority pursuant to section 503(b)(9)), or (iii) that asserts administrative priority pursuant to section 503(b)(3)(D) of the Bankruptcy Code.
5. Except as otherwise set forth herein, the following procedures (the "Claims Filing Procedures") apply to the preparation and filing of Proofs of Claim and requests for payment of Administrative Claims:

- a. each Proof of Claim must conform substantially with the Proof of Claim Form or Official Form B410;
- b. each Proof of Claim or request for payment of an Administrative Claim must: (a) be written in English; (b) include a claim amount denominated in United States dollars (and to the extent such claim is converted to United States dollars, the conversion rate used in such conversion); (c) clearly identify the Debtor against which a claim is asserted, including the individual Debtor's case number; and (d) be signed by the holder of the claim or by an authorized agent of the holder of the claim;
- c. except as otherwise required by the Bar Date Order, each Proof of Claim must state a claim against only one Debtor—if a claimant asserts a claim against more

than one Debtor or has claims against multiple Debtors, the claimant must file a separate Proof of Claim against each such Debtor;

- d. to the extent more than one Debtor is listed on the Proof of Claim, such claim will be treated as if filed only against the first-listed Debtor;
- e. a Proof of Claim filed under the joint administration case number (No. 18-11795), or otherwise without identifying a Debtor, will be deemed as filed only against RM Holdco LLC;
- f. each Proof of Claim must set forth with specificity the legal and factual basis for the alleged claim and include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d) or an explanation as to why such documentation is not available; and
- g. each Proof of Claim and request for payment of Administrative Claim, including supporting documentation, must be filed so as to be actually received by KCC on or before the applicable Bar Date (a) by completing the electronic proof of claim form on KCC's website at <http://www.kccllc.net/realmex> or (b) by delivering the original Proof of Claim form in person, by courier service, by hand delivery, or by United States mail at the following address:

RM Holdco LLC Claims Processing Center  
c/o Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245  
(888) 251-3046 USA & Canada  
(310) 751-2615 International

Proofs of Claim submitted via facsimile or electronic mail will not be accepted.

6. Pursuant to Bankruptcy Rule 3003(c)(2), any holder of a claim who is required to timely file a Proof of Claim or a request for payment of Administrative Claim on or before the applicable Bar Date under the terms of this Order but fails to do so shall (i) not be treated as a creditor with respect to such claim for the purposes of voting on a chapter 11 plan and for purposes of distribution on account of such claim in the Chapter 11 Cases, and (ii) forever be barred, estopped, and enjoined from (a) asserting (including by way of filing a Proof of Claim or request for payment of Administrative Claim) any prepetition claim or Administrative Claim against the Debtors in an amount that exceeds the amount, if any, set forth in the Schedules or of

a different nature or in a different classification than what is set forth in the Schedules (in either case, an “Unscheduled Claim”), and (b) voting upon, or receiving distributions under, any chapter 11 plan in the Chapter 11 Cases in respect of an Unscheduled Claim.

7. Pursuant to Bankruptcy Rules 2002(a)(7), (f), and (l), the Debtors shall provide notice of the Bar Dates in accordance with the following Procedures:

a. Within five (5) days of entry of the Bar Date Order, the Debtors will cause to be mailed (i) a copy of the Proof of Claim Form and (ii) a notice of the deadlines for filing Proofs of Claim and requests for payment of administrative claims and instructions for doing so, substantially in the form attached as Exhibit 1 to the Bar Date Order (the “Bar Date Notice”) to the following parties:

- (1) the Office of the United States Trustee for the District of Delaware;
- (2) all known creditors and other known holders of potential claims against any of the Debtors’ estates;
- (3) all parties that have requested notice of the proceedings in the Chapter 11 cases pursuant to Bankruptcy Rule 2002 as of the Service Date;
- (4) all parties that have filed proofs of claim in the Chapter 11 cases as of the date of entry of an order approving this Motion;
- (5) all persons and entities who are parties to executory contracts or unexpired leases with the Debtors at the addresses stated therein or as updated pursuant to a request by the counterparty or by returned mail from the post office with a forwarding address;
- (6) all persons and entities who are parties to pending litigation with the Debtors (as of the date of entry of the Bar Date Order) or their counsel (if known);
- (7) all current employees and former employees terminated within two (2) years of the Petition Date of the Debtors (to the extent contact information for former employees is available in the Debtors’ records);
- (8) all known non-Debtor equity and interest holders of the Debtors as of the date of entry of the Bar Date Order;
- (9) the District Director of the Internal Revenue Service for the District of Delaware;
- (10) all other taxing authorities for the jurisdictions in which the Debtors maintain or conduct business; and

(11) the Securities Exchange Commission and any regulatory agencies with oversight authority of the Debtors.

- b. The Debtors will post the Proof of Claim Form and the Bar Date Notice on KCC's website at <http://www.kccllc.net/realmex>.
- c. Holders of potential claims listed in the Schedules will receive a personalized version of the Proof of Claim Form that indicates how the Debtors have identified and described the creditor's claim in the Schedules, including (i) the name of the Debtor against which the creditor's claim is scheduled, (ii) the amount of the claim as scheduled, (ii) whether the claim is listed as "contingent," "unliquidated," or "disputed" in the Schedules, and (iv) whether the claim is listed as "secured," "unsecured priority," or "unsecured non-priority" in the Schedules.
- d. Within five (5) business days following entry of this Order, the Debtors will cause notice of the Bar Dates, substantially in a form substantially similar to the Bar Date Notice (though omitting provisions that are not applicable or not absolutely necessary, for cost-saving purposes), to be published once in *The New York Times* (national edition) or similar national newspaper (the "Publication Notice").

2. The Debtors shall retain the right to (i) dispute the nature, amount, liability, classification or any other aspect of, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules; (ii) subsequently designate any claim listed or reflected in the Schedules as disputed, contingent, or unliquidated; and (iii) otherwise amend or supplement the Schedules; provided, however, that if the Debtors amend or supplement the Schedules, the Debtors will give notice of any such amendment or supplement to the holders of claims affected thereby, and each affected creditor shall have until the Amended Schedule Bar Date to file a Proof of Claim or to amend any previously filed Proof of Claim with respect to such claim. All notices of the Amended Schedule Bar Date shall include: (i) a copy of the applicable amendment to the Schedules; (ii) a Proof of Claim Form; (iii) a copy of the Bar Date Notice; and (iv) a notice of the Amended Schedule Bar Date applicable to such claimant.

8. Pursuant to Bankruptcy Rule 2002, the form of the Bar Date Notice and the Proof of Claim Form attached hereto as Exhibit 1 and Exhibit 2, respectively, and the manner of providing notice of the Bar Dates proposed in the Motion are approved in all respects. The form



and manner of notice of the Bar Dates approved herein, including the Publication Notice, fulfill the notice requirements of the Bankruptcy Rules and the Local Rules; are fair and reasonable; provide good, sufficient, and due notice to all creditors and interest holders of their rights and obligations in connection with the claims they may assert against the Debtors' estates; and shall be deemed good and sufficient notice of the Bar Dates to known creditors pursuant to Bankruptcy Rule 2002(a)(7).

9. The Debtors shall cause copies of the Bar Date Notice and a Proof of Claim Form (a "Bar Date Package") to be mailed to all the Notice Parties (as identified in the Motion) by first class mail, postage prepaid. On the date the Debtors commence service of the Bar Date Package, the Debtors shall also file on the docket in these cases a copy of the Bar Date Notice that specifies the actual date of the General Bar Date.

10. The provisions of this Order apply to all claims of whatever character, against the Debtors or their assets, whether secured or unsecured, priority or nonpriority, liquidated or unliquidated, fixed or contingent.

11. All creditors who desire to rely on the Schedules with respect to filing a proof of claim in the Chapter 11 cases shall have the responsibility for determining that their respective Claims are accurately listed therein.

12. The Debtors are authorized to amend the forms and notices approved hereby to conform to the applicable dates established by this Order and to make other non-substantive changes thereto.

13. The Debtors are authorized, in their discretion, to extend the applicable Bar Date to certain holders of claims by stipulation where the Debtors determine that such extension is in the best interests of their estates.

14. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

15. The Debtors and KCC are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

16. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

17. This Court shall retain jurisdiction, even after the closing of the Chapter 11 cases, with respect to all matters arising from or related to the implementation of this Order.

**Exhibit 1**

**Bar Date Notice**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

RM Holdco LLC, et al.<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-11795 (MFW)

(Jointly Administered)

Ref. Docket No. \_\_\_\_

**NOTICE OF ESTABLISHMENT OF BAR DATES FOR FILING PROOFS  
OF CLAIM AND REQUESTS FOR PAYMENT OF ADMINISTRATIVE CLAIMS**

**To All Persons and Entities with Claims Against Any of the Following Debtor Entities:**

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY HAVE A CLAIM AGAINST ONE OR MORE OF THE DEBTORS IN THE ABOVE-CAPTIONED CHAPTER 11 CASES. THEREFORE, YOU SHOULD READ THIS NOTICE CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY IF YOU HAVE ANY QUESTIONS, INCLUDING WHETHER YOU SHOULD FILE A PROOF OF CLAIM. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

On August 5, 2018 (the “**Petition Date**”), RM Holdco LLC and its affiliated debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) filed petitions commencing chapter 11 cases (the “**Chapter 11 Cases**”) under title 11 of the United States Code, 11 U.S.C. §§ 101–1532 (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

**You may be a creditor of one or more of the Debtors. The fact that you have received this notice does not mean that you have a claim or that the Debtors or the Court believe that you have a claim against the Debtors. You should not file a Proof of Claim (as defined below) or request for payment of an Administrative Claim (as defined below) if you do not have a claim or Administrative Claim against any of the Debtors.**

**If you have any questions relating to this Notice, please feel free to contact Kurtzman Carson Consultants LLC (“**KCC**”) at 888-251-3046 (U.S. and Canada) or 310-751-2615 (International) or by e-mail at [RealMexInfo@kccllc.com](mailto:RealMexInfo@kccllc.com).**

<sup>1</sup> The Debtors in these chapter 11 Cases, together with the last four digits of each of the Debtors’ respective federal tax identification numbers, are as follows: RM Holdco LLC (6847); RM Opco LLC (7122); RM HQ LLC (8615); RM Chevys LLC (N/A); RM Acapulco LLC (N/A); and RM El Torito LLC (N/A). The Debtors’ headquarters and mailing address is 5660 Katella Avenue, Suite 200, Cypress, CA 90630. The Debtors operate restaurants under the following names: (1) El Torito Cantina Autentica; (2) Chevys Fresh Mex; (3) Acapulco Restaurant y Cantina; (4) El Torito Grill Mexican Revolution; (5) Sinigual Contemporary Mexican Cuisine; (6) Las Brisas; and (7) Who Song and Larry’s.

| DEBTOR           | CASE NO. |
|------------------|----------|
| RM Holdco LLC    | 18-11795 |
| RM Opco LLC      | 18-11796 |
| RM HQ LLC        | 18-11797 |
| RM Chevys LLC    | 18-11799 |
| RM Acapulco LLC  | 18-11798 |
| RM El Torito LLC | 18-11800 |

On October [●], 2018, the Court, having jurisdiction over the Chapter 11 Cases of the Debtors, entered an order [D.I. ●] (the “**Bar Date Order**”) establishing different bar dates for various categories of claims.

To the extent your claim, if any, is listed in the Debtors’ schedules of assets and liabilities filed in the Chapter 11 Cases (the “**Schedules**”), there shall be enclosed with this notice a personalized proof of claim form, which identifies on its face the amount, nature, and classification of your claim(s), if any, listed in the Schedules.

As used in this notice, the term “entity” has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes, but is not limited to, all persons (including, without limitation, individuals, partnerships, and corporations), estates, trusts, governmental units, and the United States Trustee. The term “persons” is defined in section 101(41) of the Bankruptcy Code. Additionally, the term “claim” means, as to or against any of the Debtors and in accordance with section 101(5) of the Bankruptcy Code: (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.

### 1. The Bar Dates

The Bar Date Order establishes the following bar dates for filing proofs of claim in the Chapter 11 Cases (the “**Bar Dates**”):

- a. **The General Bar Date.** **5:00 p.m. Eastern Time on [November 15, 2018]** shall be the deadline for each person or entity (including individuals, partnerships, corporations, joint ventures, and trusts, but not including governmental units (as defined in section 101(27) of the Bankruptcy Code) (“**Governmental Units**”)) to file a proof of claim (each, a “**Proof of Claim**”) in respect of a prepetition claim (as defined in section 101(g) of the Bankruptcy Code), including, for the avoidance of doubt, secured claims, unsecured priority claims, unsecured non-priority claims, and claims arising under section 503(b)(9) of the Bankruptcy

Code against any of the Debtors (the “**General Bar Date**”), unless otherwise provided herein;

- b. The Governmental Bar Date. **5:00 p.m. Eastern Time on February 1, 2019** shall be the deadline for Governmental Units to file a Proof of Claim in respect of a prepetition claim against any of the Debtors (the “**Governmental Bar Date**”);
- c. The Administrative Claims Bar Date. **5:00 p.m. Eastern Time on [November 15, 2018]** (the “**Administrative Claims Bar Date**”) shall be the deadline for each person or entity that asserts a request for payment of administrative claims arising between the Petition Date and October 10, 2018 (other than claims for professional fees and expenses in the Chapter 11 Cases and claims asserting administrative priority and arising in the ordinary course of business after the Petition Date) (each, an “**Administrative Claim**”) to file a request for payment of such Administrative Claims;<sup>2</sup>
- d. The Amended Schedules Bar Date. **The later of (i) the General Bar Date or the Governmental Bar Date, as applicable, or (ii) 5:00 p.m. Eastern Time on the first business day that is thirty (30) days after the Debtors provide notice of a previously unfiled Schedule or an amendment or supplement to the Schedules** shall be the deadline by which claimants holding claims affected by such filing, amendment, or supplement must file Proofs of Claim with respect to such claim (the “**Amended Schedules Bar Date**”); and
- e. The Rejection Damages Bar Date. **The later of (i) the General Bar Date or the Governmental Bar Date, as applicable, (ii) 5:00 p.m. Eastern Time on the first business day that is twenty-one (21) days after the effective date of any plan of reorganization or liquidation for the Debtors in the event such date is the effective date of rejection of an executory contract or unexpired lease of the Debtors, or (iii) 5:00 p.m. Eastern Time on the first business day that is thirty (30) days after the entry of an order approving the rejection of such executory contract or unexpired lease of the Debtors** shall be the deadline by which any claimant asserting claims resulting from the Debtors’ rejection of such executory contract or unexpired lease (a “**Rejection Damages Claim**”) must file Proofs of Claim for damages arising from such rejection (the “**Rejection Damages Bar Date**”).

## 2. Who Must File a Proof of Claim

Unless one of the exceptions described in Section 3 below applies, all persons or entities holding claims against the Debtors arising prior to the Petition Date or Administrative Claims arising prior to October 10, 2018 **MUST** file Proofs of Claim or requests for payment of Administrative Claims on or before the applicable Bar Date.

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<sup>2</sup> Administrative Claims filed without a notice shall not be scheduled for hearing.

### 3. Who Need Not File a Proof of Claim or an Administrative Claim

The Bar Date Order provides that the following entities whose claims would otherwise be subject to a Bar Date need not file any Proofs of Claim or requests for payment of Administrative Claims arising prior to October 10, 2018 in the Chapter 11 Cases:

- a. any DIP Secured Party and any Prepetition Secured Parties with respect to any of the DIP Obligations, the Prepetition Obligations, or any “adequate protection” obligations under the DIP Order;
- b. any person or entity that already has filed a signed Proof of Claim against the applicable Debtor(s) with KCC or the Clerk of the Bankruptcy Court for the District of Delaware in a form substantially similar to Official Bankruptcy Form B410;
- c. any person or entity whose claim is listed on the Schedules if: (a) the claim is not scheduled as any of “disputed,” “contingent,” or “unliquidated”; (b) such entity agrees with the amount, nature, classification, and priority of the claim as set forth in the Schedules; and (c) such person or entity does not dispute that its claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules;
- d. any person or entity whose claim has been allowed by order of the Court entered on or before the applicable Bar Date;
- e. any person or entity whose claim is subject to a separate deadline that has been fixed by an order of the Court entered on or before what would otherwise be the applicable Bar Date;
- f. any person or entity whose claim has been paid in full by any of the Debtors pursuant to the Bankruptcy Code or in accordance with an order of the Court;
- g. any person or entity who holds an equity interest based on equity securities of a Debtor that is based exclusively on the ownership of common or preferred stock, membership interests, or partnership interests, or warrants, options, or rights to purchase, sell, or subscribe to such a security or interest; provided, however, that any person or entity who wishes to assert a claim against any of the Debtors based on transactions in the Debtors’ securities, including, but not limited to, claims for damages or rescission based on the purchase or sale of such securities, must file a Proof of Claim on or prior to the General Bar Date; provided, further, that the Debtors reserve all rights in respect of any such claims, including, without limitation, to assert that any such claim is subject to subordination pursuant to section 510(b) of the Bankruptcy Code;
- h. a current employee of the Debtors, if an order of the Court authorized the Debtors to honor such claim in the ordinary course of business for wages, commissions, or benefits; provided, however, that a current employee must submit a Proof of Claim by the applicable Bar Date for all other claims arising prior to the Petition

Date (or all other Administrative Claims arising prior to October 10, 2018), including claims for wrongful termination, discrimination, harassment, hostile work environment, and/or retaliation and any claims arising the ordinary course of business for wages, commissions, or benefits not authorized to be paid by the Debtors by a prior order of the Court, including, without limitation, because such claim exceeds the statutory cap set forth in section 507(a)(4) of the Bankruptcy Code;

- i. any person or entity asserting a claim solely against one or more of the Debtors' non-Debtor affiliates;
- j. any Debtor or non-Debtor affiliate a claim against another Debtor;
- k. any person or entity that is a party to a nonresidential real property lease of the Debtors not previously rejected by order of the Court entered on or before the applicable Bar Date and that (i) previously asserted, in a writing filed with the Court, a claim for a cure amount in connection with an objection to the assumption and assignment of such lease or (ii) asserts a cure amount no greater than the amount identified on the schedule of assumed executory contracts and unexpired leases most recently filed by the Debtors that lists such lease; provided, however, that a party to a previously rejected nonresidential real property lease of the Debtors must submit a Proof of Claim by the applicable Bar Date for all other claims arising prior to the Petition Date (or all other Administrative Claims arising prior to October 10, 2018) or a Rejection Damages Claim on account of the Debtors' rejection of such lease;
- l. any person or entity that has a claim for professional fees and expenses for which such person or entity (i) is entitled to payment pursuant to the DIP Order or (ii) has been retained by an express order of the Court pursuant to section 327, 328, 363, or 1103 of the Bankruptcy Code (in which case such person or entity must seek payment of such fees and expenses in accordance with the provisions of the Bankruptcy Code and any procedures established by order of the Court); and
- m. any person or entity asserting a claim allowable under 503(b) and 506(a)(2) of the Bankruptcy Code as an administrative expense that (i) arose after October 10, 2018, (ii) arose in the ordinary course of business of the Debtors (other than claims asserting priority pursuant to section 503(b)(9)), or (iii) that asserts administrative priority pursuant to section 503(b)(3)(D) of the Bankruptcy Code.

#### **4. Instructions for Filing Proofs of Claim and Requests for Payment of Administrative Claims**

The Debtors have enclosed a Proof of Claim for use in the Chapter 11 Cases. If your claim is scheduled by the Debtors, you will receive a personalized version of the Proof of Claim form that indicates how the Debtors have identified and described your claim in the Schedules, including: (i) the name of the Debtor against which your claim (if any) is scheduled, (ii) the



amount of the claim as scheduled, (iii) whether the claim is listed as “contingent,” “unliquidated,” or “disputed” in the Schedules, and (iv) whether the claim is listed as “secured,” “unsecured priority,” or “unsecured non-priority” in the Schedules. You may utilize the Proof of Claim form provided by the Debtors to file your claim.

The following procedures with respect to preparing and filing Proofs of Claim and of requests for payment of Administrative Claims will apply:

- a. each Proof of Claim must conform substantially with the Proof of Claim form or Official Form B410;
- b. each Proof of Claim or request for payment of an Administrative Claim must:
  - (a) be written in English;
  - (b) include a claim amount denominated in United States dollars (and to the extent such claim is converted to United States dollars, the conversion rate used in such conversion);
  - (c) clearly identify the Debtor against which a claim is asserted, including the individual Debtor’s case number;
  - (d) set forth with specificity the legal and factual basis for the alleged claim;
  - (e) include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d) or an explanation as to why such documentation is not available; and
  - (f) be signed by the holder of the claim or by an authorized agent of the holder of the claim;
- c. except as otherwise required by the Bar Date Order, each Proof of Claim must state a claim against only one Debtor—if a claimant asserts a claim against more than one Debtor or has claims against multiple Debtors, the claimant must file a separate Proof of Claim against each such Debtor;
- d. to the extent more than one Debtor is listed on the Proof of Claim, such claim will be treated as if filed only against the first-listed Debtor;
- e. a Proof of Claim filed under the joint administration case number (No. 18-10384), or otherwise without identifying a Debtor, will be deemed as filed only against RM Holdco LLC;
- f. each Proof of Claim and request for payment of Administrative Claim, including supporting documentation, must be timely filed **so as to be actually received** by KCC on or before the applicable Bar Date (a) by completing the electronic Proof of Claim form on KCC’s website at <http://www.kccllc.net/realmex> or (b) by delivering the original Proof of Claim form in person, by courier service, by hand delivery, or by United States mail at the following address:

RM Holdco LLC Claims Processing Center  
c/o Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245  
(888) 251-3046 USA & Canada  
(310) 751-2615 International

Proofs of Claim submitted via facsimile or electronic mail will not be accepted.

Proofs of Claim will be deemed filed only when actually received by KCC. **Proofs of Claim or requests for payment of an Administrative Claim sent by facsimile, telecopy, or electronic mail transmission (other than Proofs of Claim filed electronically through KCC's electronic filing system) will NOT be accepted.**

Proofs of claim will be collected, docketed, and maintained by KCC. If you wish to receive acknowledgement of KCC's receipt of a Proof of Claim, you must submit by the applicable Bar Date and concurrently with submitting your original Proof of Claim (i) a copy of the original Proof of Claim and (ii) a self-addressed, postage prepaid return envelope.

#### **5. Executory Contracts and Unexpired Leases**

As described in Section 1 above, any entity that has a claim arising out of the rejection of an executory contract or unexpired lease must file a Proof of Claim for damages caused by such rejection by the Rejection Damages Bar Date. Notwithstanding the foregoing, a party to an executory contract or unexpired lease that asserts a claim on account of unpaid amounts accrued and outstanding as of the Petition Date pursuant to such executory contract or unexpired lease (other than a claim for rejection damages) must file a Proof of Claim for such amounts on or before the applicable Bar Date, unless an exception identified in this notice or in the Bar Date Order applies.

#### **6. Consequences of Failure to Timely File a Proof of Claim or Request for Payment of Administrative Claim by the Applicable Bar Date**

**Pursuant to the Bar Date Order and Bankruptcy Rule 3003(c)(2), any holder of a claim who is required to timely file a Proof of Claim or a request for payment of Administrative Claim on or before the applicable Bar Date as provided herein, but fails to do so:**

**(i) shall not be treated as a creditor with respect to such claim for purposes of voting on a chapter 11 plan and for purposes of distribution on account of such claim in the Chapter 11 Cases;**

**(ii) shall forever be barred, estopped, and enjoined from voting upon, or receiving distributions under, any chapter 11 plan in the Chapter 11 Cases in respect of an Unscheduled Claim (as defined below); and**

**(iii) shall forever be barred, estopped, and enjoined from asserting (including by filing a Proof of Claim or request for payment of Administrative Claim) any prepetition claim or Administrative Claim against the Debtors in an amount that exceeds the amount, if any, set forth in the Schedules or of a different nature or in a different classification than what is set forth in the Schedules (in either case, an "Unscheduled Claim").**

#### **7. The Debtors' Schedules, Access Thereto, and Consequences of Amendment Thereof**

You may be listed as the holder of a claim against one or more of the Debtors in the Schedules. To determine if and how you are listed in the Schedules, please refer to the descriptions set forth on the enclosed Proof of Claim form regarding the nature, amount, and status of your claim(s), if any. If the Debtors believe that you may hold claims against more than one Debtor, you will receive multiple Proof of Claim forms, each of which will reflect the nature and amount of your claim against each Debtor, as listed in the Schedules.

As described above, if: (i) your claim is *not* scheduled as any of “disputed,” “contingent,” or “unliquidated”; (ii) you agree with the amount, nature, classification, and priority of the claims as set forth in the Schedules; and (iii) you do not dispute that your claim is an obligation only of the specific Debtor against which the claim is listed in the Schedules, you need not file a Proof of Claim. Otherwise, you must file a Proof of Claim before the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Schedules may be examined free of charge on KCC’s website at <http://www.kccllc.net/realMex>. The Schedules also are available for a fee at the Court’s website at [www.deb.uscourts.gov](http://www.deb.uscourts.gov). A login identification and password to the Court’s Public Access to Electronic Court Records (“**PACER**”) are required to access this information and can be obtained through the PACER Service Center at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov). Copies of the Schedules and other documents filed in the Chapter 11 Cases also may be examined between the hours of 9:00 a.m. and 5:00 p.m. (Eastern Time) Monday through Friday at the Office of the Clerk of the Court, United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, DE 19801. Copies of the Debtors’ Schedules also may be obtained by written request to the Debtors’ claims agent, KCC, at the address set forth below:

RM Holdco LLC Claims Processing Center  
c/o Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, CA 90245  
(888) 251-3046 USA & Canada  
(310) 751-2615 International

If you choose to rely on the Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules. However, the enclosed form: (i) identifies the name of the Debtor against which your claim (if any) is scheduled, (ii) the amount of the claim as scheduled, (iii) whether the claim is listed as “contingent,” “unliquidated,” or “disputed” in the Schedules, and (iv) whether the claim is listed as “secured,” “unsecured priority,” or “unsecured non-priority” in the Schedules.

In the event that the Debtors amend or supplement their Schedules subsequent to the date of entry of the Bar Order, the Debtors shall give notice of any amendment or supplement to the holders of claims affected by such amendment or supplement, and such holders must file a Proof of Claim or amend any previously filed Proof of Claim, as applicable, by **the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, or (ii) 5:00 p.m. Eastern Time on the first business day that is thirty (30) days after the Debtors provide notice of a previously unfiled Schedule or an amendment or supplement to the Schedules.** Such

deadline shall be contained in any notice of such amendment or supplement of the Schedules provided to the holders of the claims affected thereby.

### **8. Reservation of Rights**

The Debtors reserve the right to (i) dispute the nature, amount, liability, classification, or any other aspect of, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules; (ii) subsequently designate any claim listed or reflected in the Schedules as disputed, contingent, or unliquidated; and (iii) otherwise amend or supplement the Schedules. Nothing contained in this Notice shall preclude the Debtors from objecting to any claim, whether scheduled or filed, on any grounds.

**If you require additional information regarding the filing of a Proof of Claim, you may contact the Debtors' notice and claims agent, KCC, by calling at 888-251-3046 (US and Canada) or 310-751-2615 (International) or by e-mail at RealMexInfo@kccllc.com.**

A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTORS SHOULD CONSULT ITS OWN ATTORNEY IF SUCH HOLDER HAS ANY QUESTIONS REGARDING THIS NOTICE, INCLUDING WITH RESPECT TO ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM. NEITHER THE COURT NOR COUNSEL TO THE DEBTORS CAN ADVISE CREDITORS WHETHER THEY SHOULD FILE A PROOF OF CLAIM.

Dated: October \_\_, 2018  
Wilmington, Delaware

SIDLEY AUSTIN LLP  
Christina M. Craige  
Ariella Thal Simonds  
555 West Fifth Street, Suite 4000  
Los Angeles, California 90013  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

-and-

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Robert S. Brady (No. 2847)  
Edmon L. Morton (No. 3856)  
Andrew L. Magaziner (No. 5426)  
Elizabeth S. Justison (No. 5911)  
Rodney Square  
1000 North King Street  
Wilmington, Delaware 19801  
Telephone: (302) 576-2613

ATTORNEYS FOR THE DEBTORS AND DEBTORS  
IN POSSESSION

**Exhibit 2**

**Proof of Claim Form**

Your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/real mex>.

|  |   |
|--|---|
| United States Bankruptcy Court for the District of Delaware  |   |
| Indicate Debtor against which you assert a claim by checking the appropriate box below. <b>(Check only one Debtor per claim form.)</b>   |   |
| <input type="checkbox"/> RM Holdco LLC (Case No. 18-11795)<br><input type="checkbox"/> RM Opco LLC (Case No. 18-11796)<br><input type="checkbox"/> RM HQ LLC (Case No. 18-11797) | <input type="checkbox"/> RM Acapulco LLC (Case No. 18-11798)<br><input type="checkbox"/> RM Chevys LLC (Case No. 18-11799)<br><input type="checkbox"/> EM EI Torito LLC (Case No. 18-11800) |

## Official Form 410 Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

|   |   |   |
|---|---|---|
| <b>Part 1: Identify the Claim</b>   |   |   |
| <b>1. Who is the current creditor?</b>  | _____<br>Name of the current creditor (the person or entity to be paid for this claim)  |   |
|   | Other names the creditor used with the debtor _____   |   |
| <b>2. Has this claim been acquired from someone else?</b>                       | <input type="checkbox"/> No<br><input type="checkbox"/> Yes. From whom? _____   |   |
| <b>3. Where should notices and payments to the creditor be sent?</b>            | <b>Where should notices to the creditor be sent?</b>  | <b>Where should payments to the creditor be sent? (if different)</b>  |
| Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)                             | Name _____<br>Number Street _____<br>City State ZIP Code _____<br>Country _____<br>Contact phone _____<br>Contact email _____                     | Name _____<br>Number Street _____<br>City State ZIP Code _____<br>Country _____<br>Contact phone _____<br>Contact email _____ |
|   | Uniform claim identifier for electronic payments in chapter 13 (if you use one):<br>_____   |   |
| <b>4. Does this claim amend one already filed?</b>                              | <input type="checkbox"/> No<br><input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY |   |
| <b>5. Do you know if anyone else has filed a proof of claim for this claim?</b> | <input type="checkbox"/> No<br><input type="checkbox"/> Yes. Who made the earlier filing? _____   |   |

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_ \_ \_ \_ \_

7. How much is the claim? \$ \_\_\_\_\_. Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
 Limit disclosing information that is entitled to privacy, such as health care information.  
 \_\_\_\_\_

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate: If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amount should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. Check all that apply:

|   |   |
|---|---|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  | Amount entitled to priority<br>\$ _____ |
| <input type="checkbox"/> Up to \$2,850* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).  | \$ _____                                |
| <input type="checkbox"/> Wages, salaries, or commissions (up to \$12,850*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). | \$ _____                                |
| <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).  | \$ _____                                |
| <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).  | \$ _____                                |
| <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.  | \$ _____                                |

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

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13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

**Print the name of the person who is completing and signing this claim:**

Name \_\_\_\_\_  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number Street

City State ZIP Code Country

Contact phone \_\_\_\_\_ Email \_\_\_\_\_



## Official Form 410

# Instructions for Proof of Claim

United States Bankruptcy Court

04/16

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.  
18 U.S.C. §§ 152, 157 and 3571

### PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

Real Mex Claims Processing Center  
c/o KCC  
2335 Alaska Avenue  
El Segundo, CA 90245

Alternatively, your claim can be filed electronically on KCC's website at <https://epoc.kccllc.net/realmex>.

### How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.

- If you have received a customized proof of claim form you may submit either your customized claim form or a non-customized Official Form 410.

- Fill in the caption at the top of the form

- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.

- Attach any supporting documents to this form. Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

- Do not attach original documents because attachments may be destroyed after scanning.

- If the claim is based on delivery health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.

- For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

### Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may view a list of filed claims in this case by visiting the Claims and Noticing and Agent's website at <http://www.kccllc.net/realmex>.

### Understand the terms used in this form

**Administrative expense:** Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing that bankruptcy estate.  
11 U.S.C. § 503

**Claim:** A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

**Claim Pursuant to 11 U.S.C. §503(b)(9):** A claim arising from the value of any goods received by the Debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business. Attach documentation supporting such claim.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

**Debtor:** A person, corporation, or other entity to who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. §101 (13).

**Evidence of perfection:** Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Priority claim:** A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

**Proof of claim:** A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

**Do not file these instructions with your form.**

**Secured claim under 11 U.S.C. §506(a):** A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In states, a court judgment may be a lien.

**Setoff:** Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

**Uniform claim identifier:** An optional 24-character identifier that some creditors use to facilitate electronic payment.

**Unsecured claim:** A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

### **Offers to purchase a claim**

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.